

TOWN OF COTTESLOE



FULL COUNCIL MEETING

MINUTES

**ORDINARY MEETING OF COUNCIL
TO BE HELD IN THE
COUNCIL CHAMBERS, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
7.00 PM, MONDAY, 28 AUGUST, 2006**

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Mayor announced the meeting opened at 7.05pm.

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

Mayor Kevin Morgan
Cr Daniel Cunningham
Cr Jo Dawkins
Cr Arthur Furlong
Cr Peter Jeanes
Cr Bryan Miller
Cr Victor Strzina
Cr John Utting
Cr Jack Walsh
Cr Ian Woodhill

Officers

Mr Stephen Tindale	Chief Executive Officer
Mr Graham Pattrick	Manager Corporate Services/Deputy CEO
Mr Andrew Jackson	Manager Planning & Development Services
Mr Geoff Trigg	Manager Engineering Services
Mrs Jodie Peers	Executive Assistant

Apologies

Nil

Leave of Absence (previously approved)

Cr Patricia Carmichael

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Strzina, seconded Cr Dawkins

That Cr Furlong's request for leave of absence from 12 – 22 September, 2006 be approved.

Carried 10/0

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Strzina, seconded Cr Furlong

The Minutes of the Ordinary Meeting of Council held on Monday, 24 July, 2006 be confirmed.

Carried 10/0

7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

8 PUBLIC STATEMENT TIME

Mr P Robinson, 254 Marmion Street, Cottesloe – Item 12.2.1, Jarrad Street Closure - Broome Street to Marine Parade

The Jarrad Street issue is a safety issue. Currently the solution is only an 80% solution for motorists and cyclists do not look out for golf balls. Pedestrians are encouraged to use the reserves safely and local residents know the flow of the holes. Often visitors walk through the course unaware that golf is being played around them and they assume the road is safe to pass along. The two main solutions are bold signage regarding access and the removal of the bitumen between the roundabout and Marine Parade which would discourage cyclists using the route and would make pedestrians aware to look around them. The Sea View Golf Club has received overwhelming public support for road closure. Mr Robinson urged Council to respond in favour of the recommendation.

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Cr Miller presented a petition bearing 48 names of which 45 are ratepayers/residents. The prayer reads as follows:

“The undersigned are presenting this petition in support of a traffic change to Lane Street and/or Edward Street in Cottesloe. Our specific concern is the junction of these two streets. It is a very narrow and dangerous corner. Lane Street, was originally planned as a lane (where there was in fact less traffic) and was never intended to carry the traffic that it currently does. The possibility of a serious accident on the corner is imminent given the increase in car and pedestrian traffic, particularly in peak hour times in the mornings and evenings. Large volumes of car traffic use the roads as a by-pass to Stirling Highway in the peak hours. Traffic flows down Albion Street into Dalgety, Napier, Lane, Edward, Gordon and Eric Streets. Many families with children in the area will not allow children to walk unaccompanied around this corner. Many families to the south of Lane Street use this as a walking route to avoid the busy alternatives of Stirling Highway and Railway Streets, particularly those children walking to and from North Cottesloe Primary School. Walking to school has been a welcome initiative supported by Council. The surrounding areas are “rejuvenating” streets seeing new families with young children moving into the area and the volume, speed and narrowness of the road is our prime

concern. We would like the Council to look at the situation and advise as to whether closing the street or creating one way traffic (going from Edward Street to Lane Street) is going to achieve a more satisfactory and safer outcome for the community. A prompt response from Council would be welcomed by the community regarding this matter."

COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That the petition be accepted and referred to the Works & Corporate Services Committee.

Carried 10/0

10 REPORTS OF COMMITTEES AND OFFICERS

Item 12.2.1 was brought forward and dealt with as the first item.

11 DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 21 AUGUST 2006

Moved Cr Furlong, seconded Cr Strzina
That items 11.1.1 and 11.1.3 be withdrawn from en-bloc voting.

Carried 10/0

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

11.1 PLANNING**11.1.1 NO. 9 (LOT 24) GRANT STREET – LOFT ADDITION AND BALCONY EXTENSION TO EXISTING TWO-STOREY RESIDENCE**

File No:	9 Grant Street
Author:	Mr Lance Collison / Mr Andrew Jackson
Attachments:	Location plan Correspondence from applicant (3) Submissions from neighbours (2) Plans Photos
Author Disclosure of Interest:	Nil
Report Date:	25 July 2006
Senior Officer:	Mr Andrew Jackson
Property Owner:	Mr P Rattigan
Applicant:	Robert Shand Architect
Date of Application:	25 July, 2006
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R30
Lot Area:	370m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of a proposed balcony extension and loft addition on the subject site.

Given the assessment that has been undertaken, the recommendation is to Approve the Application subject to Council determination of the appropriateness of the height of the loft element – the report goes into considerable detail in this respect.

PROPOSAL

The proposal is to build a balcony extension and a loft addition to the existing two-storey residence.

The balcony will also be extended to wrap around the northern elevation of the first floor as well as be extended towards the west. A new staircase is also proposed to link the ground floor with a new entrance on the first floor whilst a new roof window will provide light to the study. A new loft addition on a proposed third storey is located above the centre of the existing residence.

The architect has liaised with officers to explore the options, standards and issues associated with the proposal and has made some modifications to reduce the dimensions of the original design in an endeavour to achieve reasonable compliance and acceptable discretion.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- Building Heights Policy No 005

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
Building Heights 5.1.1	6m wall heights	8.2m wall height
Building Heights 5.1.1	8.5m building heights	10.026m overall building height

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – Boundary Setbacks	3.8m setback Upper Level West Wall	0.6m setback	Clause 3.3.1- P1
No 3 – Boundary Setbacks	3.5m Upper Level East Wall	Nil to 1.0m setback	Clause 3.3.1- P1

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – Boundary Setbacks	3.8m setback Loft Level Wall West	0.6 to 1.6m setback	Clause 3.3.1-P1
No 8 – Privacy	7.5m setback Balcony looking north	5.3m setback	Clause 3.8.1-P1
No 8 – Privacy	7.5m setback Balcony looking east	1m setback	Clause 3.8.1-P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of Letters to Adjoining Property Owners

Submissions

There were 3 letters sent out. There were 2 submissions received, of which 2 were objections. Details of the submissions received are set out below:

David & Kate Watson of 7 Grant Street

- Concerned the proposal will affect the amenity in relation to privacy, light and ventilation.
- Does not see why the proposal needs a second main entry to the first floor.
- Says that they complied with height and building requirements when they built their property and asks that this proposal should meet these requirements as well.

J MacDonald of 11 Grant Street

- Concerned of overshadowing and overlooking into property.
- Queried plot ratio calculations.

- Objected to height variations.

BACKGROUND

The original 739m² lot contained a single residence which has been demolished and was subdivided into survey strata two lots. The original property was given a demolition licence in June 2003. 9 Grant Street has been divided into 7 & 9 Grant Street, 7 Grant Street located facing Grant Street was given approval for a two storey residence at an Ordinary Council Meeting in December 2005, whilst 9 Grant Street is facing the R.O.W.

In relation to this residence at 9 Grant Street, a two storey residence was approved in May 1998 and building licence issued in 1999. This dwelling has a 1.5m wide Pedestrian Access Way to Grant Street whilst motor vehicle access is provided to the property via the Right of Way on the southern boundary.

The dwelling currently consists of a cellar level which includes a cellar room and plant equipment, a ground floor with a garage and habitable and non-habitable rooms and a first floor with habitable and non-habitable rooms and a balcony on the north-western corner.

STAFF COMMENT

Boundary Setbacks

The following side boundary setbacks of the proposed additions seek variation from the Acceptable Development standards of the RDC and therefore are required to be assessed under the Performance Criteria of Clause 3.3.1 (P1):

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Proposed Setback
Upper Level West Wall	All	6m	14m	Yes at balcony	3.8m setback	0.6m setback
Upper Level East Wall	All	6m	13m	Yes at balcony	3.5m	Nil to 1.0m setback
Loft Level Wall West	All	8.2m	12.5m	Yes	3.8m setback	0.6 to 1.6m setback

The RDC provide:

"3.3.1 – Buildings set back from the boundary

P1 Buildings set back from boundaries other than street boundaries so as to:

- Provide adequate direct sun and ventilation to the building.
- Ensure adequate direct sun and ventilation being available to adjoining properties.
- Provide adequate direct sun to the building an appurtenant open spaces.
- Assist in ameliorating the impacts of building bulk on adjoining properties.

- *Assist in protecting privacy between adjoining properties.”*

The west upper floor wall has a boundary setback of 0.6m and a wall height of 6m above ground level. Most of this wall exists, apart from an extension where the balcony is proposed. The wall extension will provide adequate sun and ventilation to both this property and neighbouring properties. Also, it is considered the criterion of ameliorating the impacts of bulk on adjoining properties or protecting privacy between adjoining properties is not applicable, as the west facing wall is adjacent to Grant/Marine Park. Therefore, it is considered that the proposed western upper boundary setback variation satisfy the above Performance Criteria of the RDC.

The east upper floor wall has a boundary setback of 0.08m for the existing wall and 1.0m for the entrance screen. This wall has only had minor changes as the screen wall is the only new addition. The setback variation provides adequate sun and ventilation to both this property and neighbouring properties. Also, the wall extension is not adjacent to active open space as an open walkway is located between the boundary fence and dwelling on the eastern neighbours' property. The extension assists privacy between properties and is neutral towards ameliorating impacts of bulk on adjoining properties. It is considered that the proposed eastern upper side boundary setback variation satisfy the above Performance Criteria of the RDC.

The loft level west wall has a boundary setback of 0.6m to 1.6m. This is caused by the sloping wall and window. The wall has a height of 8.2m above ground. The wall will provide adequate sun and ventilation to both this property and neighbouring properties. Also, it is considered that the criterion of ameliorating the impacts of bulk on adjoining properties or protecting privacy between adjoining properties is not applicable as the west facing wall is adjacent to Grant/Marine Park. It is considered that the proposed loft eastern side boundary setback variations satisfy the above Performance Criteria of the RDC.

Heights

The proposal does not automatically comply with the TPS2 basic standards of a 6m wall height and 8.5m building height from natural ground level. The proposal has a maximum 8.2m wall height and 10.026m building height, by virtue of the proposed loft. The applicant justifies this proposed variation as Norfolk Island Pines blow leaves and needles onto the roof and block the house's outlets and gutters. He also contends that closing-in the area will convert this roof space into a useable space.

The existing residence has wall heights of 5.9m and an overall building height of 7.7m, representing slightly less (0.1m) than the wall height standard and significantly less (0.8m) than the building height standard. Hence to the loft extension the existing wall height is proposed to be increased by 2.3m (equating to 2.2m over the standard) and the building height by 2.326m (equating to 1.52m over the standard). While these increases are relatively substantial, they compare to somewhat less than the standard height for an additional storey (3m), and may be considered in context as elaborated below.

Clause 5.1.1 *Building Height* of TPS2 provides for height control, including discretion, as follows:

(a) General Policy

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

(b) Specific Policy

(i)(n/a).....

(ii) Residential Zone –

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

(c) Measurement of Building Height

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

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

Single Storey - Roof Height: 6.0 metres

Two Storey - Wall Height: 6.0 metres
 - Roof Height: 8.5 metres

Subsequent Storeys - Wall Height: 6.0 metres plus; 3.0 metres per storey
 - Roof Height: 8.5 metres plus; 3.0 metres per storey

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

The question is to what extent does the proposal qualify for any discretionary determination?

- The specific policy (b)(ii) for a residential third storey contained within the roof space cannot apply because that discretion is expressed in absolute terms with which the proposal does not comply – the height limits are exceeded and the proposal does not look like two storeys.
- The discretion in (c) regarding topography is considered not applicable as that is usually applied only to sites with extreme topography.
- The discretion in (c) regarding extensions to existing buildings may be interpreted to be applicable in this case, whereby the wall and building height measures may be increased. On this basis, as mentioned, the third level has an additional wall height less than the 3m for another storey stipulated above. That is, a three storey building could have a total wall height of 9m, while the proposal is seeking three storeys within 8.2m (0.8m less). Further, the building height at three storeys could be 11.5m, while the proposal is seeking just over 10m (or almost 1.5m less), which is mid-way between the building height standards for two and three storeys.
- The overall discretion afforded in (a) to the merits of the case having regard to amenity etc is considered applicable given the scope for the above-described variation as an extension and assessment of the proposal in context.
- In this respect, where the criteria of *privacy, views and general amenity* or other relevant *amenity and development control provisions of the scheme* are satisfied or not unduly affected, Council may consider that the particular circumstances and merits warrant discretion to approve the proposal.

Therefore, in assessing the urban design, development parameters and amenity implications of the proposal the following observations are made:

- The design of the existing dwelling in a sense invites the proposed loft to fill in the void and take advantage of the outlook to the park and ocean in a way that does not impact directly on the amenity of neighbouring properties. It is understood that the void area, which has a safety balustrade, serves as a viewing terrace at present.
- In terms of streetscape, the proposed roofline would to a degree look like a two- storey residence, as from the street the dwelling is concealed on a rear lot, with the only street frontage via a private 1.5m wide pedestrian access way and vehicular access off the right of way, whereby the dwelling is not readily exposed to the street. From Grant Street the dwelling is barely visible, being blocked-out by continuous two-storey development with varied roof forms, whereby the loft extension would not be readily detectable.
- That is, to the eastern and northern elevations, which are the interfaces with neighbouring dwellings, the loft addition would be the least prominent and appear as a pop-top or pagoda-style extension in keeping with the lines of the existing sloping roof planes and partially buried within that space, although still obviously a third level.
- To the southern elevation, adjacent the ROW, a similar appearance would result, and it is noted that the northern and southern rooflines would look like elongated attics. Highlight windows would provide for light and ventilation without affecting privacy. To a person standing in the narrow ROW near the dwelling the loft would not be particularly apparent. Nonetheless, it is noted that the neighbouring dwelling to the southern elevation on the opposite side of the ROW is two-storeys and would be the most exposed to the creation of

the loft, albeit facing the rear of that dwelling rather than its primary, western outlook over the park to the ocean.

- To the western elevation the dwelling would appear as a containing three storeys from Grant-Marine Park, a public view. A clearly-defined window would be located on the third level, overlooking the park. Moreover, the floor-to-ceiling height of the loft is sufficient to be a habitable room. This would be the main urban design presence of the proposal to the public domain and change to the character of the locality. However, the stand of pine trees to the park immediately in front of the dwelling screens the building, which together with further clumps trees to the Grant Street frontage of the park means that from the north and north-west the loft would not be easily seen. The predominant view of the dwelling/proposed loft from the south and south-west is across the park and this distance, as well as the backdrop of other development of a similar scale, means that in this setting the visual effect of the loft extension would not be overbearing or out of keeping.
- The general amenity tests referred to in the Scheme including privacy, views, overshadowing and air flows are not assessed as unduly affected by the proposal, which is set back in the centre of the existing dwelling and does not directly overlook any neighbouring dwellings.
- The architectural design of the proposed loft would read logically as an integral extension to the existing dwelling and be compatible with the proportions and lines of the building. It may even be appreciated as improving the somewhat squared-off shape of the existing dwelling to produce a more fluid roofline and balanced massing.
- The site and setting are capable of accommodating the additional built form and volume, albeit introducing a less common third level and creating something of a precedent.

In summary, on this overall rationale variation of the height requirements may be supported as a reasonable proposition when considered on merit, in context and having regard to amenity aspects. The design pursues the concept of a third level contained within the roof space and while exceeding the normal height standards has made some attempt to be less than a full third storey; yet it is capable of being reduced as outlined below.

Alternatively, if the principle of a third level is accepted but the resultant height is considered a concern, an increase in wall height could be allowed but the building height conditioned to comply – revised plans would have to show the roofline lowered (less pitch than the 26.5 degrees proposed to match the existing roof) or flattened so the loft is no higher than 8.5m. This would be feasible, as the proposed floor-to-ceiling height is 2.9m at its maximum, with a further roof void one metre high; however, as the perimeter of the loft has lower headroom the room may become less habitable or useable. Conceivably, therefore, the loft could have lower ceiling and / or roof heights in order to reduce the overall building height. For example, were a 2.4m floor-to-ceiling height allowed, plus 0.3m in height for a flat roof structure, the building height would be lowered by 1.2m. The question is whether in this case any reduction in height would really matter or make a difference? In context, the answers are considered to be:

- There are no identified direct amenity impacts on adjacent dwellings that a reduction would ameliorate.

- The scale of the building would appear lower – to the human eye a height change of 0.5m or more is readily discernible – yet a cut-down roof form would tend to accentuate the current squat-looking building and accentuate its bulk and heaviness rather than evoke a lighter-weight aesthetic. The counter view is that given the comparatively unconventional design of the existing dwelling an asymmetric extension would not seem out of place.
- As an urban design element the lower height would read as an attempt to minimise height, contain the third level and limit the scale, even though the built form may be condensed; being consistent with the generally conservative approach taken to allowing additional height or extra levels to residential development in Cottesloe.

Alternatively again, should Council consider that the presumption in favour of two storeys as the general policy for building height ought preferably to prevail, and that while basements or loft levels within two-storey roof spaces may occur (as is fairly common), full three-storey dwellings or true third-storey components to dwellings should not be allowed, then the proposal would have to be conditioned to be modified to comply accordingly or be refused – or at least the third level element of the proposal deleted from the approval.

Open Space

The coding is R30 which requires a minimum of 45% open space for the lot. The balcony extension and staircase is considered open space as per the RDC as the area underneath of the balcony/ walkway can be considered an overhang. The RDC considers Open Space:

Generally that area of a lot which is not occupied by any building and includes:

- *areas beneath eaves overhangs, verandahs or patios not more than 0.5m above natural ground level, unenclosed on at least two sides and covering no more than 10 per cent of the site area or 50sqm whichever is the lesser;*

The only additional area of the proposal which is not considered open space is the proposed entry on the upper storey's northern elevation. This area is enclosed on three sides. The lot size is 370m² and the proposed open space is 193m² or 52.16% open. This meets the Acceptable Development Provisions of the Residential Design Codes.

The proposed loft addition does not affect open space calculations.

Privacy

The following privacy (cone of vision) setbacks of the proposed residence don't comply with the Acceptable Development standards of the RDC. The setback variations are required to be assessed under the Performance Criteria of Clause 3.8.1 (P1) of the RDC which are:

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

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

Room	Required Setback	Provided Setback
Balcony (north)	7.5m	5.6m
Balcony (east)	7.5m	1m

The proposal asks for a variation to the balcony's northern cone of vision setback. It can be argued the proposal does comply with the Performance Criteria of the RDC. The revised plans have now reduced the width of the northern balcony by 350mm, making the space less obvious as a recreating space, the area is considered only wide enough to be used as an upper storey walkway. Furthermore, it is acknowledged that the owners are likely to prefer overlooking Grant-Marine Park from the existing wider western balcony rather than looking upon any of the neighbours.

The neighbouring northern property does not have any major openings facing the southern boundary on either floor. Also of note the 7.5m cone of vision from the balcony only extends to the window and not into the rooms of the northern property. The balcony is proposed to be 600mm below the first floor ground level which further reduces overlooking opportunity to the northern neighbours rooms. Because of these reasons it is recommended that no additional screening is required to the northern neighbour.

The proposal asks for a variation to the balcony's eastern cone of vision setbacks. The proposal does not comply with the Performance Criteria of the RDC. The area where this overlooking occurs is from the balcony in front of the proposed first floor entrance. This is to the north of the screened area and the balcony is setback 1m from the eastern boundary.

It is acknowledged that the owners are likely to prefer overlooking Grant-Marine Park than looking upon any of the neighbours. This space is unlikely to be used as an active habitable space due to the small width of the space. The eastern neighbouring property has minor openings facing west and a small area of open space.

However, as the proposal easily does not meet the Performance Criteria, and the eastern neighbours did object to this, it is considered desirable to place a condition for additional screening on the eastern edge of the balcony to a height of 1.65m above the floor level of the balcony for the entire eastern elevation of the balcony.

Overlooking from the staircase is not considered a privacy issue as per the Residential Design Codes.

Internal Alterations

The proposed first floor alterations will result in the study room having a proposed roof window. This is considered acceptable as the reconfigured layout means that the study room only has one wall capable of having a window, this wall is setback only

0.08m from the eastern side boundary and having a window in this wall is not acceptable as per the Building Codes of Australia.

Upper-level main entrance

The applicant has proposed a new upper level entry due to the ground floor design not being convenient for a main entrance. Currently on the ground floor of the northern elevation is a laundry, a bedroom and a family room. The laundry is located directly below the proposed entrance which is in front of and closest to the Pedestrian Access Way.

The applicant also makes a comment on the need for emergency services to clearly identify a defined visible access. Whilst it could be argued that a modified ground floor entrance could achieve the same objective and still meet open space and setback requirements, the proposal for the upper level main entrance is recommended subject to the additional screening required mentioned previously in this report.

CONCLUSION

The proposal seeks to make some logical improvements to an existing dwelling which is of unusual design and in a tucked-away location. While the loft extension exceeds the basic height standards, a detailed assessment suggests, on the one hand, that such discretion may be justified and the effect of the variations would be of little consequence. On the other hand, it may be found that the intended height of the loft extension is more than is necessary and hence should be reduced in the interests of orderly and proper planning and amenity broadly. All things considered, it is concluded that this aspect of the proposal should be allowed.

The remainder of the proposal, for an upper-storey entry on the northern elevation, can be supported due to the existing ground floor configuration which does not suit a main entrance; subject to increased privacy screening as a condition.

VOTING

Simple Majority

COMMITTEE COMMENT

The Committee did not support the proposal due to it being a three-storey building and were concerned that approval would create an undesirable precedent in that regard. There was also concern in relation to the stairs / balcony in terms of privacy impacts.

The Committee concluded that the item should be deferred to allow for further consultation with the Design Advisory Panel and applicant to consider a redesign.

OFFICER RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for the Development Application for Proposed Loft Addition and Balcony Extension to the existing

residence at No. 9 (Lot 24) Grant Street, Cottesloe, in accordance with the plans dated 24 May 2006 and amended upper level plan dated 9 August 2006, subject to the following conditions:

- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings submitted for a building licence.
 - (c) The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
 - (e) Air conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (f) Revised plans being submitted at building licence stage for approval by the Manager Development Services showing screening along the entire eastern edge of the proposed first floor balcony to a height of 1.65m above the balcony floor level.
- (2) Advise submitters of Council's decision.

11.1.1 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council DEFER consideration of the proposal pending a redesign and taking into account:

- (1) Input from the Design Advisory Panel;**
- (2) Compliance with the two-storey height limits of the Scheme;**
- (3) Design within the existing building envelope so as not to represent a third storey; and**
- (4) Review of the proposed entry, stair and balcony addition to result in a suitable entry for the dwelling that avoids privacy impacts.**

Carried 8/2

11.1.2 NO 21 (LOT 18) ERIC STREET – TWO, TWO-STOREY MULTIPLE DWELLINGS

File No:	21 Eric Street
Author:	Ms Stacey Towne / Mr Andrew Jackson
Attachments:	Location plan Photos Plans Perspectives
Author Disclosure of Interest:	Nil
Report Date:	2 August 2006
Senior Officer:	Andrew Jackson
Property Owner:	Napoleon WA Pty Ltd
Applicant:	Overman & Zuidelveld
Date of Application:	22 May, 2006
Zoning:	Residential
Use:	AA - A use that is not permitted unless special approval is granted by the Council
Density:	R30
Lot Area:	728m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for two, two-storey multiple dwellings at 21 Eric Street, which is a 728m² property zoned Residential R30. An existing single storey residence will be demolished to make way for the new development.

The Residential Design Codes do not have any development standards for multiple dwellings in areas coded R30, however, the Zoning Table of TPS2 specifies multiple dwellings as an AA (discretionary) use in the Residential zone. Council has previously granted planning approval to multiple dwellings on R30-zoned properties, including four multiple dwellings at No. 19 Eric Street.

The proposal is a high-quality development in a prominent position at the crest of the hill on Eric Street. The proposal has been designed in consideration of neighbours' privacy and amenity. Works are proposed in the verge area in front of the new dwellings in order to gain access to basement car parking.

The applicant has liaised with Planning Officers and revised plans in response to technical and neighbour comments. Given the assessment that has been undertaken, the recommendation is to approve the application, subject to conditions and some revision.

PROPOSAL

It is proposed to demolish the existing single storey residence on the property to construct a two storey building comprising of one multiple dwelling unit over another,

similar to a four multiple dwelling unit development on the adjoining property at No. 19 Eric Street, which was designed by the same architect.

The lot is situated on a rise, near a chicane on Eric Street. The verge in front of the subject property is raised with two terraced retaining walls up from the footpath. It is proposed to cut further into the verge area and the front of the property to construct a ramp to basement parking for seven cars.

An entry court and lobby is proposed at the front lower level of the development which gives access to a lift and stairs. The first and second levels each comprise of one multiple dwelling. The dwellings both have the same floor plan design with 3 bedrooms, study, sitting area, living/dining, kitchen and bathrooms. Each unit has front balcony (facing north) off the living/dining room and a 4m² storage area. Both balconies are screened on the eastern sides and the upper balcony is also screened on the western side. The lower unit also has a raised terrace at the rear, which is partially enclosed by privacy screening.

A drying court is proposed on the western side at ground level for Unit 1. Apart from the driveway, no open space areas around the building are to be accessed by the owner/occupant of Unit 2. There are no common outdoor open space areas to be shared by both dwellings. This means that Unit 1 has sole access to the outdoor open space around the building footprint, whereas Unit 2 has no outdoor open space, aside from the upper front balcony.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- Building Heights Policy No 005
- Reflective Metal Roofing Material Policy No 009

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
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5.1.1 Building Height	Undercroft maximum 1m higher than footpath level at centre of front of the site.	Undercroft 3.95m higher than the footpath level, however, is 0.55m lower than the level of the site measured at the centre of the front of the site.
5.1.1 Building Height	7m parapet wall height	Portion of building has 7.73m parapet wall height

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 Boundary Setbacks	Setback to the Western lower floor side boundary – 1.7-1.8m to Balcony/living/stairs/store	1.5m to Balcony/living/stairs/store	Clause 3.3.2 – P1
No 3 Boundary Setbacks	Setback to the Western lower floor side boundary – 5-5.4m to Study/laundry/ensuite	2.5-3.4m to Study/laundry/ensuite	Clause 3.3.2 – P1
No 3 Boundary Setbacks	Setback to the Western upper floor side boundary – 2.3-2.6m to Balcony/living/stairs/store	1.5m to Balcony/living/stairs/store	Clause 3.3.2 – P1
No 3 Boundary Setbacks	Setback to the Western upper floor side boundary – 7.5-8.5m to Study/laundry/ensuite	2.5-3.4m to Study/laundry/ensuite	Clause 3.3.2 – P1
No 3 Boundary Setbacks	Setback to the Eastern upper floor side boundary – 3.3-3.5m to pantry	2.5m to pantry	Clause 3.3.2 – P1
No 3 Boundary Setbacks	Setback to the Southern lower floor side boundary – 2.8-3.3m to Terrace/Bed 1	2.5m to terrace 2.5m to Bed 1	Clause 3.3.2 – P1
No 5 – Open Space	Refer to section in report regarding Open Space and Landscaping		
No 8 – Visual Privacy	Setback from the upper Bed 1 south elevation window to west side 4.5m	3.7m to west side	Clause 3.8.1 – P1
No 8 – Visual Privacy	Setback from the upper Bed 2 south elevation to east side 4.5m	3.2m to east side	Clause 3.8.1 – P1
No 8 – Visual Privacy	Setback from the upper Bed 2 north elevation to east side 4.5m	3.2 to east side	Clause 3.8.1 – P1

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 8 – Visual Privacy	Setback from the upper Bed 3 south elevation to east side 4.5m	3.2m to east side	Clause 3.8.1 – P1
No 8 – Visual Privacy	Setback from the upper Study south elevation to west side 6m	3.7m to west side	Clause 3.8.1 – P1
No 8 – Visual Privacy	Setback from the upper kitchen south elevation to east side 6m	2.7m to east side	Clause 3.8.1 – P1
No 10 – Incidental Development	Clothes drying area for both multiple dwellings	Clothes drying area for Unit 1 only	Clause 3.10.3 – P3

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of Letters to Adjoining Property Owners

Submissions

There were 8 letters sent out. There were 4 submissions received (2 from the same property), of which all were objections or expression of concern. Details of the submissions received are set out below:

Submission 1 – No.1/19 Eric Street (Julia Muller)

- *The building appears over the statutory height limit and incorporates an extensive modification to the street verge, however, we raise no objection to these matters.*
- *There are serious overlooking issues which compromise the amenity of our home adjoining (Unit 1/19 Eric Street).*

- *The upper level balcony (no screen) will look into our outdoor eating and recreation area. A similar screen to that on the eastern side would assist.*
- *The bedroom and balcony look straight into our rear garden, pool and privacy areas.*
- *At least blade screening to the north and south of the building would protect our privacy (on the west elevations).*
- *The drawing shown at the Council office incorrectly shows the eastern face of our building without openings and should be re-submitted.*
- *The vegetation between the buildings will be removed as part of site works and will leave the openings on the east of our building exposed to the proposed balcony, which should be screened.*

Submission 2 – No 1/19 Eric Street (Peter Webb on Behalf of owner)

- *This submission is further to the owner's comment above.*
- *The designated natural ground level (as determined using provisions of TPS No. 2) is not clear. The drawings indicate a ground level of RL14.596 "average of the existing levels of the building footprint from front portion of the house". This appears different to the Scheme requirement which might suggest a natural ground level closer to about 13.6m (from the architect's datum, not AHD).*
- *We note that there is some modest encroachment of the eastern side setback towards the rear of the property (about 0.3m).*
- *We query the height of the retaining wall towards the rear of the property.*
- *Some of the cones of vision on the western side of the proposed multiple dwellings encroach into our client's land.*
- *We confirm that the coloured sketch is inaccurate as it indicates that my client's balcony is enclosed on the eastern side, which is not the case. As such, the proposal overlooks the adjoining property to the west which is unacceptable. Screening should be provided.*
- *There appears to be no indication of the proportion of open space on the site. Under R30, 45% of the site should be open space.*
- *We note with some interest that the R Codes do not list "Multiple Dwelling" under the R30 Code.*
- *We note that the proponent is seeking to modify the verge area. We presume Council is empowered to approve such works on Crown Land.*
- *This submission seeks further clarification of some aspects of the proposal.*

Submission 3 – No. 2 Geraldine Street (David Carter on behalf of Yuki Carter)

- *Our property adjoins the proposed site on the southern side. Our house is designed to take full advantage of the northern aspect. Living areas are located on the northern side and the pool and outdoor living is also on the north.*
- *Because of the natural topography, our property is at a lower level than No. 21 Eric Street. The southern boundary is also raised higher where it meets our property.*
- *The southern part of the proposal will overlook a considerable proportion of the indoor and outdoor living and entertainment areas in my property thus affecting my amenity.*
- *I could not determine if the proposal exceeds height limits. It appears to be higher than permitted.*

- *I understand the terrace and associated sitting area is raised more than 0.5m and should be set back 7.5m to protect my privacy.*
- *I could not identify any detail of the southern boundary wall or fence, the construction of which will have a significant bearing on the outlook I currently enjoy and I would like detail of this before commenting further.*
- *I welcome discussion with the owners and architects to better understand the impacts and to see if practical steps can be taken to ameliorate my concerns. One suggestion is to plant mature trees or hedges on the southern boundary.*

Submission 4 – No. 23B Eric Street (Judy Van Ross)

- *Concerned that the height of the development will adversely affect our 81 year old mother's amenity and enjoyment of the afternoon sun.*
- *We question compliance with Council's policy relating to height, specifically the height of the finished floor level of the lower apartment above the footpath measured at the centre of the front boundary.*
- *We ask Council to strictly enforce its policy relating to measurement of height above mean natural ground level, in order to comply with Clause 5.1.1 of TPS No. 2.*
- *We request Council clearly endorse working hours on site once approved and the builder be required to erect a sign advising of the approved hours of work.*
- *We intend to make a presentation to the Committee when considered for determination.*

Submission 5 – No. 3/19 Eric Street (Clive & Cynthia Brown)

- *Concerns about the upper balcony on the north elevation overlooking our upper balcony at 3/19 Eric Street.*
- *When approved, the building at No. 19 Eric Street was required to erect privacy screening on the east facing opening of the front balcony to prevent overlooking into No. 21. The plans show screening on the eastern side to prevent overlooking into No. 23, they should also show screening on the west to prevent overlooking into our balcony and into our apartment.*
- *Our screening allows viewing to the north east, but not directly to the east. Likewise, the proposal could have screening to allow views to the north west, but not directly to the west. The owners could still get their "views".*
- *Note that this will be an even bigger issue for the owners of 1/19 Eric Street.*
- *Otherwise, the development looks good. Matter of height and cutting into the verge are for Council's consideration.*
- *Concerns that the existing masonry fence between no. 19 and No. 21 will be damaged during construction.*

In response to the submissions, the applicant has submitted revised plans and has provided the following advice (summary):

Submission 1

- *Amended plans now show screening on the western side of the first floor balcony.*
 - *The bedroom and sitting room windows to the south side meet the required privacy setbacks.*
 - *The floor level of the rear terrace is only raised 0.5m and privacy screening is provided on two sides to protect neighbours' amenity.*
-

- *The building has been designed to avoid windows in the east and west elevations. Any overlooking is minimal and only occurs over side setback areas, not habitable open space.*
- *The kitchen window of the adjoining property to the west has now been shown on amended plans.*

Submission 2

- *New levels at the rear have been modified to be a maximum of 0.5m above existing levels.*
- *4 privacy screens have been added to the western side of the front balcony.*
- *The bulk, scale and impact of these multiple dwellings are the same as that of grouped dwellings. The parking arrangements of the multiple dwellings have less impact on neighbours than grouped dwellings as only one short driveway leading to basement parking is provided. A grouped dwelling would require a driveway down the full length of the site to provide access to the rear of the building.*
- *The verge area has already been substantially modified with retaining walls and changes in level beyond the original contours. Our submission seeks to make this more aesthetically pleasing and safer for pedestrians.*

Submission 3

- *The ground level rear terrace has privacy screens on two sides to provide complete privacy for the neighbour to the south.*
- *It is proposed to construct a 1.8m high masonry wall above the finished ground level on the southern boundary.*
- *The southern boundary is to be landscaped, possibly with olive trees.*

Submission 4

- *Every effort has been made to comply with the height limits. The building has been stepped down at the rear to reflect natural ground levels.*

Submission 5

- *Revised plans show screening on the western side of the front balcony.*

STAFF COMMENT

Background

The site is located on the southern side of Eric Street near the apex of the hill behind the Ocean Beach Hotel. There is a four unit multiple dwelling development immediately to the west at No. 19 Eric Street, with a 27 unit 3 storey development further to the west. There is a single storey duplex to the east and single residential development to the south and on the northern side of Eric Street. Opposite is predominantly two storey housing, leading to higher development towards Marine Parade

The site is 728m² in area and zoned R30. Under the requirements of the Residential Design Codes, the land has the potential to be subdivided to create two single residential green title or strata title lots.

Multiple Dwellings - Use and Assessment

“Multiple Dwellings” are not listed in Table 1 of the RDC and therefore there are no standards specified for assessment of a multiple dwellings proposals in areas coded R30. A multiple dwelling is defined in the Residential Planning Codes as:

“a dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other but does include a Grouped Dwelling.”

“Multiple Dwellings” is, however, specified as an AA use in the Residential Zone in the TPS 2 zoning table. Clause 3.3 of the TPS 2 states:

“AA – A use that is not permitted unless special approval is granted by the Council.”

Although multiple dwelling standards are not provided for the R30 zone, the Scheme may allow for them within that density with Council’s special approval.

Council has previously granted approval to multiple dwellings in R30 areas (e.g. No 19 Eric Street, No. 24 Avonmore Terrace and 24 Princess Street).

Setbacks

The proposal has been assessed for setbacks as per the standards required for R30. The following setback variations from the Acceptable Development Standards of the Codes are being sought:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Proposed Setback
Ground West	Balcony/living/store/stairs	2.9-4m	17m	No	1.5-1.6m	1.5m
Ground West	Study/laundry/ensuite	3.3-4m	36.5m	Yes (study)	1.5-5m	2.5-3.4m
Upper West	Balcony/living/store/stairs	5.8-7.7m	17m	No	2.1-2.4m	1.5m
Upper West	Study/laundry/ensuite	6.9-7.7m	36.5m	No	3.3-3.8m	2.5-3.4m
Upper East	Balcony/kitchen/dining	7.6-7.7m	13.7m	No	2.1m	1.5m
Upper East	Pantry	7.6-8.1m	36.5m	No	3.8-4.1m	2.5m
Ground South (rear)	Terrace/Bed 1	4.5-5.2m	12.2m	Yes (bed 1 only – terrace is screened)	2.8-3.3m	2.5m to terrace 4.5m to terrace

As the proposed side boundary setbacks do not comply with the Acceptable Development Standards, consideration under the Performance Criteria is required. Performance Criteria Clause 3.3.1 of the RDC states the following:

“P1 Buildings set back from boundaries other than street boundaries so as to:

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

As the setback variations mostly occur on the west and east sides, the north-south orientation of the lot means that access to sunlight for adjoining properties is not adversely affected. Where variation to the rear setback occurs on the south side, this is only for part of a single storey wall and does not provide additional shadow.

The proposed reduced building setbacks are minor in nature and therefore do not contribute to additional and unnecessary building bulk.

All east and west facing windows to habitable rooms are obscure glazed so there are no major effects of visual privacy for neighbours.

The building setbacks variations comply with the Performance Criteria of the Codes and are supported.

Open Space

In consideration of the technical aspects of this proposal under the provisions of the Residential Design Codes, open space compliance is somewhat uncertain to definitively assess.

Table 1 of the Codes does not specify open space requirements for multiple dwellings in an R30 density area, it only deals with open space requirements for single and grouped dwellings. Table 1 does, however, list standards for multiple dwellings in the R35 density areas. The requirements for open space for grouped dwellings in the R30 density and the requirements for multiple dwellings in the R35 density are quite different.

The following table outlines those differences and shows how the proposed development subject to this report complies with the various standards:

R30 Grouped Dwellings Requirement	R35 Multiple Dwellings Requirement	Provided
45% overall open space (no standards for multiple dwellings in R30)	50% overall open space	57.3% - 411.8m ² Complies

No plot ratio standard for single, grouped or multiple dwellings	0.6 plot ratio	Approx. 1.1 plot ratio	
		Unit 1	Unit 2
Min. 24m ² outdoor living area for each grouped dwelling (no standards for multiple dwellings)	No standard for outdoor living areas for multiple dwellings	Min 24m ²	Nil (balcony only)
Behind setback line	-	Behind setback line	Nil
Accessible from habitable room	-	Accessible from habitable room	Nil
Min length and width 4m	-	Min length and width 4m	Nil
At least 2/3 uncovered	-	At least 2/3 uncovered	Nil
No standards for balconies for single, grouped or multiple dwellings	At least one balcony to be provided, opening directly form a habitable room and with a min. dimension of 2m and a min. area of 10m ² .	One balcony (complies)	One balcony (complies)
No standard for communal open space for grouped or multiple dwellings	Min 20m ² communal open space	No communal open space provided	
Where Communal Open Spaces have been provided for grouped dwellings (not required), separate pedestrian paths with wheelchair access connecting all entries with the footpath and car parking	All Communal Open Space to have separate pedestrian paths with wheelchair access connecting all entries with the footpath and car parking	Shared access with driveway to entry and car park	
Where Communal Open Spaces have been provided for grouped dwellings (not required), lighting to pathways, communal open space and car parking	All Communal Open Space to have lighting to pathways, communal open space and car parking	This level of detail is not shown on the plans. (recommend that a condition be applied)	

Where Communal Open Spaces have been provided for grouped dwellings (not required), clear sight lines b/w communal open space and at least two habitable rooms	All Communal Open Space to have clear sight lines between communal open space and at least two habitable rooms	No communal space provided
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The proposal does not fully comply with the standards for either grouped dwellings in the R30 density or for multiple dwellings in the R35 density. The proposal complies with the overall provision of 50% open space for both R30 and R35 densities, however, it does not comply with the 0.6 plot ratio requirement for multiple dwellings in the R35 density.

Where a proposal does not comply with the Acceptable Development Standards, consideration under the Performance Criteria is required. Technically, however, it can not be argued that this proposal does not comply with the requirements of the Residential Design Codes, because the standards are not specified in the first instance. Also, it would be inequitable to provide the R35 standard to the R30 coding.

In order to sensibly approach the assessment, appropriate open space provision can be guided by Performance Criteria. For areas where the proposal does not comply with Acceptable Development Standards of either grouped dwellings in the R30 density or multiple dwellings in the R35 density, the following criteria would usually apply:

Performance Criteria Clause 3.4.1 of the RDC in this instance relates to plot ratio and states the following:

- “P1 Sufficient open space around buildings:*
- To complement the building;*
 - To allow attractive streetscapes;*
 - To suit the future needs of residents, having regard to the type and density of the dwelling.”*

Performance Criteria Clause 3.4.2 of the RDC in this instance relates to the provision and nature of outdoor living areas for each dwelling and states the following:

- “P2 An outdoor living area capable of use in conjunction with a habitable room of the dwelling, and if possible, open to the winter sun.”*

Performance Criteria Clause 3.4.4 of the RDC in this instance relates to provision of 20m² communal space states the following:

- “P4.1 Adequate area of Communal Open Space for multiple dwelling developments to meet the future needs of residents, having regard to the location of the development.”*

It should be noted, however, that whilst sufficient communal open space has not been provided, there is substantial common space in the basement area that could be used for various activities that would usually be carried out in a yard setting (e.g. potting plants and doing some handyman work).

Performance Criteria Clause 3.4.5 of the RDC in this instance relates to lighting and access etc of the communal open space areas and states the following:

- “P5 All Grouped and Multiple Dwelling Communal Open Spaces are fully developed with appropriate planting, paving and other landscaping that:*
- Meets the projected needs of the residents;*
 - Enhances security and safety for residents;*
 - Retains significant existing trees; and*
 - Contributes to the streetscape.”*

In conclusion, Unit 1 is “better off” than Unit 2 in terms of open space provision in general. Apart from the lack of common open space and clothes drying area, however, the provision of open space for Unit 2 is not dissimilar to what would usually be expected for a multiple dwelling in an R35 density area.

It is considered that the open space proposed could be improved by provision of either a separate uncovered outdoor living area being provided on the ground level for the exclusive use of Unit 2 occupants, or a communal outdoor area being provided on the ground level for the use of Unit 1 and Unit 2 occupants. In addition, all communal areas (e.g. driveway, lobby, car park etc) need to be suitably lit.

Additional open space for Unit 2 could be provided, however, redesign of the rear of both units would be required. There appears to be some potential to decrease the floor space of the units at the rear and to divide the ground level space such that each unit has access to private open space around the footprint of the building.

It is recommended that revised plans be submitted providing additional outdoor space for Unit 2 and that all common areas are suitably lit.

Privacy

The following privacy (cone of vision) setbacks of the proposed additions seek variation from the Acceptable Development standards of the Codes:

Room	Required	Provided
Upper Bedroom 1	4.5m from south elevation window to west side	3.7m
Upper Bedroom 2	4.5m from north and south elevation window to east side	3.2m
Upper Bedroom 3	4.5m from south elevation window to west side	3.2m
Upper Study	6m from south elevation window to west side	3.7m
Upper Kitchen	6m from south elevation window to east side	2.7m

As the proposed privacy setbacks do not comply with the Acceptable Development Standards, consideration under the Performance Criteria is required. Performance Criteria Clause 3.8.1 of the RDC states the following:

- “P1 Avoid direct overlooking between active habitable spaces and outdoor living areas of the development site and the habitable rooms and outdoor living areas within adjoining residential properties taking account of:*
- The positioning of windows to habitable rooms on the development site and the adjoining property.*
 - The provision of effective screening.*
 - The lesser need to prevent overlooking of extensive back gardens, front gardens or*
 - Areas visible from the street.”*

In all instances, the cones of vision only encroach adjoining properties by small amounts, with any overlooking occurring within the side setbacks of the neighbouring residential developments. All but one of the non-complying windows face either north or south, that is they are at right angles to the east and west boundaries that they partially overlook. As such, any overlooking from these windows would be very incidental.

The building has been designed to avoid direct overlooking to the east and west and screening has also been provided to further prevent privacy variations.

The windows do not directly look into active habitable rooms or outdoor living areas at adjacent properties and are considered to comply with the Performance Criteria of the Codes. The windows as proposed are supported.

Clothes Drying Area

Standard 3.10.3 A3.3 of the RDC requires clothes drying areas for multiple dwellings and these areas are to be screened from public view. A screened drying area has been provided for Unit 1, however, no clothes drying facility has been provided for Unit 2.

As the proposal does not comply with the Acceptable Development Standards, consideration under the Performance Criteria is required. Performance Criteria Clause 3.10.3 of the RDC states the following:

- “Provision made for... clothes-drying areas that is:*
- Adequate for the needs of residents; and*
 - Without detriment to the amenity of the locality.”*

It is not possible to provide an outdoors clothes drying area for Unit 2 with the allocation of open space as proposed because most of the land outside of the building is for the exclusive of Unit 1.

There are three possible alternatives suggested to address this:

1. Provide an additional clothes drying area for use by Unit 2 on the ground level, screened from public view;
2. Provide a common clothes drying area for use by Unit 1 and 2, screened from public view;
3. Ensure that a clothes drying appliance is provided within Unit 2.

Suggestions 1 and 2 would ensure compliance with Acceptable Development Standards of the Codes, whereas Suggestion 3 would comply with Performance Criteria of the Codes.

It is recommended that a condition be applied to ensure that a clothes drying facility is provided for Unit 2 to comply with either the Acceptable Development Standards or the Performance Criteria of the RDC.

Landscaping

The Residential Design Codes Acceptable Development Provision 3.4.5 requires landscaping of Grouped Dwelling and Multiple Dwelling Communal Open Space areas.

The standards cover set back of parking, provision of separate pedestrian paths and adequate sightlines, landscaping and trees, lighting, bin storage location, surveillance, screening of clothes drying areas and parking bays.

The application mostly addresses these standards, however, a condition is recommended to seek a revised plan showing details of landscaping and planting of the front of the property as well as the verge area, together with lighting of the communal areas.

Storeys and Height

Clause 5.5.1(a) of Town Planning Scheme No. 2 states that Council will not regard as a storey, undercroft space where (amongst other things) that space is not higher than 1m above the footpath level.

The proposal includes cutting into the front of the site to provide access to basement car parking. Due to the width and slope of the verge up from the road, the top of the opening to the undercroft is approximately 3.95m higher than the footpath level, but is actually 0.55m lower than the level of the site measured at the centre of the front boundary line.

In relation to this the applicant states:

"This clause (Cl 5.5.1 (a) of TPS No. 2) assumes that the site is flat. 21 Eric Street has a change in level of 3.0m from the footpath to the lowest level on the front boundary (4.8m change in level to the highest point on the front boundary).

The ceiling of the basement is below the natural ground level of the north west corner of the site at the front boundary. (This therefore would comply if the site was level with the street).

Due to the steep changes in level on this site we request that your support is provided for this matter... every effort has been taken to make the parking access as discrete as possible."

In addition, there are some difficulties involved with determining a figure for natural ground level from which to measure general building height.

Clause 5.5.1(c) of Town Planning Scheme No. 2 generally states that natural ground level should be measured at the centre of the site. It is difficult to calculate the natural ground level at the centre of the site because of the presence of existing development. Averaging the existing levels of the four corners of the site, however, results in a measurement of RL 28.5135m AHD (based on calculations shown on the elevation plans submitted).

The applicant has used an alternative method and has calculated natural ground level by using the average of the existing levels on the four corners of the proposed building footprint. The resultant level is RL 28.32m AHD, slightly lower than the average of the four corners of the entire site.

The building is designed with a flat roof and parapet walls. While the scheme is not specific for height of such walls, the Residential Design Codes are a guide to Council, which provide a 7.0m standard for two-storey parapet walls, and Council has applied this in practice.

If a 7m height limit is applied to the natural ground level as determined by Council officers, the maximum wall height permitted would be RL 35.5135m AHD.

The proposed building is constructed such that it steps down from the front to the back of the site. The front portion of the building has a maximum height of 35.22m AHD (complies) whilst the rear section has a maximum height 36.248m AHD (does not comply).

In support of the height variation, the applicant has provided the following justification:

"The proposal has the front portion of the building with a ground floor level of RL29.32 which relates to the existing levels in the area... This level is 229mm lower than the new multiple dwelling building immediately to the west of this site. The natural dune system can be seen in the Water Corporation contour drawing (see attached). This clearly demonstrates that the existing levels of the site relating to this submission and the site immediately to the west are very similar. The site to the west has an entire ground floor level of RL29.549 which is substantially higher than the scheme proposed here. It should be noted that the ground floor level of the existing house on the site is RL29.65. This scheme provides a split level building which results in levels that would be similar to a grouped dwelling development."

The Codes provide for variation based on Performance Criteria whereby an Acceptable Development standard may be departed from if there is no amenity impact of consequence. In this respect the codes refer to height consistent with that desired for the locality and protection of solar access and views of significance. In

this instance, the 7m height variation is minor and has no impact on solar access or views.

It is also noted that the parapet wall / hidden roof has been designed to have a lesser impact than a pitched roof development.

In summary, there is discretion within TPS2 in terms of the height provisions being expressed as a general policy and that Council may consider the circumstances and merits of each case. This applies to both the height requirements for the undercroft and the wall height. Variations may be considered in relation to topography and extensions to buildings. Specifically, Clause 5.1.1(c) states that Council can consider granting a variation to building height requirements in particular cases where natural ground forms indicate that a variation is warranted provided that the amenity of neighbouring areas is not unreasonably diminished. The test of height is tied to privacy, views and amenity. The scheme also refers to overshadowing and air flows. None of these aspects are impacted on by the height designed.

The height variations would not adversely impact on the streetscape or the amenity of adjoining neighbours. The proposal is similar to what has been previously approved at the adjoining property (No. 19 Eric Street). In addition, the height variations do not present a substantial impact particularly due to distinctive location of the property high on the hill and the nature of changing uses/development along that section of Eric Street.

It is recommended that the variations be supported in this instance.

Earthworks/Verge

It is proposed to move the existing crossover slightly westwards and to cut into the verge area in order to gain access to the car parking area under the main building.

The Manager Engineering Services has inspected the site to ascertain impacts of the proposed changes to the verge area. Provided that the applicant is responsible for the costs of all work involved within the verge area, and provided that the details of the work are to the specification and satisfaction of the Manager Engineering Services, no objections are raised to these works.

The applicant has investigated the location of services within the verge and may need to modify/relocate power and Telstra optic fibre cable services.

The applicant is also aware that they will be responsible for the cost of any works associated with the modification of the levels in the verge area. The developers for the subject site were also the developer for the adjacent property at No. 19 Eric Street. For that development, all the earth from that verge was removed during the course of construction. The only service they needed to rectify was the Telstra optic fibre cable.

Parking

A total of four on-site parking bays is required for this proposal, however, the development provides seven car parking bays.

Provision of the additional three bays allows for convenient and easily-accessed off-street parking for visitors, which is especially useful given the point of access to the development and unavailability of street parking or verge parking on Eric Street here.

Front Fence

No front boundary fencing is proposed.

Overview of RD-Codes considerations

- The question arises as to what development standards to apply to multiple dwellings in an R30 area?
- In this respect the WAPC has officially advised that the proposal is subject to the local government's general discretion.
- Alternatively, a scheme amendment, policy or practice could be put on place to deal with the matter (although so far Council has not seen the need as a logical and consistent approach to assessment has been undertaken for such proposals).
- One suggestion is that the development standards for the next higher density code should apply (ie R35), although that may be onerous to the lower R30 coding.
- However, it is observed that from R35 through to R50 the multiple dwellings standard for plot ratio remains constant at 0.6 and open space is also constant at 50%.
- Given that R30 is the start of the medium density range it could be argued that the above standards should apply.
- As another guide, the draft revised R-Codes propose to introduce multiple dwellings at R30 down to R10.
- In the draft, for R30 multiple dwellings, *Table 1 - General Site Requirements* lists only a few development standards, as follows, while all the other R-Codes provisions such as privacy, parking, etc still apply in the normal manner.
- The current proposal is compared, however, the revised codes are not yet adopted and are not certain and cannot be formally applied.

Requirement	Standard	Proposal
Min. site area per dwelling	333sqm	Complies
Min. frontage	20m	15.31m
Primary street setback	4m	6m as per Council Resolution

"Notes:

- *Plot Ratio excluded from draft revised Table 1 – no longer applicable.*
- *Open Space standards not specified – absence of, or intended, standards not explained."*

- In relation to the draft codes it can be seen that the proposal complies with site area (a fundamental requirement) and exceeds the front setback (and satisfies Council's greater requirement).
- While the frontage is less than intended to be prescribed, that is not a present standard, the 15.31m is a given as the width of the existing lot, and the vehicular access arrangement is designed as for one dwelling.

Summary of design approach and implications

- The proposal seeks to deliver apartment-style accommodation, which is not an issue in itself.
- The proposal is designed to suit the difficult site and minimise amenity impacts, and these outcomes are supported.
- This leaves discretionary assessment to be exercised in relation to the built-form parameters, being height, plot ratio and site cover/open space.
- Where height is not unduly excessive and open space is not unduly deficient – and setbacks are reasonable – arguably plot ratio is not a significant consideration in that the building volume is controlled and the actual amount of floorspace is immaterial – noting as above that plot ratio may be excluded from the R-Codes.
- The extent and shape of the building remain contributors to the visual impression of bulk or mass – the combination of a basement and two levels above generates an essentially box-form building rising from the site.
- In terms of streetscape and urban design, however, this is consistent with the design approach of No. 19 and the increasing scale of development towards the ocean.
- In this respect the footprint, floorspace and scale of the proposal compares with the similar No. 19 Eric Street as follows – as can be seen, the 21 Eric St proposal represents a greater building envelope than 19 Eric St relative to the lot size.

<i>Parameter</i>	<i>21Eric</i>	<i>19 Eric</i>
Site area	728m ²	1337m ²
Number of dwellings	2	4
Site cover	62% (incl. patio/verandahs)	59% (incl. patio/verandahs)
Approx. total floorspace	1300m ² (inc basement) (Floor space v lot area = 1.78)	2080m ² (inc basement) (Floor space v lot area = 1.55)
Maximum height	7.73m max.	7.532m max.

- On this basis the question is whether as a matter of degree the proposal may be assessed as constituting an over-development of the site?
- In this respect it is suggested that the proposed excess parking, generous floorspace, restricted distribution of open space and building height are maximising the development potential of the site.
- While this is partly a function of the typical layout of multiple dwellings, such as shared lobbies, etc and “stacked” apartments, it also reflects the architectural style and design response to the Scheme requirements and RD-Codes

standards; which on the one hand complies or may be considered acceptable on performance, but on the other hand is asking for discretion and variations.

- Overall, although it can be appreciated there is a general rationale for the proposal in relation to the site, previous adjacent approval and interpretation / application of the planning parameters, the assessment concludes that there needs to be some revision of the proposal to render it more acceptable and suitable.

CONCLUSION

There is some difficulty in assessing this application because of the absence of standards in the Residential Design Codes for multiple dwellings in an R30 area. As such, the proposal is considered similarly to past multiple dwellings development applications in R30 areas, together with an understanding of how the proposal fits in with existing surrounding development and the general locale.

The site is quite distinctive as it is high on the hill and marks a transition point in development style and land use coming up Eric Street from the beachfront. At the lower end of Eric Street (on the corner of Marine Parade) is the Ocean Beach Hotel with its associated car park located further uphill to the east. On the corner of Eric and Gadson Streets is a block of 27 units, followed by a group of four multiple dwellings at No. 19 Eric Street. The proposed building complements the style of the multiple dwellings at No. 19 Eric Street and makes a somewhat bold statement on the ridge, whilst providing for a transition between the more intensive development to the west and the residential development to the east along Eric Street.

Although parts of the proposal do not fully comply with the height standards of TPS2, the variation is not noticeable from a streetscape point of view due to the position of the building on the hill, nor does it create amenity impacts. Access and parking are specifically designed to suit the site and minimise traffic and amenity impacts.

Other aspects of the proposal concerning open space and provision of other incidental facilities need to be further addressed and it is recommended that conditions be applied to ensure this.

VOTING

Simple Majority

COMMITTEE COMMENT

The Committee discussed the relationship of the southern elevation of the proposed building to that neighbour; the need and options for a drying court; privacy considerations and overall urban design considerations. In conclusion the design was considered suitable for the site / location subject to some refinement as recommended.

Advice from Mr Jackson and the architect responded to these aspects and led to conditions to address them, to which the architect and neighbour indicated agreement.

OFFICER RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for the two, two-storey multiple dwellings at No. 21 (Lot 18) Eric Street, Cottesloe, in accordance with the revised plans submitted on 12 June 2006 and additional information received on 2 August 2006, subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings submitted for a building licence.
 - (c) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
 - (e) The applicant applying to the Town of Cottesloe for approval to construct a new crossover, in accordance with Council's specifications, which shall be approved by the Manager of Engineering Services or an authorised officer.
 - (f) The existing redundant crossover in Eric Street being removed and the kerb, verge and all surfaces made good at the applicant's expense to the specification and satisfaction of Manager Engineering Services.
 - (g) All verge works, including landscaping, being carried out to the specification and satisfaction of Manager Engineering Services.
 - (h) The applicant accepting responsibility for the relocation of all public utility services to complete works on the road reserve and indemnifying Council against any public liability claim if damage to utilities occur during that process. Written acceptance of these particulars must be submitted prior to the issue of a building licence.
 - (i) The applicant complying with the Town of Cottesloe Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.
 - (j) Any front boundary fencing to the site being of an "Open-Aspect" design in accordance with Council's Fencing Local Law and the subject of a separate application to Council.

- (k) Air-conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
- (l) Revised plans being submitted at building licence stage for approval by the Manager Development Services showing:
 - (i) the provision of an open-air clothes drying facility for Unit 2;
 - (ii) re-design of the rear of the dwellings to provide access to separate private open space for each dwelling on the ground level surrounding the building;
 - (iii) details of lighting to pathways, communal spaces and car parking areas; and
 - (iv) a detailed landscaping plan for the proposed communal area located at the front of the property and the verge area immediately in front of the property.
- (2) Advise the submitters of this decision.

11.1.2 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council:

- (1) **GRANT its Approval to Commence Development for the two, two-storey multiple dwellings at No. 21 (Lot 18) Eric Street, Cottesloe, in accordance with the revised plans submitted on 12 June 2006 and additional information received on 2 August 2006, subject to the following conditions:**
 - (a) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
 - (b) **Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings submitted for a building licence.**
 - (c) **The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**

- (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (e) The applicant applying to the Town of Cottesloe for approval to construct a new crossover, in accordance with Council's specifications, which shall be approved by the Manager of Engineering Services or an authorised officer.
- (f) The existing redundant crossover in Eric Street being removed and the kerb, verge and all surfaces made good at the applicant's expense to the specification and satisfaction of Manager Engineering Services.
- (g) All verge works, including landscaping, being carried out to the specification and satisfaction of Manager Engineering Services.
- (h) The applicant accepting responsibility for the relocation of all public utility services to complete works on the road reserve and indemnifying Council against any public liability claim if damage to utilities occur during that process. Written acceptance of these particulars must be submitted prior to the issue of a building licence.
- (i) The applicant complying with the Town of Cottesloe Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.
- (j) Any front boundary fencing to the site being of an "Open-Aspect" design in accordance with Council's Fencing Local Law and the subject of a separate application to Council.
- (k) Air-conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
- (l) Revised plans being submitted at building licence stage for approval by the Manager Development Services showing:
 - (i) the provision of an open-air clothes drying facility for Unit 2;
 - (ii) the provision of suitable screening to the south-facing upper-level windows to Bedroom 1 and the Sitting Room;
 - (iii) details of lighting to pathways, communal spaces and car parking areas; and

- (iv) a detailed landscaping plan for the proposed communal area located at the front of the property and the verge area immediately in front of the property.
- (2) Advise the submitters of this decision.

Carried 10/0

11.1.3 NO 50 (LOT 69) KATHLEEN STREET - PORCH, PERGOLA, FRONT FENCE AND GATEHOUSE

File No:	50 Kathleen
Author:	Stacey Towne
Attachments:	Location plan Plans Photos
Author Disclosure of Interest:	Nil
Report Date:	3 August, 2006
Senior Officer:	Andrew Jackson
Property Owner:	Michaela Whiteman
Applicant:	Holgate & Mcinnes Design
Date of Application:	3 August, 2006
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	578m²
M.R.S. Reservation:	N/A

SUMMARY

It is proposed to replace two existing pergola structures (in deteriorating condition) at the front of the house at No. 50 Kathleen Street and to extend these to cover the car stand area and to incorporate a porch. Other works proposed include a new open aspect front fence with gatehouse.

As with the current structures, the new pergola/porch is slightly forward of the front setback area. The proposed gatehouse is also classified as a structure within the front setback.

The variations to the front setback are minor and do not adversely affect the streetscape in this instance. Neighbours to the south side have requested the pergola and post be set back 1m from the side boundary and the applicant has agreed to do this. Given the assessment that has been undertaken, the recommendation is to approve the application.

PROPOSAL**Pergola and Porch**

The existing residence has a front setback of approximately 8.1m. There are two open-roofed pergola structures that extend from the front of the single storey residence either side of the front entry, set back approximately 5.1m from the front boundary. Each structure is supported by two masonry pillars (total 4 pillars).

It is proposed to remove the existing pergola battens, construct an additional masonry pillar, and extend the pergola along the full width of the dwelling and to both side boundaries. A 3.5m wide section of the pergola at the entrance to the dwelling

is to have a gabled roof covered with translucent sheeting. Whilst the pergola and the porch remain at the original setback of 5.1m, the roof of the proposed porch (covered area near the entrance) extends 0.5m more forward at 4.6m.

In support of the proposal the applicant writes (summary):

- *The pergola structure is replacing an existing dilapidated structure in exactly the same boundary setback.*
- *We are trying to dramatically improve the vista of the building and grounds from a street visual perspective.*
- *The current pergola had a flat roof cover above the doorway area, but this section has collapsed.*
- *As the masonry pillars are currently in place we do not wish to demolish and replace them to meet the 6m setback as this would be a significant cost.*

Retaining in Front Setback Area

Landscaping works in the front setback area include some minor cut and fill to provide a more level front yard area. No changes to levels are proposed to exceed 0.5m thus fully complying with the standards of the Residential Design Codes.

Front Fence & Gatehouse

It is proposed to remove the existing solid front fence which is approximately 1.2m high and replace this with a new fence and gatehouse, incorporating the following:

- Front fence with steel bar palings over a low retaining wall base. Bars to be 5mm wide with 50mm spacings.
- Front fence palings over small retaining wall to be 1-1.5m high.
- Automatic sliding gate at the driveway constructed of the same open metal profile as the fence and 1.5–1.626m high.
- A 1m x 1.5m four posted gatehouse with gabled roof to match roof line of proposed porch.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town Planning Scheme Policy/Policies

Policy	Required	Provided
Council resolution	General 6m front setback	5.1m (as per existing)

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 2 – Streetscape	Porch may project 1m into the building setback area.	Porch projects 0.9m into the building setback	Clause 3.2.2 – P2

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

CONSULTATION

REFERRAL

Internal

- Building

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of Letters to Adjoining Property Owners

Submissions

There were 2 letters sent out. One submission was received. Details of the submissions received are set out below:

"No. 48 Kathleen Street (Darryl Copestake)

- *Concerns that the pergola posts are located flush with the side fence.*
- *The support poles would be very visible over the fence.*
- *Request that the pergola and supporting poles be set back from the side or the height of the pergola and poles be lowered to the same height as the fence.*
- *Otherwise, the proposed structure is very appealing."*

The applicant has been advised of the neighbour's concerns and has agreed to amend the plans to show a 1m setback from the south side.

STAFF COMMENT

Front Fence

The proposed front fence and gate to the driveway fully comply with Council's Local Law for Fencing and are supported.

It is noted that the new fence will be more open than the existing low solid fence.

Gatehouse

The proposed gatehouse is classified as a structure within the front setback area. Council's planning scheme neither refers to nor prohibits gatehouses. Council's planning policies do not deal with the construction of any buildings other than carports/garages within the front setback area, however, it can be seen that the proposed gatehouse has less impact than a carport/garage in the same location.

The explanatory text of the Residential Design Codes for Element 2 – Streetscape, allows for gatehouse structures. It states as follows:

"Other than carports, no substantial structures are allowed within street setback areas. Structures that may be allowed are:

- *...Appropriately scaled archways or gateways, in character with the streetscape."*

It is also noted that there are several examples of existing gatehouses throughout Cottesloe. (Council recently supported a similar gatehouse construction at No. 30 Lyons Street on 25 April 2006).

The proposed gatehouse is not a substantial structure and would appear in balance with the front fencing. The gatehouse is not considered to be intrusive in terms of streetscape and will provide some interest to the front of the existing single storey residence. The gatehouse as proposed is supported in this instance.

Pergola and Porch

The applicant proposes a front setback of 5.1m to the pergola and porch, with a 4.6m setback to eaves overhang of the porch roof. Following a resolution at its meeting held on 28 October 2002, Council has generally required a front setback of 6m for residential development.

As with the assessment of the proposed gatehouse, Council's planning policies do not deal with the construction of any buildings other than carports/garages within the front setback area. In this circumstance, it is recommended that consideration of the pergola and porch structures be guided by the requirements of the Residential Design Codes.

Under the provisions of the Residential Design Codes, a "pergola" is defined as:

"An unroofed open framed structure."

In addition, a “building” is defined within the Codes as:

“ Any structure whether fixed or moveable, temporary or permanent, placed or erected upon land, and the term includes dwellings, structures appurtenant to dwellings such as carports, garages, verandahs, patios, outbuildings and retaining walls, but excludes boundary fences, pergolas and swimming pools.”

The explanatory text of the Residential Design Codes for Element 10 – Incidental Development, goes on to state that:

“...Other common private garden or backyard constructions – pergolas, cubby houses and play fixtures, and dog kennels are examples – have not been included in the definition of “Building” and are therefore exempted from planning control.”

Technically, therefore, the RDC do not have any standards for the placement of pergolas and the setbacks as proposed can be supported.

The portion of the pergola structure that is roofed is defined as a porch and is subject to setback standards. The Acceptable Development Standards of the Codes allows for a porch to project 1m forward of the front setback, that is to have a setback of 5m in this case. The proposed porch projects 0.9m forward of the setback line with a 5.1m setback. The roof is set back 4.6m from the front boundary, whereas the Acceptable Development Standards of the Codes allow for eaves to project 1m into the setback area.

Where setbacks do not comply with the Acceptable Development Standards, consideration under the Performance Criteria is required. Performance Criteria Clause 3.2.2 of the RDC states the following:

“P2 Minor incursions and projections not to detract from the character of the streetscape.”

In balance, the proposed pergola and porch structures are considered to provide an improved contribution to the streetscape. The building bulk is not substantially being increased as the majority of the structure is open-aspect. The gabled roof line of the porch identifies the entry point to the residence and provides some interest to an otherwise plain architectural façade.

The new structures are to be placed where existing structures exist and will not further encroach setback requirements.

The minor variations to the front setback are therefore supported.

As previously mentioned earlier in this report, the applicant also proposes to amend the plans show a 1m setback from the side boundary in order to lessen the visual impact for the neighbour at No. 48 Kathleen Street. It is recommended that this be imposed as a condition accordingly.

Streetscape and Amenity

In general assessment of the gatehouse, pergola and porch structures in particular, the overall factor for consideration include impact of neighbouring properties and impact on streetscape.

The proposed structures have no major impacts on neighbours as they do not affect privacy, access to sunlight or increased building bulk. The neighbour's concerns about the visual aspect of the pergola (i.e. being higher than the side fence) has now been addressed by the applicant agreeing to set back the pergola 1m from the south side boundary.

There is a variety of streetscape presentations of existing dwellings along Kathleen Street in this vicinity. There is a combination of low open-style fencing as well as high solid fencing. Immediately adjacent at No. 48 Kathleen Street, the front fence is approximately 1.8m high and is of limestone construction.

The new pergola and porch are in effect replacing similar existing or previous development and are not proposed to encroach the front setback more than the existing/previous structures as use is being made of existing pillars.

The proposed roof over the porch area, the new fence and the small gatehouse are considered to enhance the presentation of the dwelling within the context of the streetscape and therefore contribute to amenity of the area.

CONCLUSION

The existing residence is set back approximately 2m further than usually required by Council. The proposed pergola and porch area are replacing existing/previous similar development that has since deteriorated. There is no further encroachment into the front setback area apart from the transparent roof of the porch area.

The existing single storey dwelling is of a basic design and merits some architectural treatments. The new pergola and porch, fence and gatehouse will provide some architectural interest to the frontage of the residence.

In addition, the proposed porch will provide some shelter at the entrance to the dwelling.

The proposal will not adversely affect the amenity of surrounding residents, particularly given that the applicant has addressed the concerns of the neighbour by agreeing to set the pergola back 1m from the south boundary.

It is considered that the proposal will enhance the amenity of the area and contribute to the streetscape.

The application is supported as proposed.

VOTING

Simple Majority

11.1.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council:

- (1) GRANT its Approval to Commence Development for the pergola, porch, front fence and gatehouse at No. 50 (Lot 69) Kathleen Street, Cottesloe, in accordance with the revised plans received on 9 August 2006, subject to the following conditions:**
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
 - (b) The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
 - (c) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings submitted for a building licence.**
 - (d) Revised plans being submitted for approval by the Manager, Development Services, showing the pergola and posts being set back a minimum of 1m from the south side boundary.**
- (2) Advise submitters of Council's decision.**

Carried 7/3

11.1.4 NO 2 (LOT 42) ELIZABETH STREET - TWO STOREY RESIDENCE

File No:	2 Elizabeth Street
Author:	Mr Lance Collison
Attachments:	Location plan Plans
Author Disclosure of Interest:	Nil
Report Date:	3 August, 2006
Senior Officer:	Mr Andrew Jackson
Property Owner:	George & Heather Daniell
Applicant:	Carissa Pty. Ltd.
Date of Application:	3 August, 2006
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	649m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for a new two storey residence on the subject site.

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

PROPOSAL

The proposal is for a two storey residence on an unusual shaped lot. Because of the lot's shape the dwelling is orientated at differing angles from the front boundary.

On the ground floor a kitchen, living, meals, theatre, powder, laundry, Bed 4, ensuite and WC are proposed. A garage, store room, porch and alfresco are to be attached to the main dwelling on this floor.

On the upper floor a master suite, ensuite, two WC's, two WIR's, Bed 3 and Bed 2 are proposed. A staircase will link the two floors.

The proposal also includes the demolition of the existing single storey residence.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town Planning Scheme Policy/Policies

Policy	Required	Provided
6m Council resolution front setback	6m front setback	5.164 minimum setback, 7.2m average
Carports & Garages in the Front Setback	Variations allowed to 4.5m front setback	4.5m minimum setback for the garage

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – Boundary Setbacks	1.5m rear ground setback	1m minimum, 6.8m maximum setback	Clause 3.3.1 – P1
No 3 – Boundary Setbacks	1.5m upper ground setback	1.3m minimum, 6.8m maximum setback	Clause 3.3.1 – P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of a Letter to Adjoining Property Owner

Submissions

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

STAFF COMMENTFront Setback

The proposal asks for a variation to the front setback. Council applies a 6m front setback for residences whilst the Residential Design Codes require a 6m averaged setback for a dwelling in a R20 zone.

This proposal has a minimum setback of 5.164m from the front boundary for the residence. Because of the unusually shaped block, the front setback is not at right angles to the front boundary. The front setbacks on the ground floor are 5.16m to 5.4m for the ensuite, 5.4 to 6.3m for the bedroom 4, 5.3 to 5.8m for the porch, 6.8 to 7.2m for the staircase, 7.6 to 8.4m for the kitchen and between 8.4 and 9.2m for the alfresco.

On the upper floor the front setback ranges between 5.164m to 6m for Bed 2, 6.5 to 7.2m for the void/staircase and between 9.6 and 10.2m for the WIR. The average front boundary setback is 7.2m on the ground floor excluding the garage and porch. On the upper floor the average front boundary setback is 7.7m.

Whilst a front boundary setback variation for a residence is generally not supported, there is merit in this proposal. The lot is located at the end of a cul-de-sac on Elizabeth Street and has a large frontage and a shallow depth. The irregular shaped lot has the dimensions of a long 33.31m frontage, whilst the depth varies between 8.53 and 29.25m. This excessive frontage in effect prohibits 199.86m² of land being built upon. As a result, designing a house which still has an adequate sized backyard is difficult.

Furthermore, the options of rotating the design could result in a nil setback to Curtin Avenue which is seen as undesirable due to the traffic and noise of this road. The impact of the front setback variation is minimal due to being at the end of a cul-de-sac and having only one immediate neighbour, the wide 6.2m verge and 7.2m average front setback. Furthermore there is no front fencing proposed.

The design of the house should have a positive impact on the streetscape and will modernise this end of the street. The house design reads logically to the lot and makes a fair attempt to attract northerly light into the rooms. The front setback variation for the residence is recommended for approval.

Garage

The garage is proposed to be setback between 4.5 and 5.8m from the front boundary. This is a variation to the requirements of the Garages & Carports in Front

Setback Area Policy which requires garages setback between 4.5 and 6m to be subject to meeting the following criteria:

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

The Council shall also have regard to:

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

The proposal does not significantly affect view lines of adjacent properties and there are no driveways in the immediate vicinity. Also, it shall maintain adequate manoeuvre space for the safe ingress and egress of motor vehicles.

The garage meets the objectives of the RDC, and should not affect the amenity of the adjoining lot or deter future development on adjoining lots. The garage setback variation will not impact future development on adjoining lots and as the garage is at the end of a cul-de-sac existing setbacks in the immediate locality are not applicable. The proposed garage is recommended to be approved at its proposed setback.

Boundary Setbacks

The following side boundary setbacks of the proposed new additions don't comply with the acceptable development standards of the RDC. The above setback variations are required to be assessed under the Performance Criteria of Clause 3.3.1 of the RDC which are:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
Ground rear Wall	All	2.8m	18m	yes	1.5m	1m to 6.8m
Upper rear Wall	All	5.5m	12.5m	yes	3.3m	1.3m to 6.8m

“3.3.1 – Buildings Set back from the Boundary

P1 Buildings set back from boundaries other than street boundaries so as to:

- *Provide adequate direct sun and ventilation to the building*
- *Ensure adequate direct sun and ventilation being available to adjoining properties;*
- *Provide adequate direct sun to the building an appurtenant open spaces;*
- *Assist in ameliorating the impacts of building bulk on adjoining properties;
and*
- *Assist in protecting privacy between adjoining properties.”*

The ground rear wall has a setback ranging from a minimum of 1m to the garage, to 6.8m for the living room. This is a very minor variation and because there is no rear neighbour the proposed setback satisfies the above Performance Criteria of the RDC.

Similarly, the rear upper wall has a setback ranging from 1.3m from Bedroom 3, to 6.8m to the Master Suite. The design criteria regarding the building will still provide adequate sun and ventilation; while ameliorating the impact of building bulk or assisting privacy between properties is not applicable as there is no rear property. The property will provide adequate sun, ventilation to the building and open spaces. The proposed setback variation satisfies the above Performance Criteria of the RDC.

Building Heights

The application complies with the Town Planning Scheme No.2 in respect of Building Heights.

Overlooking

The application complies with the Acceptable Development standards for privacy.

Overshadowing

The application complies with the Acceptable Development standards for overshadowing. There is no immediate southern neighbour.

Open Space

The application complies with the Acceptable Development standards for open space.

CONCLUSION

The proposed front setback variations do not affect the amenity of neighbouring properties; and it can be recommended that the proposed front setback is feasible because of the odd shaped block and the excessively large front setback which is open to the street. It is recommended that the application be approved subject to standard conditions.

VOTING

Simple Majority

COMMITTEE COMMENT

A memo from the Planning Officer provided three standard conditions of planning approval that should be added to this recommendation, to which Committee agreed.

OFFICER RECOMMENDATION

That Council GRANT its Approval to Commence Development of a two-storey dwelling at No. 2 (Lot 42) Elizabeth Street, Cottesloe, in accordance with the revised plans submitted on 20th July 2006, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
- (2) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings submitted for a building licence.

- (3) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (4) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (5) Air-conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
- (6) Any front boundary fencing to the site being of an "Open- Aspect" design in accordance with Council's Fencing Local Law and the subject of a separate application to Council.

11.1.4 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council GRANT its Approval to Commence Development of a two-storey dwelling at No. 2 (Lot 42) Elizabeth Street, Cottesloe, in accordance with the revised plans submitted on 20th July 2006, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
- (2) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings submitted for a building licence.**
- (3) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- (4) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.**
- (5) Air-conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.**
- (6) Any front boundary fencing to the site being of an "Open- Aspect" design in accordance with Council's Fencing Local Law and the subject of a separate application to Council.**

- (7) The applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.
- (8) The existing redundant crossover in Elizabeth Street being removed and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Manager Engineering Services.
- (9) The applicant complying with the Town of Cottesloe Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.

Carried 10/0

11.1.5 NO. 3 (LOT 58) EDWARD STREET – CARPORT & ADDITIONS TO RESIDENCE

File No:	3 Edward Street
Author:	Mr Lance Collison
Attachments:	Location plan Correspondence from owner Plans Photos
Author Disclosure of Interest:	Nil
Report Date:	14 August 2006
Senior Officer:	Mr Andrew Jackson
Property Owner:	Kay Campbell
Applicant:	As above
Date of Application:	31 July 2006
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	710m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for a carport and additions to a residence on the subject site.

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

PROPOSAL

On the ground floor a verandah is to be extended as well as a new study, WIR, family room and rear deck provided. A double carport is also proposed in the front setback.

On the upper floor a WIR, bath, store, bed 1 and balcony is proposed.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

- State Register of Heritage Places N/A
- TPS No 2 N/A
- Town Planning Scheme Policy No 12 N/A

- Draft Heritage Strategy Report N/A
- Municipal Inventory N/A
- National Trust N/A

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
5.1.1 Building Heights	6m maximum wall height	6.25m wall height

Town Planning Scheme Policy/Policies

Policy	Required	Provided
Garages & Carports in the Front Setback	4.5m setback at right angles; 1.5m if parallel to street	1.5m setback; carport at right angle to street

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – Boundary Setbacks	4.5m setback ground west wall	2.8 to 4.2m setback	Clause 3.3.1 – P1
No 8 – Privacy	7.5m setback from a balcony	6.3m setback from balcony	Clause 3.8.1 – P1
No 8 – Privacy	7.5m setback from a deck	1.5m setback from deck	Clause 3.8.1 – P1
No 8 – Privacy	7.5m setback from a verandah	1.2m setback from verandah	Clause 3.8.1 – P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

ADVERTISING OF PROPOSAL

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

The advertising consisted of the Neighbours signing-off the plans.

•

Submissions

Of the 5 neighbours consulted, 4 neighbours signed-off on the plans with no objections. The owner at 100 Napier Street at the rear could not be contacted'

however' there are no variations from any of the planning requirements which affect this neighbour.

BACKGROUND

Recent additions to the well-established residence include a pool approved in July 2005 and a pool house approved in September 2005.

STAFF COMMENT

Building Heights

The proposal has a maximum 6.25m wall height. This does not conform to the TPS2 basic requirement of a 6m wall height. The Scheme also says that variations may be permitted in the case of extension to existing buildings.

In this circumstance, a variation is supported due to the applicant wanting to maintain a similar floor level as well as similar floor-to-ceiling heights for the addition on the ground floor in relation to the existing residence. This existing floor level is built up to 750mm above natural ground level which makes a second storey addition meeting the 6m wall height difficult to achieve. The second storey addition above this area only has a 2.57m floor-to-ceiling heights which is not considered excessive.

The applicant claims the overall building height is 8.5m from natural ground level at the centre of the site which is RL 32.2. As no RL level is given at the top of the roof, a condition is proposed to ensure that the top of the roof does not exceed RL 32.2.

Boundary Setbacks

The following side boundary setbacks of the proposed new additions don't comply with the Acceptable Development standards of the RDC. The above setback variations are required to be assessed under the Performance Criteria of Clause 3.3.1 (P1 of the RDC) which are:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
Ground west Wall	All	4m	22m	Yes	4.5m	2.8 to 4.2m

"3.3.1 – Buildings Set back from the Boundary

P1 Buildings set back from boundaries other than street boundaries so as to:

- *Provide adequate direct sun and ventilation to the building*
 - *Ensure adequate direct sun and ventilation being available to adjoining properties;*
 - *Provide adequate direct sun to the building an appurtenant open spaces;*
 - *Assist in ameliorating the impacts of building bulk on adjoining properties;*
- and*
- *Assist in protecting privacy between adjoining properties."*

This western ground wall is a variation as per Figure 2D of the RDC. It requires "where the side of the building includes two or more portions of a wall without a major

opening their setbacks shall be determined independently of each other provided they are separated from one another by a distance of more than four metres (in the case of wall heights of six metres or less) and an additional one metre for every three metre increase in height and the largest setback shall be determined on the basis of the total length of the wall.”

In this instance, the largest setback of the ground west wall (elevation) is between 2.8 to 4.2m and the required setback is 4.5m. It can be argued that this wall is penalized by the RDC as the wall is an addition only and is raised above natural ground. If the wall did not include the build-up it would be considered having a height of 3.5m and the required setback would only be 1.5m.

In addressing the RDC criteria, the building will still provide adequate sun and ventilation to the building and to the adjoining property. The proposal does not significantly affect the building bulk on the eastern property, while a high existing boundary fence and no major openings are proposed from the family room to the western neighbour. Therefore this setback variation is supported.

Privacy

The following privacy (cone of vision) setbacks of the proposed residence don't comply with the Acceptable Development standards of the RDC. The setback variations are required to be assessed under the Performance Criteria of Clause 3.8.1 (P1) of the RDC which are:

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

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

Room	Required	Provided
Balcony	7.5m	6.3m
Deck	7.5m	1.5m
Verandah	7.5m	1.2m

The proposal asks for a variation to the balcony's cone of vision setbacks. The proposal complies with the Performance Criteria of the RDC as a 1.65m high screen is proposed to eliminate most of the overlooking to the western property from the balcony. Only a very small area at a 45 degree angle is within the 7.5m cone of vision setback to the western property. It should also be noted the western neighbour has signed-off on the plans in support of this proposal.

The proposal asks for a variation to the deck's cone of vision setbacks. This variation is on the ground floor looking west which is raised up to 681mm above natural ground level. The proposal complies with the Performance Criteria of the RDC as the existing 2m high boundary wall prevents a lot of the overlooking from the boundary whilst the patio on the neighbouring property is also provided with lattice screening. It

should also be noted the western neighbour has signed-off on the plans in support of this proposal.

A cone of vision variation is also proposed to the verandah extension. This is raised approximately 600mm above natural ground level. It is argued the proposal meets the Performance Criteria of the RDC as it does not overlook rooms on the adjoining property and generally encourages surveillance of the street. It should also be noted that the proposal is an extension to the verandah and the potential for overlooking is only marginally greater than what presently exists.

The deck facing the eastern neighbour is raised less than 500mm above natural ground level and therefore is not a privacy concern. Also, any possible overlooking to both the rear and eastern boundaries from the balcony meets the Acceptable Development provisions of the RDC.

Carport

The proposed carport is to be setback 1.5m from the front and 1m to the side boundary. The Garages & Carports in the Front Setback Area Policy says that variations shall include but not be limited to the following:

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

These variations are subject to the following primary criteria:

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

The Policy goes on to refer to the objectives of the R-Codes, amenity, streetscape and future use/development all in relation to the locality. The proposed carport is assessed as satisfying these criteria. Whilst the front setback to the carport is less than neighbouring properties, it does not detract from the streetscape as it is a lightweight looking structure. The road carriageway of Edward Street is only 6m wide and the proposal will take parked cars off this narrow street. Furthermore, due to the design of the house the carport cannot be further setback from the front boundary. Council recently approved a similar front carport to a similar traditional dwelling at 34 North Street and has allowed others elsewhere in this way. However, the slender poles proposed would be better as brick piers to suit the existing dwelling and streetscape, hence a condition to this effect. On this basis the carport is therefore supported for approval.

CONCLUSION

The proposed variation to the wall height is largely the result of an existing residence which is raised above natural ground level. The wall height variation is not excessive and it is reasonable to ask for the same levels for the addition as the existing residence. Whilst it does not meet all setbacks the relevant neighbours have agreed with the proposal.

In regards to the carport, the proposed front setback variation does not affect the amenity of neighbouring properties and cannot be located elsewhere on the property due to the existing building footprint. It is recommended that the application be approved subject to conditions.

The design of the additions is sympathetic to the dwelling and complimentary to the streetscape, while essentially complying or satisfying performance criteria in a manner that respects the amenity of neighboring properties.

VOTING

Simple Majority

11.1.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council GRANT its Approval to Commence Development for a carport and additions to a residence at No. 3 Edward Street, Cottesloe, in accordance with the plans submitted on 3 August 2006, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
- (2) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings submitted for a building licence.**
- (3) The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.**
- (4) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.**
- (5) The applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.**

- (6) Air-conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
- (7) The maximum building height shall not exceed 8.5m above natural ground level in accordance with the Scheme, or RL 32.2m as indicated on the plans, and this shall be verified in the detailed plans submitted for a building licence, to the satisfaction of the Manager Development Services.
- (8) The carport shall have brick pier supports to achieve a design in harmony with the traditional dwelling and streetscape, which shall be shown in the detailed plans submitted for a building licence, to the satisfaction of the Manager Development Services.

Carried 10/0

11.1.6 APPROVAL TO UPDATE MUNICIPAL INVENTORY

File No: D3.4
Author: Ms Delia Neglie
Author Disclosure of Interest: Nil.
Report Date: 1 August, 2006
Senior Officer: Mr Andrew Jackson

SUMMARY

This report recommends that delegated authority be granted to the Manager Development Services to update and reflect any changes to the Municipal Inventory caused by decisions made under Delegated Authority to demolish Category 3 and Category 5 buildings.

STATUTORY ENVIRONMENT

Council is required to compile and maintain a Municipal Inventory under the *Heritage of Western Australia Act 1990*. Section 45 of the Act reads as follows:

“Local government inventories

- (1) A local government shall compile and maintain an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance.*
- (2) The inventory required by subsection (1) shall be compiled no later than 4 years from the commencement of this Act and shall be –
 - (a) updated annually; and*
 - (b) reviewed every 4 years after compilation.**
- (3) A local government shall provide the (Heritage) Council with a copy of the inventory compiled pursuant to this section.*
- (4) A local government shall ensure that the inventory required by this section is compiled with proper public consultation.”*

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

The Town of Cottesloe’s Strategic Plan has a heritage objective which seeks the *preservation of nominated properties on the Municipal Inventory, verges, trees and the foreshore and dune systems.*

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

In October 2004 Council made resolutions regarding the Municipal Inventory including:

- “(1) That Council adopt changes to the Municipal Inventory...subject to...:*
- (b) a new Category 7 being created to track heritage buildings and places that are demolished.....*
- (2) That Council:*
- (a) agrees to amend its delegated powers to the Manager of Development Services to allow him to deal and permit the demolition of Category 3 and 5 buildings without referral to Council;”*

All Category 1 and Category 2 buildings shown on the Municipal Inventory are referred to Council for approval to demolish.

In October 2005 Council resolved to update the current Municipal Inventory by downgrading the category of a number of places that had received demolition approval from Category 3 to Category 7 in accordance with previous resolutions.

STAFF COMMENT

Category 7 of the Municipal Inventory allows heritage places that have been demolished to be recorded.

Changing a place from one category to another requires a Council resolution.

Currently, a Council resolution is required to downgrade a Category 3 and Category 5 place to Category 7, following the delegated approval of its demolition (by the Manager Development Services).

It would be more efficient and in keeping with the current delegation process if the downgrade was also to occur under delegation. This would also ensure that the MI is appropriately kept up to date.

It is thus recommended that authority to approve the demolition of Category 3 and Category 5 places by the Manager Development Services be extended to include updating the Municipal Inventory to reflect this approval by downgrading the Category 3 and Category 5 places to a Category 7.

VOTING

Simple Majority

11.1.6 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council endorses the delegation of authority from Council to the Manager Development Services and the Chief Executive Officer to update the category listing of places on the Municipal Inventory once a demolition licence has been issued for Category 3 and Category 5 places and that such properties be downgraded to Category 7.

Carried 10/0

**12 WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON
22 AUGUST 2006**

Moved Cr Miller, seconded Cr Furlong

That items 12.1.2, 12.1.4, 12.1.6, 12.2.1, 12.2.4, 12.2.5, 12.2.6, 12.3.3 be withdrawn from en-bloc voting.

Carried 10/0

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

12.1 ADMINISTRATION**12.1.1 WALGA - VOTING DELEGATES FOR CENTRAL ZONE**

File No:	X11.17
Author:	Mr Stephen Tindale
Author Disclosure of Interest:	Nil
Report Date:	15 August, 2006
Senior Officer:	Mr Stephen Tindale

SUMMARY

A recommendation is made to advise the WA Local Government Association (WALGA) that the Town of Cottesloe's preference is that the number of voting delegates to the Central Metropolitan Zone of WALGA be limited to two per council.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

At the May 2006 meeting of the Central Metropolitan Zone, delegates considered the outcomes stemming from the *Review of the Representational and Structural Effectiveness of WALGA Zones*.

The zone endorsed the principle of equality in representation of member councils. Accordingly, it is now necessary to equalise the current voting delegates to the Central Metropolitan Zone.

The Central Metropolitan Zone has representation from:

- the Towns of Cambridge, Claremont, Cottesloe, Mosman Park and Vincent
- the Shire of Peppermint Grove, and
- the Cities of Nedlands, Perth, South Perth and Subiaco.

With the exception of South Perth which has three voting delegates, all local governments have two voting delegates to the zone meetings.

CONSULTATION

Nil.

STAFF COMMENT

Given that the majority of councils in the zone currently have two voting delegates, it is preferable to equalise the voting entitlements for member councils at this number.

Alternatively, consideration could be given to increasing the number of voting delegates from member councils from three to four. The East Metropolitan Zone has recently resolved to standardise the number of voting delegates to three per council.

VOTING

Simple Majority

12.1.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council advise WALGA that the Town of Cottesloe's preference is that the number of voting delegates to the Central Metropolitan Zone of WALGA be limited to two per council.

Carried 10/0

12.1.2 WESROC & ICLEI'S WATER CAMPAIGN

File No: X12.1
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 14 August, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to:

- (1) Endorse the implementation of a Water Campaign in the WESROC regional area; and
- (2) Commit to the Water Campaign at a local level.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Council's overarching Environment objective is to "... promote community awareness of issues affecting the whole environment in relation to sustainability, cleanliness, greening, community safety and conservation."

FINANCIAL IMPLICATIONS

An amount of \$25,000 has been set aside in the WESROC budget for the support of Regional Environmental Initiatives. Funds for the employment of a regional officer will be sourced from this budget.

The Town of Cottesloe's contribution to the WESROC budget is \$3,490 which has been allowed for in Council's 2006/07 budget. \$3,098 of the \$3,490 allowance is to be applied to the Water Campaign project.

BACKGROUND**What is the Water Campaign?**

The Water Campaign is an international water management program which aims to build the capacity of local government to reduce water consumption and improve local water quality. The Water Campaign is an ICLEI-A/NZ program delivered in collaboration with the Australian Government, the Government of Western Australia and other water authorities.

The Water Campaign was launched at the ICLEI World Congress in June 2000 and first introduced into Australia in 2001 where it was piloted with five local governments.

How does the Water Campaign Work?

The Water Campaign provides a framework to address the management of water resource on two levels or modules; Water Quality and Water Conservation.

Within these two modules the Town of Cottesloe is expected to address each of them on a further two levels;

- Corporate: Improving water management within a council's own operations; and
- Community: Improving water management in both residential and non-residential water use in the community.

Each of the above "modules" is addressed using a five step project management structure called the "milestone framework". This involves:

Milestone 1: complete an inventory of water consumption and a water quality practices gap analysis;

Milestone 2: set goals to improve water management;

Milestone 3: develop a local action plan;

Milestone 4: implement the local action plan;

Milestone 5: complete a second inventory and report on progress.

These five milestones each have a set of requirements set by ICLEI to ensure that the work completed through them is to a certain standard and to allow ICLEI to aggregate the data on a state and national scale. This aggregated data is released annually in the form of inventory reports.

What Support Does ICLEI-A/NZ Provide to Councils?

ICLEI-A/NZ provides program, technical and political support for Water Campaign participants. A range of support mechanisms have been developed to facilitate a whole of council approach to water management.

Program support: ICLEI-A/NZ supports progress through the milestones using a variety of tools including; milestone workshops, one to one support, web resources, networking opportunities and monthly bulletins.

Political support: ICLEI-A/NZ's political support promotes an ongoing political commitment to the program through recognition events and media assistance. Councillor briefings are also available to ensure council wide support is maintained.

Technical support: ICLEI-A/NZ provides specific support to ensure good quality data is collected through the program. This includes assistance with the inventory database, goal setting and quantification reporting.

Benefits of Participating in the Water Campaign

There are many benefits associated with participating in the Water Campaign.

These include:

- Enables councils to demonstrates leadership in the area of water management;

- Provides a structured project management framework through which to achieve tangible improvements in water management;
- Provides access to a network of local governments involved in water management initiatives; and
- Recognises council's water management efforts through high profile recognition events, case studies and media opportunities.

What are the Benefits of a Regional Approach?

The potential benefits of a regional approach are:

- *Sharing Human Resources*
The sharing of human resources can allow the more efficient completion of particular parts of the water Campaign.
- *Increased Purchasing Power*
As part of a regional grouping, local governments may be able to negotiated discounts on bulk purchases such as water efficient appliances.
- *Greater Access to Funding*
Regional groupings are often considered favourably when applying for funding for actions. The eater campaign provides a strong strategic basis for deciding regional actions.
- *Community Education Projects*
Joint community education projects completed by a regional grouping are able to present a consistent education message to their communities.
- *Greater Regional Power and Influence*
A regional grouping will have greater ability to present recommendations to influence other levels of government.
- *A Greater Media Profile*
Councils participating on a regional basis are able to pool their media resources and work with ICLEI/A/NZ to increase promotion of their water management initiatives.
- *Promotes Networking between Councils*
The milestone framework provides a common, consistent framework which allows councils a common basis for communication on water management. This can assist/increase information exchange amongst the participating local governments.
- *Wider Population Coverage*
By example WESROC may encourage local governments who have joined to participate in the program. The impacts of the program are therefore increased as the program is delivered over a wider population.

CONSULTATION

Consultation has occurred with the CEO's of Subiaco, Nedlands, Claremont, Mosman Park and Peppermint Grove who are all supportive of the ICLEI Water Campaign being undertaken at a regional level.

STAFF COMMENT

It is intended that a regional officer/s will be employed by the City of Subiaco to assist all WESROC local governments in the implementation of the campaign.

Summarised regional officer tasks are listed below.

Milestone 1 and Milestone 5

- Collating the water consumption inventory.
- Collating information needed for water quality gap analysis checklists.
- Analysing and handover of the inventory results

Milestone 2

- Researching appropriate goals and preparing generic regional agenda items for adaptation by each member council where necessary.

Milestone 3 and Milestone 4

- Researching regional actions to be included in any local action plan.
- Assisting individual local governments with their draft local action plans.
- Project management of the implementation of the local action plans.

The employment of a regional officer will reduce the administrative burden of seeing the campaign through at a local level within defined time constraints.

VOTING

Simple Majority

12.1.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council

- (1) Endorse the actions of WESROC in committing to the ICLEI-A/NZ Water Campaign at a regional level; and**
- (2) Formally commit to the ICLEI-A/NZ Water Campaign at a local level.**

Carried 10/0

12.1.3 SHARK LISTENING STATIONS - CONTIBUTORY FUNDING

File No: C2.3
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 15 August, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to make an offer through the Minister for Fisheries to the State Government to contribute half of the capital cost of two VR3 'active' shark listening stations to be installed off Cottesloe Beach and North Cottesloe Beach.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Council's overarching Environment objective is to "...promote community awareness of issues affecting the whole environment in relation to sustainability, cleanliness, greening, community safety and conservation."

FINANCIAL IMPLICATIONS

If the Town of Cottesloe was to contribute half of the capital cost of two VR3 'active' shark listening stations, then \$7,500 would need to be found. This amount has not been allowed for in the 2006/07 budget and therefore an absolute majority decision is required if the CEO's recommendation is to be adopted.

It is entirely possible that corporate sponsorship could be found as an alternative funding source subject to appropriate recognition of the sponsorship.

BACKGROUND

The CEO is a member of the State Government's Shark Hazard Committee. At the last meeting of the committee, it became apparent that a radical and innovative solution exists in terms of being able to better identify the 'real-time' presence of Great White sharks off the Perth metropolitan coast.

The following report is a CSIRO proposal that is currently being considered by the State Government.

A SHARK ALERT NETWORK FOR METROPOLITAN WATERS**Introduction**

Shark attack is an extremely unlikely but real danger in all ocean waters off Perth and throughout Western Australia. When shark attacks occur, they are highly traumatic for the entire community and because they also receive such

a high media profile they can have flow-on economic effects for communities with respect to tourism and disruptions to other marine-based industries. Recent shark attacks off the metropolitan coasts of Perth and Adelaide, as well as in regional coastal waters of Western and South Australia, have reignited debate about whether the protection of white sharks has compromised the safety of recreational and commercial users of Australia's ocean waters.

Following the fatal shark attack on a bather at Cottesloe beach in November 2000, the Western Australian Government developed a Shark Response Plan, the first of its kind in Australia. This plan, like the one now in place in South Australia, specifies a series of actions to be taken in the event of a shark being sighted close to populated areas or after an attack. In general, these actions attempt to drive the shark out of the area and if this fails, the plan provides for the 'last-resort' option of destroying the shark should it continue to pose a threat to human safety. In this respect, both the Western Australian and South Australian Shark Response Plans are primarily reactive, *i.e.* they specify actions to be taken after a sighting or attack. The challenge, therefore, is to make the WA and SA Shark Response Plans more pre-emptive by providing advance warning of the presence of potentially dangerous sharks in populated areas.

Since its inception in December 2000, the Western Australian Shark Hazard Committee has identified the need to investigate and support new and more pre-emptive developments in shark hazard mitigation. These have included: various forms of aerial surveillance (fixed and mobile), beach meshing, electronic repellents and electronic tagging of potentially dangerous sharks (in particular white sharks, which have been responsible for most of the fatal attacks in Western Australia). One of the main impediments to white shark tagging as a shark hazard mitigation strategy was previously believed to be that white sharks cannot be reliably located for tagging within Western Australia. While this is still the case, results from CSIRO tagging studies now strongly suggest that the white sharks occurring in WA are the same sharks that occur in South Australian locations, such as the Neptune Islands and Dangerous Reef off Port Lincoln, where large numbers can be reliably located and tagged. Therefore, it now appears entirely feasible to be able to tag a sufficient number of 'Western Australian' white sharks in South Australian waters.

These results, which are based on data from nearly 500 sharks tagged with a combination of conventional, acoustic, archival and satellite tags, have also shown different sharks visiting the same locations hundreds of kilometres from where they were tagged. These locations are usually the sites of biological activity ('hotspots') where prey aggregate. These hotspots may be permanent (eg seal colonies) or transient (eg schools of fish, dead whales). Thus, it is now suspected that the presence of white sharks off metropolitan Perth and Adelaide may often coincide with the local development of such hotspots.

CSIRO has also pioneered the use of acoustic listening stations to monitor site fidelity and residency patterns of tagged white sharks at South Australian sites since 2001. These 'conventional' listening stations are small, moored, data loggers that detect specially coded tags. Listening stations record the date and time individually tagged white sharks arrive at monitored sites, how long they stay and when they leave. In the past, conventional listening stations have required retrieval to download their data.

However, a new generation of listening stations is currently under development, which provide the ability to monitor and report the presence of tagged sharks in real-time. These 'active' listening stations can be programmed to auto-dial a predetermined phone number (or numbers) or computer(s) and register an alert should a tagged shark be detected. Communication with these new listening stations can also be 'two-way', enabling them to be remotely interrogated to see if tagged sharks are currently in the area. Therefore, while the Shark Hazard Committee previously determined that electronic tagging was unable to provide tangible public safety benefits, this new acoustic listening station technology offers a feasible alternative, or addition, to the Government's existing shark hazard mitigation strategies.

Although this new generation of listening stations is not yet in production, the units in development are not prototypes. Rather, they are a novel evolution of existing technology with proven reliability (earlier versions have been in operation within Australia and around the world for over 20 years). CSIRO has been negotiating with the manufacturer of these listening stations (Amirix/Vemco Inc.) to participate in pre-production development and to purchase the first commercially produced listening stations. This once-off opportunity will ensure that the production version will be compatible with the CDMA phone network, thereby enabling their potential deployment throughout regional areas of Western Australia. The deployment of these units as part of this proposed project will therefore be a world-first for the application of this technology. However, this opportunity is dependent on providing Amirix/Vemco with an order for a minimum of 30 listening stations. Units are expected to be available for initial deployment by mid-2006.

An 'early-warning' network of these listening stations moored in strategic locations off Perth and Adelaide beaches and perhaps, other areas of WA and SA, would provide public safety authorities with a pre-emptive edge for responding to the presence of potentially dangerous sharks. If a tagged shark is detected by such a network, multiple agencies (e.g. Surf Lifesaving WA, Water Police, Local Governments, Department of Fisheries, etc.) could be automatically alerted and initiate actions such as pre-emptive beach closures, targeted aerial and vessel patrols, heightened surveillance in specific regions and liaison with local on-water groups (commercial and recreational fishing/boating groups) to report shark sightings or evidence of hotspot activity. It is believed that advance warning of the presence of a shark could therefore substantially reduce the risk of shark attack.

The benefits of this approach to shark hazard mitigation over or in addition to existing strategies are numerous. Unlike the aerial surveillance flights that currently operate each summer, remote listening stations offer:

- ? 24 hours per day and 365 days per year operation,
- ? real-time communication with multiple agencies (e.g. Surf Lifesaving WA, Water Police, local governments, Department of Fisheries),
- ? low long-term cost (after initial purchase),
- ? proven reliability,
- ? less dependency on favourable weather/environmental conditions,

- ? ability to be upgraded with additional listening stations,
- ? remote location operation

There are also a number of other advantages in deploying this technology:

- as a world-first use of this technology for shark hazard mitigation, this project will be locally, nationally and internationally high profile,
- considerable potential for local government, private and commercial financial support,
- improved understanding of the abundance, behaviour, distribution, movements and population structure(s) of potentially dangerous sharks.

However, there are also a few recognised limitations of acoustic tagging technology. Firstly, because the effective detection field around each listening station under ideal conditions is approximately 1,000 m in diameter, it is not feasible (at least initially) to provide 100% coverage of Perth's approximately 100 km of metropolitan coastline. However, it is envisaged that due to the clear public safety benefits and high profile of the proposed shark alert network, an initially State Government-funded program is likely to be extended in the future by the addition of extra listening stations from, e.g. local governments, commercial sponsorship, private donations, etc.

Secondly, because the currently available acoustic tags have a battery life of between 2 and 2 ½ years, acoustic tagging will need to continue in future years to ensure that an appropriate number of sharks can be monitored. However, after the initial cost of deploying the listening station network, this could be achieved at a relatively low cost. Nonetheless, it will obviously still not be possible to tag every white shark in Australia. However, as prey hotspots probably cause localised concentrations of sharks, there is likely to be an increased chance of detecting a tagged shark should a hotspot develop off the listening station network. Similarly, if one tagged shark is detected, particularly if it is detected on multiple occasions, it is highly likely that there will be other white sharks either in, or approaching the area. In short, if a tagged shark was detected by a Perth listening station, this may indicate a nearby hotspot and may warn of an increased encounter (*i.e.* attack) risk in the area.

It should be noted that the Department also intends to seek Commonwealth funding through the Fisheries Research and Development Corporation in 2006 to tag a large number of another large and potentially dangerous species, the dusky shark (a.k.a. 'bronze whaler') in Western Australia. While this project will aim to answer specific fishery-related questions regarding this species' migration patterns, the tags used will be of the same type used for the 'shark alert' network and listening stations will therefore also be able to detect the presence of tagged dusky sharks.

In summary, we believe that a shark alert network off the coast of Perth, Adelaide and possibly in other strategic locations in regional Western Australia and South Australia would help to reduce the risk of human-shark interactions that may otherwise lead to tragic events for the community. The deployment of this new technology would necessitate a collaborative program between the Governments of Western Australia and South Australia, the (WA) Department of Fisheries, CSIRO, SARDI, PIRSA, marine industries and relevant community groups. The funds being

sought in this proposal therefore represent the amount necessary to purchase and deploy a shark alert network off metropolitan beaches, and appropriate contributions to the purchase and deployment of 100 acoustic and 20 satellite tags and analyses of the associated data.

Method

It is proposed to tag up to 100 white sharks with acoustic transmitters (40 provided by WA, the rest by SA and CSIRO) primarily at the Neptune Islands and Dangerous Reef in South Australia. Tagging will be conducted by Department of Fisheries (WA), CSIRO and South Australian Research and Development Institute staff during a series of dedicated charters between mid 2006 (or sooner if funding is available) and 2008. Tagging will also be conducted opportunistically at other South Australian and Western Australian locations, eg. during research activities in the WA shark fisheries or when white sharks are located by aerial or sea patrols or following a whale stranding. Some of the requested budget may therefore be used for WA tagging charter(s), should such an opportunity arise. Any tags that cannot be deployed during dedicated tagging trips will instead be deployed by white shark tour operators in South Australia and by Western Australian commercial shark fishers under guidance from CSIRO scientists. All sharks will be tagged according to established CSIRO tagging procedures and in accordance with relevant State and Commonwealth regulations, animal ethics and Occupational Health and Safety policies.

In addition to acoustic tagging, it is also proposed to deploy up to 20 satellite tags (10 provided by WA) concurrently on tagged sharks. Satellite tagging has the potential to provide both advance warning of a shark's approach towards a populated area and also to alert authorities to the development of prey hotspots. Furthermore, data from satellite tags is fundamental to gaining a better understanding of the large-scale movements of white sharks throughout southern Australia and elucidating how their movements are influenced by environmental factors. Such information may assist in identifying what conditions may lead to increased white shark occurrences (and therefore a higher risk of attack) in metropolitan waters. As this component was not included in the previous preliminary budget estimate, the inclusion of 10 satellite tags (at \$5,000 each) has caused a \$50,000 increase in the proposed budget. However, as satellite tag deployment can be undertaken in a cost-effective manner during the acoustic tagging program, it is now considered highly beneficial to include this component in the initial phase of the project.

Between 15 and 20 'active' listening stations (depending on the eventual price negotiated with Amirix/Vemco, Figure 1) will be located at strategic locations along the metropolitan Perth coastline. A similar number of stations have been proposed for deployment in Adelaide. While the location of listening station sites in WA should be decided by the Government or its Shark Hazard Committee, sites will also be selected to take into account the specific physical characteristics of the seabed to maximise the detection capability of the network. However, to illustrate the level of coverage provided by a 15 station network, potential sites have been determined from a qualitative assessment of areas of peak beach usage (Figure 2).

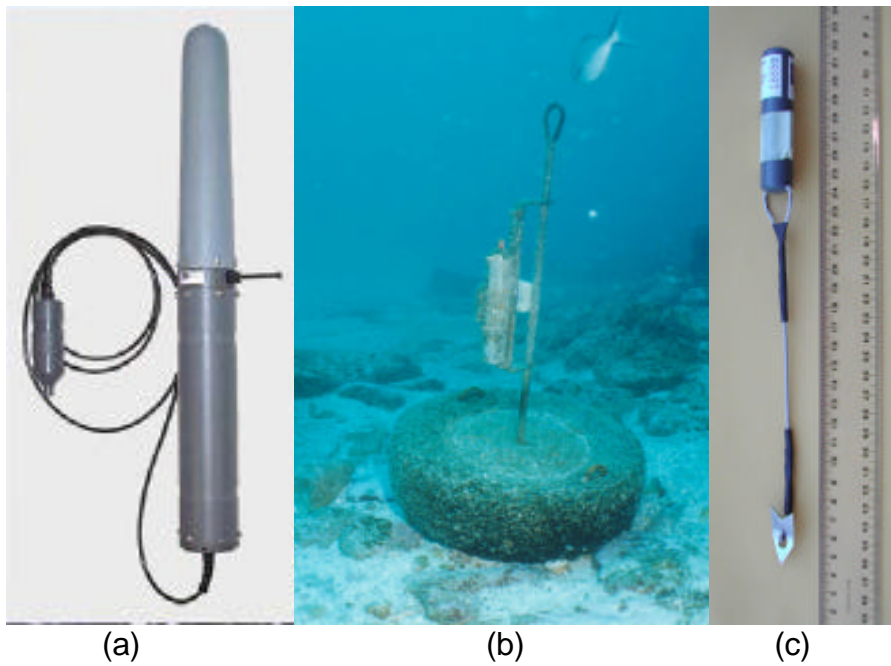


Figure 1. (a) 'New generation' Vemco VR3 acoustic receiver, (b) 'conventional' VR2 listening station in-situ at the Neptune Islands and (c) acoustic tag attached to modified dart tag.



Figure 2. Potential listening station sites and coverage of a 15 station shark alert network. Yellow circles shown around each station approximate to the maximum detection range of listening stations.

Additional information about sharks' residency patterns and behaviour in nearshore waters, where they are most likely to interact with humans, will be collected through complementary networks of 'conventional' listening stations in WA and SA. Data loggers will also be deployed throughout the shark alert networks to collect data on the environmental conditions associated with shark occurrences at metropolitan beaches. Environmental information will be supplemented by recording significant biological events (eg. large schools of fish in the area, whale abundance, seal pupping, etc.) collected by local commercial and recreational fishers and from shark surveillance flights during summer months. These data will assist in identifying the circumstances in which humans are most likely to encounter white sharks and provide data that may be used by authorities to better direct Shark Response Plan resources.

Listening stations (conventional and active) will be fixed at approximately 1-2m above the seabed using moorings appropriate for each site. Each unit will be attached to a surface float, to mark its location and support its communications aerial. Surface floats will be designed to be highly visible so as to avoid accidental boat damage and will be clearly marked with electrical hazard warning signs to deter vandalism. Should vandalism still prove to be an issue, additional measures will be developed to alleviate the problem. Listening stations will be deployed by Department of Fisheries and CSIRO staff using available Department of Fisheries' vessels. Each station will be retrieved for routine maintenance every 6 months and more often should a malfunction occur. As delivery of the new generation active listening stations is now expected by mid 2006 (depending on funding), an operational shark alert network could be in place by August.

The concept of this project is thus not only to provide real-time information on the presence of tagged sharks but to identify, and perhaps predict, the conditions that lead to the sharks being at such locations in the first place. Once the network of listening stations is in place, additional acoustic tagging of white sharks will be possible at a greatly reduced cost

Provisional timetable

Commence project - early 2006

Commence tagging and deployment of conventional listening stations - early 2006

Initial delivery and testing of 'active' listening stations June-July 2006

Deployment and commissioning of Shark Alert network – August 2006

Continue tagging and monitoring – ongoing to April 2008

Evaluation of Shark Alert Network June 2008

Proposed Budget

Equipment	Unit price	Unit	Qty	Cost
VR3 'active' stations	\$7,500	per station	20	\$150,000
VR2 'conventional' stations	\$1,000	per station	20	\$20,000
Moorings	\$250	per station	40	\$10,000
Acoustic tags	\$400	per tag	40	\$16,000
Satellite tags	\$5,000	per tag	10	\$50,000

Equipment Subtotal \$246,000

Salaries			<i>Salaries subtotal</i>	\$25,000
WA contribution to operating costs				
Tagging Charters	\$5,000	per trip	5	\$25,000
Misc	\$1,000	per trip	5	\$5,000
			<i>Operating Subtotal</i>	\$30,000
Travel				
Airfares	\$1,000	per trip	5	\$5,000
Accommodation	\$500	per trip	5	\$2,500
			<i>Travel Subtotal</i>	\$7,500
Listening station network deployment and maintenance				
Fuel	\$150	per day	20	\$3,000
Misc equipment	\$150	per day	20	\$3,000
			<i>Network deployment and maintenance Subtotal</i>	\$6,000
			Grand Total	\$314,500

CONSULTATION

Nil.

STAFF COMMENT

It is proposed that two active shark listening stations be positioned off Cottesloe Beach and North Cottesloe Beach. These listening stations will detect a tagged shark that enters the area within 500m of each station. A map showing the potential area of coverage of each station is attached.

The stations can be programmed to auto-dial a predetermined phone number (or numbers) or computer(s) and register an alert should a tagged shark be detected. In other words, as soon as a tagged shark enters the area, real time advice can be relayed to the Town of Cottesloe and/or the two Cottesloe surf clubs indicating when the shark entered the area, how long it stayed and when it left.

The unit price of each station is \$7,500.

VOTING

Absolute Majority

OFFICER RECOMMENDATION

That Council make an offer through the Minister for Fisheries to the State Government to contribute half of the capital cost of two VR3 'active' shark listening stations to be installed off Cottesloe Beach and North Cottesloe Beach.

12.1.3 COMMITTEE RECOMMEDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council seek further information from the Minister for Fisheries regarding the feasibility of installing two VR3 'active' shark listening stations off Cottesloe Beach and North Cottesloe Beach.

Carried 10/0

12.1.4 REVIEW OF COUNCIL POLICY - DISPOSAL OF SURPLUS GOODS & EQUIPMENT

File No: X4.11
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 15 August, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to amend Council's policy relating to the Disposal of Surplus Goods and Equipment so that all goods plant and equipment with an estimated value of \$500 or less can be disposed of to Council staff with a degree of accountability and transparency not currently available.

STATUTORY ENVIRONMENT

Section 3.58 of the Local Government Act details the provisions relating to disposal of Council property. Section 3.58(5)(d) also refers to dispositions which are excluded from these provisions. The exclusions are listed in the Local Government (Function & General) Regulations.

Regulation 30 (3) states that "A disposition of property other than land is an exempt disposition if its market value is less than \$20,000."

Therefore Council can dispose of surplus goods and equipment any way it wishes subject to the market value being less than \$20,000.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The Town of Cottesloe has an IT Implementation Committee comprised of staff from across all departments of the Town of Cottesloe.

Arising from a recent meeting of the committee, a question has been asked as to what the policy is for the disposal of surplus goods and equipment to Council staff with a market value of \$500 or less.

The short answer is that is none.

Council's current policy for the Disposal of Surplus Goods and Equipment reads as follows:

DISPOSAL OF SURPLUS GOODS & EQUIPMENT**OBJECTIVE**

To ensure that surplus goods, plant and equipment are disposed of in an appropriate manner.

PRINCIPLE

Every effort should be made to dispose of surplus items at the best possible price.

Surplus items should be offered for sale to the general public.

The sale of surplus items by private treaty should be a last resort.

ISSUES

The cost of selling surplus items should not exceed the market value of those items.

POLICY

All goods, plant and equipment with an estimated market value above \$500 should be:

- (1) Advertised for sale in a local newspaper; or
- (2) Sold by public auction; or
- (3) Offered for sale by public tender.

RESOLUTION NO: P41

ADOPTION: December, 1994

REVIEW: December, 2002

CONSULTATION

Advice from the Department of Local Government and Regional Development indicates that most local governments try and send small objects to auction or invite expressions of interest from staff.

STAFF COMMENT

As can be seen from the existing policy, there is no policy guidance on how all surplus goods, plant and equipment with an estimated market value of \$500 or below should be disposed of.

Like all local governments, we collect bits and pieces that are still working, but have been superseded such as computer screens, desks, chairs, printers, whipper snippers etc. Their value is normally less than \$50.

While there may be some merit in sending small objects to auction, the reality is that Cottesloe is such a small organisation that a decent 'job lot' of anything is a rare occurrence.

This means that unless an individual staff member negotiates a transaction with the CEO for the purchase of a surplus item, the item tends to be stockpiled with a whole lot of other useless bits and pieces of equipment until it all becomes too much and is thrown out as a part of a general clean up.

Some of the equipment may also be 'walking' out the door. If it is, then those employees involved may well find themselves in a very compromising situation in the event that a complaint is made about the theft of Council property and allegations are made.

In order to reduce the potential for such situation and in order to introduce a degree of accountability and transparency where none is currently available it is recommended that Council adopt the revised policy as shown below.

DISPOSAL OF SURPLUS GOODS & EQUIPMENT

OBJECTIVE

To ensure that surplus goods, plant and equipment are disposed of in an appropriate manner.

PRINCIPLE

Every effort should be made to dispose of surplus items at the best possible price. Surplus items with an estimated market value above \$500 should be offered for sale to the general public.

Surplus items with an estimated market value of \$500 or less should be offered for sale to Council staff.

The sale of surplus items by private treaty should be a last resort.

ISSUES

The cost of selling surplus items should not exceed the market value of those items.

POLICY

All goods, plant and equipment with an estimated market value above \$500 should be:

- (1) Advertised for sale in a local newspaper; or
- (2) Sold by public auction; or
- (3) Offered for sale by public tender.

All goods, plant and equipment with an estimated market value of \$500 or less shall be:

- (1) Advertised for sale in an email or notice sent to all staff; or
- (2) Offered for sale by seeking bids from staff with a closing date of one week for bids to be lodged with the CEO.

In the absence of any sale being made or any bids being received, it shall be at the discretion of the CEO to dispose of the goods, plant and equipment in any manner thought fit.

RESOLUTION NO:

ADOPTION: August, 2006

REVIEW: August, 2014

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

That Council adopt the following revised policy:

DISPOSAL OF SURPLUS GOODS & EQUIPMENT**OBJECTIVE**

To ensure that surplus goods, plant and equipment are disposed of in an appropriate manner.

PRINCIPLE

Every effort should be made to dispose of surplus items at the best possible price.

Surplus items with an estimated market value above \$500 should be offered for sale to the general public.

Surplus items with an estimated market value of \$500 or less should be offered for sale to Council staff.

The sale of surplus items by private treaty should be a last resort.

ISSUES

The cost of selling surplus items should not exceed the market value of those items.

POLICY

All goods, plant and equipment with an estimated market value above \$500 should be:

- Advertised for sale in a local newspaper; or
- Sold by public auction; or
- Offered for sale by public tender.

All goods, plant and equipment with an estimated market value of \$500 or less shall be:

- Advertised for sale in an email or notice sent to all staff; or
- Offered for sale by seeking bids from staff with a one week closing date for bids to be lodged with the CEO.

In the absence of any sale being made, it shall be at the absolute discretion of the CEO to dispose of any surplus goods, plant and equipment in any manner thought fit by the CEO.

AMENDMENT

Moved Mayor Morgan, seconded Cr Cunningham

That the policy be amended as follows:

POLICY

All goods, plant and equipment with an estimated market value above \$500 should be:

- Advertised for sale in a local newspaper; or
- Sold by public auction; or
- Offered for sale by public tender.

All goods, plant and equipment with an estimated market value of \$500 or less shall be:

- Advertised for sale in an email or notice sent to all staff; or
- Offered for sale by seeking bids from staff with a one week closing date for bids to be lodged with the CEO.

Subject to the CEO providing Elected Members with two weeks written notice with any intention to do so:

- (a) **The CEO may either proceed with such a sale or if appropriate instead donate the property available for sale to suitable not for profit community groups or Schools;**
- (b) **In the absence of any sale being made, it shall be at the absolute discretion of the CEO to dispose of any surplus goods, plant and equipment in any manner thought fit by the CEO.**

Carried 9/1

12.1.4 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Cunningham

That Council adopt the following revised policy:

DISPOSAL OF SURPLUS GOODS & EQUIPMENT**OBJECTIVE**

To ensure that surplus goods, plant and equipment are disposed of in an appropriate manner.

PRINCIPLE

Every effort should be made to dispose of surplus items at the best possible price.

Surplus items with an estimated market value above \$500 should be offered for sale to the general public.

Surplus items with an estimated market value of \$500 or less should be offered for sale to Council staff.

The sale of surplus items by private treaty should be a last resort.

ISSUES

The cost of selling surplus items should not exceed the market value of those items.

POLICY

All goods, plant and equipment with an estimated market value above \$500 should be:

- Advertised for sale in a local newspaper; or
- Sold by public auction; or
- Offered for sale by public tender.

All goods, plant and equipment with an estimated market value of \$500 or less shall be:

- Advertised for sale in an email or notice sent to all staff; or
- Offered for sale by seeking bids from staff with a one week closing date for bids to be lodged with the CEO.

Subject to the CEO providing Elected Members with two weeks written notice with any intention to do so:

- (a) The CEO may either proceed with such a sale or if appropriate instead donate the property available for sale to suitable not for profit community groups or Schools;
- (b) In the absence of any sale being made, it shall be at the absolute discretion of the CEO to dispose of any surplus goods, plant and equipment in any manner thought fit by the CEO.

Carried 10/0

12.1.5 PROPOSED LOCAL LAW RELATING TO SPECIAL EVENTS

File No: X7.2
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 15 August, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to proceed with the making of a *Local Law Relating to Special Events*.

PURPOSE AND EFFECT OF THE PROPOSED LOCAL LAW

The purpose of the proposed local law is to provide for the control of the possession and consumption of liquor and the possession and use of certain large objects during special events held in public places in the Town of Cottesloe.

The effect of the proposed local law is to extend the control over the use of public places that exists under the *Local Government Act 1995*.

STATUTORY ENVIRONMENT

Section 3.5 & 3.12 of the Local Government Act applies.

3.5. Legislative power of local governments

(1) *A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.*

(2) *A local law made under this Act does not apply outside the local government's district unless it is made to apply outside the district under section 3.6.*

(3) *The power conferred on a local government by subsection (1) is in addition to any power to make local laws conferred on it by any other Act.*

(4) *Regulations may set out -*

(a) *matters about which, or purposes for which, local laws are not to be made; or*

(b) *kinds of local laws that are not to be made,*

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

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

3.12. Procedure for making local laws

(1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*

(2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*

(3) *The local government is to -*

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

(i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice;*

(ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*

(iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

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

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

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

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

*** Absolute majority required.**

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

(6) *After the local law has been published in the Gazette the local government is to give local public notice -*

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

(b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*

(c) *advising that copies of the local law may be inspected or obtained from the local government's office.*

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

(8) *In this section -*

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

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

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

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

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

(b) the minutes of the meeting of the council include the purpose and effect of the proposed local law.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Under the heading of *District Development*, Councils Strategic Plan has the following objective;

A clean, safe beach precinct which is sustainably managed with no new developments West of Marine Parade and proactive conservation of the dune and marine environs.

FINANCIAL IMPLICATIONS

Nil other than the direct cost of advertising the proposed local law and its gazettal in the *State Government Gazette*.

BACKGROUND

Officers of the WA Police Service have recommended the adoption of local laws similar to those used by the City of South Perth in controlling activities on the river foreshore and environs on Australia Day.

With some minor changes, an amended version of the City of South local laws was presented to Council in October 2005 to ascertain whether there was any in-principle support for the adoption of similar local laws in the Town of Cottesloe for New Year's Eve.

The support was forthcoming and with the benefit of legal advice the proposed local law was presented to Council on 26th June 2006 for further consideration.

At the June meeting it was resolved that Council:

- (1) *Give Statewide public notice stating that -*
 - (i) *the Town of Cottesloe proposes to make a Special Events Local Law the purpose of which is to provide for the control of the possession and consumption of liquor and the possession and use of certain large objects during special events held in public places in the Town of Cottesloe and the effect of which is to extend the control over the use of public places that exists under the Local Government Act 1995.*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*

- (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
- (2) *As soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister; and*
- (3) *Provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

CONSULTATION

Public notice of the proposal to make a *Special Events Local Law* and an invitation to make submissions on same were advertised in the *West Australian* and the *Post* newspapers on Saturday 1st July 2006. Copies of the proposed local law were made available from Council's website, offices and the library.

A copy of the proposed local law and a copy of the notice was dispatched to the Minister on 28th June 2006.

One submission was received from SOS Cottesloe Inc who asked that:

- 1) *Appropriate changes are made to the draft local law to reflect that the special event location and alcohol free location are intended to be the one and the same.*
- 2) *The northern boundary is changed to Grant Street, so as to include all of North Cottesloe Beach and Grant Street Marine Park.*

A request has been made of SOS to provide the reasoning behind wanting to extend the northern boundary to Grant Street. It may be the case that, SOS is aware of problems being experienced in the northern area of the beachfront on New Year's Eve that are not known to staff of the Town of Cottesloe. Alternatively their request could simply be a precautionary measure.

Another submission is expected from the Department of Local Government and Regional Development but at the time of the close of submissions and the writing of this report, had yet to be received.

STAFF COMMENT

To recap, the control of street drinking insofar as the WA Police Service is concerned is difficult because of a requirement to actually witness the drinking before laying a charge. The actual processing of a charge on the night inevitably diverts Police resources away from actively patrolling the beachfront which can lead to greater disorder.

With underage drinking, things are a little easier as Police Officers can simply confiscate any alcohol in the possession of a minor.

Currently the Town of Cottesloe's only control over street drinking is very limited and rests with the Town of Cottesloe's *Local Government Property Local Law* which provides as follows.

Permit required for possession and consumption of liquor

- 3.15 (1) *A person, on local government property, shall not consume any liquor or have in her or his possession or under her or his control any liquor, unless*
-
- (a) *that is permitted under the Liquor Licensing Act 1988; and*
 - (b) *a permit has been obtained for that purpose.*
- (2) *Subclause (1) does not apply where the liquor is in a sealed container.*

The modified penalty for failing to obtain a permit is \$100.

The effective implementation of the local law is obviously constrained by –

1. the paltriness of the fine,
2. the potential for disputation over what constitutes a sealed container, and
3. the difficulties of having to argue on the night that a permit is required.

As a blanket ban on the possession of alcohol is a far simpler message to promote to the broader community in the lead up to New Year's Eve, the proposed local law has much to recommend it.

The submission from SOS has suggested that the northern boundary of the 'no-go area' be shifted from Eric Street to Grant Street.

This is not supported on the basis that staff of the Town of Cottesloe are not aware of any problems being experienced in the northern parts of Cottesloe as a result of New Year's Eve. To simply extend the area without just cause could be seen as an abuse of power. If just cause can be demonstrated at a later date, then Schedule 1 to the local law should be altered to accommodate a larger area.

The submission from SOS has also identified a potential failing in the draft local law in that Schedule 1 of the draft local law does not specifically describe the "alcohol free location" referred to under clause 5 of the draft local law.

As a result it is proposed that the local law be redrafted as follows (additions shown in blue font, deletions in struck through red font).

The proposed modifications to the draft local law are not considered to be significantly different from what was originally proposed.

LOCAL GOVERNMENT ACT 1995**TOWN OF COTTESLOE****LOCAL LAW RELATING TO SPECIAL EVENTS 2006**

In pursuance of the powers conferred under the *Local Government Act 1995* and of all other powers enabling it, the Council of the Town of Cottesloe resolved on the 28th day of August 2006 to make the following Local Law:

Citation

1. This Local Law may be cited as the Town of Cottesloe Special Events Local Law 2006.
2. The Local Law comes into operation on the first day of December 2006.

Object and Intent

3. The object and intent of this Local Law is to provide for the control of the possession and consumption of liquor and the possession and use of certain large objects during special events held in public places in the Town of Cottesloe.

Inconsistency

4. In any circumstances where there is an inconsistency between this Local Law and any other Town of Cottesloe Local Law, to the extent of any inconsistency, this Local Law prevails.

Interpretation

5. In this Local Law the following definitions apply:

“alcohol free location” means an alcohol free location as described in [a](#) Schedule 1 to this [Local Law law](#);

“large object” includes:

- a) a lounge chair;
- b) a couch;
- c) a bed;
- d) a mattress;
- e) a refrigerator;
- f) a spa;
- g) a swimming pool;
- h) a wading pool;
- i) a table with any dimension greater than 1.2 metres;
- j) an esky or box with any dimension greater than 1 metre; or
- k) any other object with any dimension greater than 1.5 metres but excluding shade structures (such as beach umbrellas or beach tents) which may have a maximum permissible dimension of 2.5 metres;

“licensed premises” has the meaning given to it by the *Liquor Licensing Act 1988*;

“liquor” has the meaning given to it by the *Liquor Licensing Act 1988* and includes liquor enclosed in a sealed container;

“**Local Law**” means, unless the context requires otherwise, this Town of Cottesloe Special Events Local Law 2006;

“**public place**” includes public property, thoroughfares and any place that is on private property that the public are allowed to use but does not include an al fresco dining area or licensed premises;

“**public property**” means anything whether land or not, which belongs to, or is vested in, or under the care, control or management of the Town of Cottesloe;

“**special event day**” means a special event day as described in Schedule 1 to this Local Law;

“**special event location**” means [a special event location](#) as described in Schedule 1 to this Local Law;

“**thoroughfare**” has the meaning given to it by the *Local Government Act 1995*.

Possession of Liquor

6. A person shall not possess liquor in a public place within an alcohol free location on a special event day unless the person:
- (a) is transporting the liquor to private property or a licensed premises; or
 - (b) has the prior written permission of the Town of Cottesloe.

Modified Penalty: \$500

Possession of Large Objects

7. A person shall not possess or use a large object in a public place within a special event location on a special event day unless the person:
- (a) is transporting the large object to private property or a licensed premises;
 - or
 - (b) has the prior written permission of the Town of Cottesloe.

Modified Penalty: \$500

Special Event Location and Special Event Day

8. The Town of Cottesloe must give local public notice in advance of alcohol free locations, special event locations and special event days.

Contraventions that Can Lead to Impounding

9. For the purpose of section 3.39 of the *Local Government Act 1995* and regulation 29 of *the Local Government (Functions and General) Regulations 1996* a contravention of any clause of this Local Law is a contravention that can lead to impounding.

Penalties

10. Each offence under this Local Law is a prescribed offence for the purpose of section 9.16 of the *Local Government Act 1995*.
11. A person who commits an offence under this Local Law may be liable to a modified penalty.
12. Where an offence under this Local Law is subject to a modified penalty then the amount of the modified penalty is shown in bold print directly after the prescription of the offence.
13. The contravention of any provision of this Local Law is an offence punishable on conviction by a fine not exceeding \$5000.

Schedule 1**ALCOHOL FREE LOCATION, SPECIAL EVENT DAY AND SPECIAL EVENT LOCATION*****Alcohol free Location***

That area bounded by and including the Perth-Fremantle railway line to the east, Pearse Street to the south and its prolongation easterly to the railway line and westerly to the western boundary of the Town of Cottesloe, the western boundary of the Town of Cottesloe, Eric Street to the north and its prolongation westerly to the western boundary of the Town of Cottesloe and easterly to the railway line.

Special Event Day

That period of the day commencing at noon on the 31st of December and finishing at midnight each year, and that period of the day commencing at midnight and finishing at noon on the 1st of January each year.

Special Event Location

That area bounded by and including the Perth-Fremantle railway line to the east, Pearse Street to the south and its prolongation easterly to the railway line and westerly to the western boundary of the Town of Cottesloe, the western boundary of the Town of Cottesloe, Eric Street to the north and its prolongation westerly to the western boundary of the Town of Cottesloe and easterly to the railway line.

Dated this 28th day of August 2006.

The Common Seal of the Town of Cottesloe
was affixed by authority of a resolution of the Council
in the presence of-

KEVIN JOSEPH MORGAN, Mayor

STEPHEN DAVID TINDALE, Chief Executive Officer

VOTING

Absolute Majority

COMMITTEE COMMENT

The CEO advised that he has received comment from SOS Inc regarding the boundary for the alcohol free zone.

12.1.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council in pursuance of the powers conferred under the *Local Government Act 1995* and of all other powers enabling it, resolve to make the following Local Law:

LOCAL GOVERNMENT ACT 1995

TOWN OF COTTESLOE

LOCAL LAW RELATING TO SPECIAL EVENTS 2006

In pursuance of the powers conferred under the *Local Government Act 1995* and of all other powers enabling it, the Council of the Town of Cottesloe resolved on the 28th day of August 2006 to make the following Local Law:

Citation

1. This Local Law may be cited as the Town of Cottesloe Special Events Local Law 2006.
2. The Local Law comes into operation on the first day of December 2006.

Object and Intent

3. The object and intent of this Local Law is to provide for the control of the possession and consumption of liquor and the possession and use of certain large objects during special events held in public places in the Town of Cottesloe.

Inconsistency

4. In any circumstances where there is an inconsistency between this Local Law and any other Town of Cottesloe Local Law, to the extent of any inconsistency, this Local Law prevails.

Interpretation

5. In this Local Law the following definitions apply:

“**alcohol free location**” means an alcohol free location as described in Schedule 1 to this Local Law;

“**large object**” includes:

- a) a lounge chair;
- b) a couch;
- c) a bed;
- d) a mattress;
- e) a refrigerator;
- f) a spa;
- g) a swimming pool;
- h) a wading pool;
- i) a table with any dimension greater than 1.2 metres;
- j) an esky or box with any dimension greater than 1 metre; or
- k) any other object with any dimension greater than 1.5 metres but excluding shade structures (such as beach umbrellas or beach tents) which may have a maximum permissible dimension of 2.5 metres;

“**licensed premises**” has the meaning given to it by the *Liquor Licensing Act 1988*;

“**liquor**” has the meaning given to it by the *Liquor Licensing Act 1988* and includes liquor enclosed in a sealed container;

“**Local Law**” means, unless the context requires otherwise, this Town of Cottesloe Special Events Local Law 2006;

“**public place**” includes public property, thoroughfares and any place that is on private property that the public are allowed to use but does not include an al fresco dining area or licensed premises;

“**public property**” means anything whether land or not, which belongs to, or is vested in, or under the care, control or management of the Town of Cottesloe;

“**special event day**” means a special event day as described in Schedule 1 to this Local Law;

“**special event location**” means a special event location as described in Schedule 1 to this Local Law;

“**thoroughfare**” has the meaning given to it by the *Local Government Act 1995*.

Possession of Liquor

6. A person shall not possess liquor in a public place within an alcohol free location on a special event day unless the person:
- (a) is transporting the liquor to private property or a licensed premises; or
 - (b) has the prior written permission of the Town of Cottesloe.

Modified Penalty: \$500

Possession of Large Objects

7. A person shall not possess or use a large object in a public place within a special event location on a special event day unless the person:
 - (a) is transporting the large object to private property or a licensed premises;
or
 - (b) has the prior written permission of the Town of Cottesloe.

Modified Penalty: \$500

Special Event Location and Special Event Day

8. The Town of Cottesloe must give local public notice in advance of alcohol free locations, special event locations and special event days.

Contraventions that Can Lead to Impounding

9. For the purpose of section 3.39 of the *Local Government Act 1995* and regulation 29 of the *Local Government (Functions and General) Regulations 1996* a contravention of any clause of this Local Law is a contravention that can lead to impounding.

Penalties

10. Each offence under this Local Law is a prescribed offence for the purpose of section 9.16 of the *Local Government Act 1995*.
11. A person who commits an offence under this Local Law may be liable to a modified penalty.
12. Where an offence under this Local Law is subject to a modified penalty then the amount of the modified penalty is shown in bold print directly after the prescription of the offence.
13. The contravention of any provision of this Local Law is an offence punishable on conviction by a fine not exceeding \$5000.

Schedule 1**ALCOHOL FREE LOCATION, SPECIAL EVENT DAY AND SPECIAL EVENT LOCATION*****Alcohol free Location***

That area bounded by and including the Perth-Fremantle railway line to the east, Pearse Street to the south and its prolongation easterly to the railway line and westerly to the western boundary of the Town of Cottesloe, the western boundary of the Town of Cottesloe, Eric Street to the north and its prolongation westerly to the western boundary of the Town of Cottesloe and easterly to the railway line.

Special Event Day

That period of the day commencing at noon on the 31st of December and finishing at midnight each year, and that period of the day commencing at midnight and finishing at noon on the 1st of January each year.

Special Event Location

That area bounded by and including the Perth-Fremantle railway line to the east, Pearse Street to the south and its prolongation easterly to the railway line and westerly to the western boundary of the Town of Cottesloe, the western boundary of the Town of Cottesloe, Eric Street to the north and its prolongation westerly to the western boundary of the Town of Cottesloe and easterly to the railway line.

Dated this 28th day of August 2006.

The Common Seal of the Town of Cottesloe
was affixed by authority of a resolution of the Council
in the presence of-

KEVIN JOSEPH MORGAN, Mayor

STEPHEN DAVID TINDALE, Chief Executive Officer

Carried by Absolute Majority 10/0

12.1.6 COTTESLOE CIVIC CENTRE CONCERT

File No: D8.5
Author: Ms Ruth Levett
Author Disclosure of Interest: Nil
Report Date: 16 August, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of the report is to present an application for a Regulation 18 concert on the main lawn of the Cottesloe Civic Centre. It is recommended that the application be approved in principle.

STATUTORY ENVIRONMENT

The *Health (Public Building) Regulations 1992* require that the event be assessed for public safety compliance and issued with a Certificate of Approval.

The *Environmental Protection (Noise) Regulations 1997* specify permissible noise levels and monitoring requirements.

The *Health (Food Hygiene) Regulations 1993* contain provisions for food preparation and service and food storage.

The *Liquor Licensing Act 1988* contains provisions for licensing and the sale and service of alcohol.

POLICY IMPLICATIONS

The Town of Cottesloe Policy - Outdoor Concerts and Large Public Events applies to the event, specifically Clauses (4) (b) and (c):

Clause (4) Policy:

- (b) all outdoor concerts and major public events shall comply with the Town's 'Guide to Outdoor Concerts and Large Public Events'.
- (c) The Town will support up to two outdoor concerts only at any venue within a 12 month period.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

In accordance with the schedule of fees for the hire of the Civic Centre the fee for a category 9 concert is between \$7,000 and \$10,000 with a bond of \$3,000.

BACKGROUND

An application to hold a concert on the Cottesloe Civic Centre main lawn has been received from Brad Mellen of Mellen Events Pty Ltd. The event, 'Summalove' is proposed to be held on Sunday, 26th November, 2006 from 1.00pm to 10.00pm. The proposal is for a concert that will attract an age group of 25+ years. A crowd of 2500 patrons is anticipated to attend.

The proposed style of music is 'house' music perhaps better known as nightclub, dance music but not hard-core dance party music.

CONSULTATION

Nil

STAFF COMMENT

The *Guide to Outdoor Concerts and Large Public Events* requires that a proposal is submitted 90 days prior to the event to seek the in principle support of the Council. Clause 5.2 of the guidelines states that:

In assessing applications the Council will take into consideration the following:

- *cultural benefit to the community;*
- *likely impact on residents and the environment;*
- *reputation of the Promoter;*
- *day, time and duration of the event;*
- *the number of similar events held at the venue or nearby venues within the past 12 month period;*
- *the style of music;*
- *participation of community groups and families in the event; and*
- *the presence or absence of alcohol.*

Council's policy for *Outdoor Concerts and Large Public Events* refers to the Town's commitment to:

- *preserving the reasonable amenity of residents and businesses surrounding a venue for the purpose of staging outdoor concerts and large public events, and*
- *to ensuring that the reasonable community/society expectations to be entertained are met.*

The proposal is similar to the style of concert held in the Civic Centre grounds on last New Year's Eve. Patrons attending the event may consider there is a cultural benefit to the community but it is unlikely that this is the sort of cultural benefit that Council intended when adopting the policy. However, it does represent a desirable style of entertainment to a portion of the community.

It is proposed that food and alcohol will be sold at the event. Mustard Catering will be providing all catering requirements for the event. Mustard has a special caterer's licence which permits the sale of alcohol at catered events if desired.

There will be an impact on residents as a result of the number of patrons, noise, the time and duration of the concert and the proposed sale of alcohol. The duration of the concert is proposed to be 9 hours on Sunday from 1.00pm to 10.00pm. These impacts can be managed to minimise the impact on the community.

The promoter has established a reputation for the successful staging of numerous major events in Perth. These include Nora Jones, Joe Cocker, Missy Higgins, George Benson, A Day on the Green and possibly the most similar of events, Summadayze held annually in the Supreme Court Gardens.

There has been one 'large public event' held in the Civic Centre grounds within the past 12 month period, the New Year's Eve concert. This was a Regulation 18 event and also a category 9 event. The proposed Summalove concert is classified as a category 9 concert event in the *Guide to Outdoor Concerts and Large Public Events*.

This event will also be a Regulation 18 event and will be subject to stringent noise management. Regulation 18 enables the Town to maintain control of noise levels and monitoring of the event by setting conditions such as permissible noise levels at certain locations, monitoring requirements and complaint procedure. The applicant is also required to submit a Noise Management Plan.

As there has already been one outdoor concert in the past 12 months and there are currently two applications for outdoor concerts before the Council for consideration, approval of the two applications will require a decision to vary Clause (4) (c) of the policy for *Outdoor Concerts and Large Public Events*. The policy states:

- (c) *The Town will support up to two outdoor concerts only at any venue within a 12 month period.*

Alternatively, Council may choose to adhere to its' policy and support only one of the applications or it may choose not to support either of the applications.

In addition to the requirements outlined above, the applicant will be required to comply with the Town of Cottesloe's *Guide to Outdoor Concerts and Large Public Events*. The guide addresses all aspects of concert management. Should the application be supported in principle, approval is dependent on the applicant achieving compliance to the satisfaction of the Chief Executive Officer.

It is recommended that a variation to Clause (4) (c) of the policy for *Outdoor Concerts and Large Public Events* is supported and that the application for the 'Summalove' concert is supported in principle.

VOTING

Simple Majority

COMMITTEE COMMENT

The Committee generally agreed that the closing time should be brought forward to 8.00pm for the reasons of not wanting people to leave the concert and the pubs at the same time and also to ensure that the music does not continue late into the evening.

COUNCIL COMMENT

Council should be considering more community friendly events.

OFFICER RECOMMENDATION

That Council:

- (1) Supports a variation to Clause (4) (c) of the policy, *Outdoor Concerts and Large Public Events* to enable the in principle support of an additional outdoor concert in this 12 month period; and
- (2) Supports in principle the application from Mellen Events Pty Ltd to hold a 'Summalove; concert on the main lawn of the Cottesloe Civic Centre on Sunday, 26th November, 2006 from 1.00pm to 10.00pm subject to compliance with the Town of Cottesloe's *Guide to Outdoor Concerts and Large Public Events*.

12.1.6 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

- (1) Supports a variation to Clause (4) (c) of the policy, *Outdoor Concerts and Large Public Events* to enable the in principle support of an additional outdoor concert in this 12 month period; and
- (2) Supports in principle the application from Mellen Events Pty Ltd to hold a 'Summalove; concert on the main lawn of the Cottesloe Civic Centre on Sunday, 26th November, 2006 from 1.00pm to 8.00pm subject to compliance with the Town of Cottesloe's *Guide to Outdoor Concerts and Large Public Events*.

Lost on casting vote of Mayor 5/6

The vote was recorded:

For:	Against
Cr Cunningham	Mayor Morgan
Cr Furlong	Cr Dawkins
Cr Miller	Cr Jeanes
Cr Strzina	Cr Utting
Cr Walsh	Cr Woodhill

12.1.7 COTTESLOE CIVIC CENTRE CHARITY EVENT

File No: D8.5
Author: Ms Ruth Levett
Author Disclosure of Interest: Nil
Report Date: 15 August, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of the report is to present an application for a charity family concert on the main lawn of the Cottesloe Civic Centre. It is recommended that the application be approved in principle.

STATUTORY ENVIRONMENT

The *Health (Public Building) Regulations 1992* require that the event be assessed for public safety compliance and issued with a Certificate of Approval.

The *Environmental Protection (Noise) Regulations 1997* specify permissible noise levels and monitoring requirements.

The *Health (Food Hygiene) Regulations 1993* contain provisions for food preparation and service and food storage.

POLICY IMPLICATIONS

The Town of Cottesloe Policy - Outdoor Concerts and Large Public Events applies to the event, specifically Clauses (4) (b) and (c):

Clause (4) Policy:

- (b) all outdoor concerts and major public events shall comply with the Town's 'Guide to Outdoor Concerts and Large Public Events'.
- (c) The Town will support up to two outdoor concerts only at any venue within a 12 month period.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

In accordance with the schedule of fees for the hire of the Civic Centre the fee for a charity/community event is \$100 with a bond of \$500.

BACKGROUND

An application to hold a family style fund raising concert on the Cottesloe Civic Centre main lawn has been received from Peter Shearer and Amanda Battley of Creative Events. The event, '100% Kylie Family Charity Concert' is proposed to be held on Sunday, 3rd December, 2006 from 4.30pm to 7.30pm. A crowd of 1500 patrons is anticipated to attend.

Profits from ticket sales will be donated to the Cancer Support Association. It is estimated that tickets will cost approximately \$20.00 and some \$7.00 of this will go to the charity.

CONSULTATION

Nil.

STAFF COMMENT

The *Guide to Outdoor Concerts and Large Public Events* requires that a proposal is submitted 90 days prior to the event to seek the in principle support of the Council. Clause 5.2 of the guidelines states that:

In assessing applications the Council will take into consideration the following:

- *cultural benefit to the community;*
- *likely impact on residents and the environment;*
- *reputation of the Promoter;*
- *day, time and duration of the event;*
- *the number of similar events held at the venue or nearby venues within the past 12 month period;*
- *the style of music;*
- *participation of community groups and families in the event; and*
- *the presence or absence of alcohol.*

The proposal is for a family style event that will attract all age groups, from about 5 years to 60 years, very similar to the family concerts promoted by Perth Zoo. This style of event is consistent with Council's commitment outlined in the policy for *Outdoor Concerts and Large Public Events*, "to ensure that the reasonable community/society expectations to be entertained are met." The donation of profits to a local organisation, the Cancer Support Association, is an added benefit to the local community.

The impact of this event on residents will be significantly less than the usual style of concert held in the Civic Centre grounds due to a number of factors such as the type and age of patrons, the time and duration of the concert and the absence of the sale of alcohol. The proposed duration of the concert is 3 hours on Sunday from 4.30pm to 7.30pm.

With the exception of events organised by the Town of Cottesloe, the majority of large public events held in the Civic Centre grounds have been concerts that target a young audience in the 18 to 35 year age group. They are generally held in the evening over a longer period of time and include the sale of alcohol. Background noise levels begin to reduce after around 7.00pm. This coupled with the desire of the bands and promoters to increase noise levels later in the evening, results in a greater impact on the community. Noise levels at these events are controlled using Regulation 18 of the Environmental Protection (Noise) Regulations, however, even with controls in place the noise levels can have a significant impact on residents. This is primarily why the number of concerts is limited to two (2) at any venue within a 12 month period.

The promoter has established a reputation for the successful staging of some major events in Perth. Of these are the Jose Carreras concert in Supreme Court Gardens in Perth and the Café del Mar concert held on New Year's Eve at the Cottesloe Civic Centre two years ago.

There has been one 'large public event' held in the Civic Centre grounds within the past 12 month period, the New Year's Eve concert. This was a Regulation 18 event and almost the highest level of the event categories, category 9. The proposed 100% Kylie concert is classified as a charity/community event and a category 2 event in the *Guide to Outdoor Concerts and Large Public Events*. As such it is eligible for classification as a Regulation 16 event which exempts it from the stringent Regulations 18 controls and the associated costs but enables the Town to maintain control of noise levels and monitoring of the event through the issue of a Noise Control Notice. The promoters are currently preparing a noise profile and if their application is supported will submit a Noise Management Plan for approval.

The proposed style of music is typically 'Kylie pop' that will appeal to all ages. In addition to the music it is proposed that there will be bouncy castles, clowns and face painting to entertain the children. This focus will ensure the event is attractive to families.

It is proposed that no alcohol will be sold at the event. The Town is agreeable to patrons bringing alcohol into the venue for their own consumption. Whilst it can be argued that it is not necessary to bring alcohol to a family event that is held over a short period of time it is an acceptable practice in our society to consume alcohol at almost any type of function, providing it is done in a responsible manner. In saying this, the promoters have undertaken to advertise the event as a 'No Alcohol' event.

The promoter has two options available for catering. One option is to advertise the event as a 'bring a picnic' only event and those that wish to can bring along a picnic hamper for the family. The alternative option is for Mustard Catering to cater for the event. Mustard have indicated that they are most willing to provide the catering and will donate 5% of their profits to the Cancer Support Association.

The fact that the sale of food is separate to the sale of tickets to the event and primarily for commercial gain could have some bearing on whether the event can be considered to be strictly a charity event even though it is for food sales only. As this is not clearly articulated in any of the relevant Council policies or the lease documents, this is a matter for Council's consideration. Should Council be of the view that the sale of food constitutes a commercial activity and precludes the use of 'charity/community' category, the event will be limited to a 'bring a picnic' event only. This decision would require that the event be deemed a category 6 event, that is a commercial event with an entry fee and no liquor licence for 1500 patrons. The applicable fee is \$3,000.

As the main purpose of the event is clearly to hold a family style event to raise funds for charity, it is recommended that the provision of catering services by Mustard Catering does not sufficiently impact on the overall purpose and that the application is supported in principle as a charity/community event.

VOTING

Simple Majority

COMMITTEE COMMENT

The Committee did not have any concerns with the provision of catering services by Mustard Catering.

12.1.7 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

- (1) Determines that the provision of catering services by Mustard Catering does not sufficiently impact on the overall purpose of the event which is to hold a family style event to raise funds for charity.**
- (2) Supports in principle the application from Creative Events to hold a '100 % Kylie' family concert on the main lawn of the Cottesloe Civic Centre on Sunday, 3 December, 2006 from 4.30pm to 7.30pm subject to compliance with the Town of Cottesloe's *Guide to Outdoor Concerts and Large Public Events*.**

Carried 10/0

12.1.8 REGIONAL TENDER FOR WASTE AND RECYCLING COLLECTION SERVICES

File No: D15.12
Author: Ms Ruth Levett
Author Disclosure of Interest: Nil
Report Date: 16 August, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

The Town of Cottesloe, Town of Claremont and City of Nedlands recently advertised a joint tender for waste and recycling collection services

If the Town of Cottesloe accepts the regionally preferred tenderer, it will face a substantial increase in the cost of waste collection and recycling.

It is therefore recommended that the Town of Cottesloe withdraw from the regional tender process.

STATUTORY ENVIRONMENT

Section 3.57 of the *Local Government Act, 1995* provides that:

A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

Regulation 11 of the *Local Government (Functions and General) Regulations, 1996* provides that:

Tenders are to be publicly invited ... before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$50 000.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Assuming the continuation of the current contract and a natural increase in costs, the Town of Cottesloe's current contract cost will increase to approximately \$440,870 in 2008/09. If instead the Town of Cottesloe was to commit to a regional waste service and support the preferred tenderer, Perthwaste Pty Ltd, then the contract cost will be \$529,110 in 2008/09.

This is a price differential of \$88,240 which is equal to a 20% increase for waste collection and recycling services in the first year of joining the regional tender.

BACKGROUND

The potential for a regional waste collection and recycling service was first raised at a WESROC meeting several months ago where the CEO of the Town of Cottesloe expressed an interest in joining with Nedlands and Claremont in a regional contract. On the basis that economies of scale could be achieved and in the spirit of supporting regional cooperation, it was decided to fully investigate the options for a regional waste collection contract by going out to joint tender.

Tender documents were prepared by Bruce Bowman of Bowman Consultants in consultation with all three local governments and reviewed by our legal advisers (McLeods). The regional tender documents required the provision of the following:

Waste Collection Service:-

- A weekly residential waste collection service for the Towns of Claremont, Cottesloe and the City of Nedlands via a 120 litre mobile garbage bin;
- An 'as required' street litter bin service as per the schedules provided;
- An 'as required' commercial waste collection for the Town of Cottesloe and the City of Nedlands.

Recycling Collection Service:-

- A fortnightly residential recycling collection service for the Towns of Claremont, Cottesloe and the City of Nedlands via a 240 litre yellow lidded mobile garbage bin;
- An 'as required' commercial recycling collection for the Town of Cottesloe and the City of Nedlands.

Green waste Bin Collection Service:-

- A fortnightly green waste bin collection service for the City of Nedlands using a specially constructed light green body with brown lid 240 litre mobile garbage bin. The prices tendered for this aspect of the contract are also available for the Town of Claremont in the future.

An invitation to tender was advertised on Wednesday, 3 May and Saturday, 6 May, 2006.

Tender Assessment

Tenders closed on Thursday, 15 June, 2006 and the following tenders were received:

- Cleanaway Conforming tender (all schedules)
- Cleanaway Non Conforming (all schedules)
- Visy Recycling (recycling only)
- GC Sales (bin supply)
- Western Metropolitan Regional Council (Schedule 4 - disposal & processing)
- WA Recycling (Schedule 6 – Green waste collection and disposal)
- Perthwaste (all schedules)

The tender document allowed a tenderer to submit for any or all of the eight schedules contained within the tender documents.

A copy of the evaluation criteria containing the assessment of all the tenders is shown as Attachment 1. The qualitative criteria (customer service and capability) carried an 80% weighting while the quantitative criteria (price) carried a 20% weighting.

An evaluation panel consisting of an officer from each of the participating local governments and a representative from WA Local Government Association undertook the assessment of each tender using the qualitative criteria.

Only one company, Cleanaway, has significant experience in the collection of general waste and recyclables. Cleanaway submitted a conforming tender for all schedules. Perthwaste has experience in the collection and processing of recyclables and to a minor degree, some collection of general waste.

Despite the difference in experience, the evaluation criteria and the weightings given to each of the three criteria saw Perthwaste scoring slightly ahead of Cleanaway.

The remaining tenders for individual services scored low primarily due to the relative insignificance of their bids and/or a failure to address the selection criteria. For example, a potential supplier of bins to the City of Nedlands failed to submit a customer service schedule and was therefore marked down as not achieving a satisfactory level for that particular service.

Price

Bruce Bowman of Bowman Consultants assessed the pricing schedules submitted by each of the tenderers. Pricing assessment schedules for Perthwaste and Cleanaway, using 'Western Suburbs' pricing are shown in Attachment 2 to the report.

In summary, the table below shows the prices submitted for Schedule 8 (all waste collection and recycling services) for Perthwaste and Cleanaway and the current contractor's prices for the Town of Cottesloe.

Based on the prices tendered by the two conforming tenderers for Schedule 8, there are economies of scale to be gained from a regional service. The cost of the 'Western Suburbs' service as submitted by Perthwaste is almost 5% less than the prices submitted for the individual local governments.

However, despite the economies of scale, based on the prices submitted there will be a cost increase in the order of 20% to Cottesloe at the commencement of the contract in November, 2008.

2006/2007 (Current)

Contractor	Nedlands \$000's pa	Claremont \$000's pa	Cottesloe \$000's pa	Total \$000's pa
Perthwaste	744.07	383.75	404.29	1532.11
Cleanaway	933.74	478.40	531.40	1943.54
RRRR (current contractor)	785.64	398.77	370.64	1555.05

2008/2009 Prices (when Cottesloe joins)

Contractor	Nedlands	Claremont	Cottesloe	Total
	\$000's pa	\$000's pa	\$000's pa	\$000's pa
Perthwaste	973.79	502.23	529.11	2005.13
Cleanaway	1150.54	590.50	531.40	2273.25
RRRR (current contractor)	934.69	474.42	440.87	1849.98

Price increases are based on the percentages allocated by the tenderers to fixed costs, labour and repairs and fuel costs which, when linked to CPI and the fuel price index, provide the percentage annual increase. It must be noted that the significant annual increases for the first period to some extent reflects the large increase in fuel costs over the past 12 month period. Although this may not be sustained over the life of the contract, for the purpose of projecting annual increases over the life of the contract, these percentages have been used throughout the schedules to the report.

Perthwaste 14.4% annual increase
 Cleanaway 11.1% annual increase
 RRRR 8.76% notional annual increase

Note that Cleanaway's figures for Cottesloe have not changed as the prices submitted are to commence in 2008.

The 8.76% notional annual increase for RRRR has been calculated using the 'rise and fall' method defined in the tender documentation and existing knowledge of the current percentage input costs for RRRR under their current contract with the Town of Cottesloe.

Attachment 3 shows a simple graphical representation of the comparison of the cost of current services and the same services as proposed by Perthwaste and Cleanaway.

In summary the schedules show that based on our current contractor rates and the rates tendered by Perthwaste, the total increase in the cost of services to the Town of Cottesloe using Perthwaste could have been 9% in the first year (i.e. if Cottesloe had joined the regional contract in 2006/2007). This increase is attributed to the increased cost of litter bin collection, from the current price of \$1.57 per lift to the tendered price of \$2.70 per lift (excluding bin washing), and to a lesser extent, the commercial services.

As the proposed commencement date for the Town of Cottesloe is not until November 2008, there are two annual increases to be applied to the current rates and the tendered rates for Perthwaste as shown in Attachment 2.

If the Town of Cottesloe's current contract had continued to apply, the cost would have increased to approximately \$440,870 in 2008/09. If the Town of Cottesloe was to commit to a regional waste service and support the preferred tenderer, Perthwaste Pty Ltd, then the contract cost will be \$529,110 in 2008/09.

This is a price differential of \$88,240 which is equal to a 20% increase for waste collection and recycling services in the first year of actually joining the regional tender. This increase reflects the high dependence on fuel shown as a percentage of overall costs as submitted by Perthwaste in the 'rise and fall' clause in the tender.

Price adjustment

A clause in the tender document provides for a price variation. The formula is based on a fixed (for the life of the contract) percentage being assigned to the contractor's:-

- fixed costs,
- labour and repairs costs, and
- fuel costs.

Variations in labour, repairs and fuel costs are permitted from year to year in direct relation to changes in the CPI and the fuel price index. The tendered rates are reviewed annually on the anniversary of the contract.

FURTHER BACKGROUND**Current Arrangements**

The Town of Cottesloe's current contractor, Roads & Robinson, Rubbish & Recycling (RRRR) collects domestic and commercial general waste bins, domestic and commercial recycling bins and litter bins. The same contractor currently provides a waste collection service for the City of Nedlands and the Town of Claremont under separate contracts.

The Town of Cottesloe's Customer Service Surveys have revealed a high level of satisfaction with the current contractor.

The Cottesloe contract, which commenced in November, 1998 for five years, was extended for a further five year period in 2003 and is scheduled to cease in November, 2008. There is no further option to extend this contract.

The City of Nedlands and Town of Claremont contracts expired in July, 2006.

In order to make the most of any potential for economies of scale, a decision was made to incorporate Cottesloe into the joint Claremont/Nedlands tender process and delay the commencement date of the new Nedlands and Claremont contracts until November 2006 to facilitate the potential letting of a joint contract.

The current tender documentation is based on:-

- a seven year contract for both the City of Nedlands and the Town of Claremont, and
- a five year contract for the Town of Cottesloe.

There is an option in the contract to allow a further five year extension of the contract subject to the provisions of the Local Government Act 1995.

Proposed service

No changes in services are proposed for the Town of Cottesloe.

The preferred tenderer, Perthwaste has tendered for all schedules including a proposed new green waste collection for the City of Nedlands together with the supply and roll out of new bins for the City of Nedlands.

A copy of Schedule 8 (Total Waste Collection and Processing Package) submitted by Perthwaste is shown in Attachment 4.

Single vs multiple contractors

The tender document was structured to allow a tender to be submitted for any or all of the following schedules:

1. Customer service
2. Community education program
3. Waste collection services
4. Transport and disposal of waste
5. Recycling collection and processing
6. Green-waste collection and processing
7. Supply and distribution of new MGBs
8. Total waste collection and processing package

With the exception of specialist areas, such as green-waste collection and processing, it is generally preferable to engage the services of a single contractor to provide the majority or all of the waste collection services. From a customer service perspective, a single contractor can respond to residents' enquiries and complaints for all waste collection matters. Where multiple contractors are engaged, a single customer service centre is impractical unless the local government itself acts as an intermediary. Alternatively residents can contact each individual contractor (depending on the type of service) but this can lead to general confusion as to who is responsible for what.

There are also potential economies of scale to be gained by selecting one contractor. As an example, a contractor engaged to collect general waste and recyclables can utilise the same vehicle for both services. Upon completion of the general waste collection, the vehicle is simply washed out at the disposal site and the recycling collection service is commenced without the need to bring in additional vehicles.

Specific operational requirements

The current Cottesloe waste collection contract with RRRR outlines specific operational requirements in some detail. Some ten pages are dedicated to precisely how the contractor is expected to deliver the service. In the proposed contract the specific operational requirements are reduced to two pages.

There are general provisions that require the contractor to fulfil their obligations in accordance with the terms of the contract.

The provisions do not enable the principal to require any service that is not already clearly articulated in the contract. Such matters are subject to negotiation and may

incur additional costs. It is generally the case for major contracts that some flexibility is allowed for minor changes in circumstances that arise during the course of the contract - but not for significant operational requirements.

Education

The Town of Cottesloe has endorsed the Volunteer Earth Carer Program that is now delivered through the Western Metropolitan Regional Council (WMRC). The program was initiated in Cottesloe at the commencement of the new waste service in 1998. Due to its success the WMRC agreed to adopt Earth Carers as the community education providers for its member local governments.

The community education service is funded by a levy of \$1.00 on each tonne of waste passing through the Brockway Transfer Station. Since the inception of Cottesloe's Waste Minimisation Strategy in 1998, the Earth Carer Program has successfully delivered waste education to the community at a very minimal cost. It is now recognised as one of the few successful community-waste-education providers.

The tender documents envisage that an amount of \$20,000 be paid by the contractor to the individual local governments for the provision of **additional** community recycling education and, in the case of Nedlands, green-waste education. Due to Cottesloe's commitment to the Earth Carer Program and its existing financial contribution to WMRC, Cottesloe has elected not to be included in the education component of the tender.

The cost of education will therefore be distributed over the collection costs of Nedlands and Claremont only and is not included in the collection costs for Cottesloe.

WMRC

The tender document provides the City of Nedlands with a choice between the disposal of waste at WMRC's Brockway Transfer Station or at an alternative site. The two conforming tenders for all schedules have submitted an alternative disposal option for Nedlands and the WMRC submitted a tender for schedule 4 - the disposal and processing of waste only.

The Town of Claremont and Town of Cottesloe are members of WMRC and are obligated to waste disposal at the Brockway Transfer Station.

The WMRC is currently in the final stages of negotiating an agreement to commence a 'waste to compost and energy' trial. The trial requires a commitment of 33,000 tonnes of waste in order to proceed. Nedlands is not a member of WMRC but has disposed of their waste at the Brockway Transfer Station for several years. The WMRC has approached Nedlands to secure a firm commitment to dispose of waste at Brockway but it is understood that a final decision has been delayed pending the outcome of the tender process.

It is understood that staff of the City of Nedlands will be recommending to their Council that Nedlands waste be disposed of at Brockway Transfer Station despite a short-term increase in costs. It is anticipated that the increase in gate fees of alternative facilities and the proposed reduction in gate fee at Brockway upon completion of the ORT trial will see a reduction in costs in the longer term.

In terms of sustainability the disposal of waste through the Brockway Transfer Station is seen as the most desirable option.

CONSULTATION

The Town of Cottesloe has liaised closely with the Town of Claremont and the City of Nedlands in this matter and the drafting of this report.

STAFF COMMENT

Summary

In terms of regional cooperation the joint tender process has been beneficial and it has confirmed that there are economies of scale to be gained from a regional tender. Despite the economies of scale, the prices submitted will result in significant increases in the cost of waste and recycling collection for Cottesloe if the preferred tenderer is supported.

Between the three local governments there are a significant number of households to service and the market should be very competitive. However the tender did not attract a wide range of experienced waste contractors and it is believed that this is directly attributable to the tender clause limiting the on-selling of the contract.

Only one tenderer, Cleanaway, has significant experience in the collection of general waste and recyclables. It was also one of only two companies to submit a conforming tender for all schedules.

The preferred tenderer, Perthwaste, has less experience in the collection of general waste but has significant experience in collecting and processing recyclable materials. The sustainability of its operations is open to question.

Three other experienced contractors did not submit a tender including the Town of Cottesloe's current contractor, Roads & Robinson Rubbish & Recycling.

Based primarily on the price increase of 20% for Cottesloe at the commencement of the contract in 2008, it is therefore recommended that Council not support the regional tender and that Cottesloe's waste collection and recycling service be advertised for tender in 2008. The following recommendations are put in descending order of preference.

The first and second recommendations are strongly supported. The third recommendation is a distant third.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council:

- (1) That the City of Nedlands and the Town of Claremont be advised that due to the significant increase in costs to the Town of Cottesloe and unresolved

concerns relating to matters of sustainability, the Town of Cottesloe is unable to remain in the regional tender for a waste and recycling collection service.

or

- (2) That the City of Nedlands and the Town of Claremont be advised that due primarily to the significant increase costs to the Town of Cottesloe and dissatisfaction with the tender specifications, the Town of Cottesloe recommends that fresh tenders be called on terms more acceptable to the Town of Cottesloe failing which the Town of Cottesloe will be unable to remain in a regional tender for a waste and recycling collection service.

or

- (3) That the City of Nedlands and the Town of Claremont be advised that due primarily to the significant increase in costs to the Town of Cottesloe, the Town of Cottesloe does not support a regional tender for the waste and recycling collection service unless Claremont and Nedlands are prepared to freely and willingly provide compensation to the Town of Cottesloe.

12.1.8 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council advise the City of Nedlands and the Town of Claremont that due to:

- (1) the significant increase in costs to the Town of Cottesloe;**
- (2) unresolved concerns relating to matters of sustainability; and**
- (3) dissatisfaction with the tender specifications,**

the Town of Cottesloe is unable to remain in the regional tender for a waste and recycling collection service and recommends that fresh tenders be called on terms more acceptable to the Town of Cottesloe.

Carried 10/0

12.2 ENGINEERING

12.2.1 JARRAD STREET CLOSURE - BROOME STREET TO MARINE PARADE

File No: E17.10.50 & 2 Jarrad St
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 14 August, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

At its meeting in May, 2006 Council resolved:

That Council:

- (1) *Use the Sea View Golf Club Safety Plan, with the Management Plan, for the period of the first Management Plan, ending in June, 2008 to guide the solution of safety issues on the course; and*
- (2) *Conduct a public consultation process, in accordance with the consultation policy, and advertise, under Section 58 of the Land Administration Act, 1997, for the proposed permanent closure of a section of Jarrad Street between Marine Parade and Broome Street, on the basis that if this section is closed permanently that:*
 - (a) *A portion of the closed road will remain to provide a driveway entrance to Sea View Golf Club, the Kindergarten and for oval access; and*
 - (b) *The closed road be amalgamated into the adjoining recreation "A" Class Reserve 6613.*

This report provides the results of the advertising and consultation process for the proposed road closure and recommends that Council:

- (1) Request the Minister to permanently close the section of the Jarrad Street road reserve between Marine Parade and Broome Street, under Section 58 of the *Land Administration Act, 1997* and that this closed road reserve be amalgamated into A Class Reserve 6613; and
- (2) Require a report from staff, on the matter of the Sea View Golf Club golf course encroaching on a portion of the Pearse Street road reserve.

STATUTORY ENVIRONMENT

For the current four year temporary closure, Section 3.50 of the *Local Government Act, 1995* applies. For the proposed permanent closure, Section 58 of the *Land Administration Act, 1997* is applicable (see attachments).

Council's Local Law *Activities on Thoroughfares & Trading in Thoroughfares & Public Places* also applies.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

At its May, 2006 meeting, Council was reminded by the Sea View of Club of the expiry of date of August, 2007 for the current four year temporary road closure of a portion of Jarrad Street that runs through the golf course. A request was made of Council to consider the permanent closure of the road.

The 21 year lease agreement with the Sea View Golf Club requires the Town of Cottesloe and the Sea View Golf Club to agree on a Management Plan for the golf course. The Management Plan that is currently in place makes particular reference to the issue of safety and in addressing the issue the Sea View Golf Club has prepared a Safety Plan.

The Safety Plan articulates the Sea View Golf Club's concerns regarding the possibility of vehicles being able to again drive between Broome Street and Marine Parade after August, 2007 and an ongoing safety issue with golf balls being hit onto and over this road reserve.

CONSULTATION

The proposal of a permanent closure of the Jarrad Street road reserve, from Broome Street to Marine Parade, was advertised;

- in a local newspaper on Saturday, 3 and 17 June and 1 July, 2006,
- on Council's web page with an extensive explanation,
- on the Civic Centre notice board and
- sent to a variety of organisations, particularly service providers, requesting comments.

An article on the proposal has also appeared in the *Post* and a number of letters to the editor have been published.

A standard letter seeking comment was sent to eleven government organisations, three of which (Main Roads WA, Telstra, Water Corporation) have replied. They have either provided no objection or no comments to the proposal. The rest (FESA, Police, Alinta, St John Ambulance, Australia Post etc) have not replied which may be taken as an indication that they have no comment to make.

The WA Planning Commission and the Department of Planning and Infrastructure have also not responded. Input from both will be required at a later stage if Council agrees to proceed with the amalgamation of the closed road reserve into "A" Class Reserve 6613.

In all, a total of 513 submissions were received, with 499 in support of permanent closure and 14 against. A summary of the submissions is shown as an attachment.

The letters received in support of the permanent closure were sent from a variety of suburbs throughout the metropolitan area with the majority coming from Cottesloe. The main arguments for and against the proposal for the permanent closure of this section of Jarrad Street were as follows.

For Permanent Closure

Safety: It is not safe to have an open public road through a golf course.

Potential litigation: The permanent closure would minimise the potential for Council to be sued for damages caused by a person or vehicle being hit by a golf ball.

Minimal impact: The road has been closed for over three years now, with no or minimal impact on local residents, streets and vehicles travelling between Broome Street and Marine Parade.

Road Reserve to be part of Reserve: The closed area of Jarrad Street should be part of the adjoining reserve, not a separate road reserve.

Against Permanent Closure

Realignment: The golf course could be realigned so that no golf balls have to be hit over Jarrad Street.

Take more care: Golfers should take more care when hitting golf balls – to remove the need for the road closure.

Not beneficial: The permanent closure is not beneficial to the total community and only benefits the golf club.

Partial closure: The road should be closed only during peak playing times and should be opened to the public during times when there is little use of the golf course.

Under-utilisation: The golf club use of the reserve land is an under-utilisation of the area. The whole use of the land should be reconsidered. An alternative use may not require any road closure.

Beach access: There are only three main routes from Stirling Highway to the Cottesloe Beach – Eric Street, Jarrad Street and Salvado Street. The full and permanent closure of this section of Jarrad Street dramatically cuts public access to the beach.

STAFF COMMENT

Comparison of 2003 & 2006 Submissions

A comparison has been made of the debate and public responses surrounding the 2003 action to close Jarrad Street for a four year period and the current proposal for permanent closure.

A number of points can be made.

1. In 2003, the public response to the advertised proposal to temporarily close a section of Jarrad Street for four years was 237 in favour, 72 against and 23 miscellaneous.

In 2006, the public response to the advertised proposal for the permanent closure of Jarrad Street between Marine Parade and Broome Street is 499 in support and 14 against the proposal.

2. The Sea View Golf Club now has the certainty of a 21 year lease over the golf course land. As Council has committed to the idea of the golf course remaining in Cottesloe for at least that period of time, any discussion regarding the potential relocation or removal of the golf club's use of the land has been rendered largely irrelevant.
3. The current temporary road closure has acted as a 'trial run' for the permanent closure of the road. During the time that it has been closed, there has been little or no negative comment received from residents of Broome Street, Pearse Street or Forrest Street regarding any increase in traffic or noise on their streets.
4. There appears to be a broader understanding that while the closure of the public road will not totally remove the risk or potential for public liability claims against the Council and the golf club, it will nonetheless significantly reduce the overall risk.
5. Because the golf club has members outside the Town of Cottesloe boundaries and because a large number of people accessing or travelling to the beach are not Cottesloe property owners or residents, the debate extends beyond a simple consideration of comments from the local community.

Insurance Advice

Discussions have been held with Council's insurers, Local Government Insurance Services WA, regarding this matter. They advise that permanent closure of the road reserve to vehicle use will significantly reduce Council's exposure to a public liability claim and more importantly, the public risk of injury from a deliberately struck golf ball.

They are aware that the risk will never be totally removed as miss-hit golf balls struck from the golf course do land on external public roads e.g. Marine Parade, Forrest Street, Broome Street and Pearse Street. This situation is not unique to the Sea View Golf Club. There are a number of metropolitan golf courses that have similar problems.

The action of the Sea View Golf Club and the Town of Cottesloe in agreeing on a Management Plan and a Safety Plan demonstrates a degree of earnestness in managing the attendant public liability and safety risks. These documents can be relied upon in the event that any legal action is taken against the Sea View Golf Club or the Town of Cottesloe at a later date.

The "...insurers support the recommendations/suggestions contained within the Safety Review Report of April 2006."

Conflict with Local Laws

The Town of Cottesloe's local law *Activities on Thoroughfares & Trading in Thoroughfares & Public Places* provides that:-

"A person shall not: ...

- (f) play or participate in any game or sport so as to cause danger to any person or thing or impede the movement of vehicles or persons on a thoroughfare."*

It is self-evident that all golf players deliberately striking a golf ball across Jarrad Street are contravening the local law. A permanent closure of the Jarrad Street road reserve between Marine Parade and Broome Street will ensure that that the local law is more often observed than broken.

It is also a fact that a small area of the golf course projects onto the northern verge of Pearse Street, at the western end of Pearse Street. As a separate matter, it is proposed that a report be put to Council regarding this area and the alternatives available to Council to resolve any conflict with the Town of Cottesloe's local law.

Consequences of Reopening Jarrad Street

Given the current

- 21 year lease,
- configuration of the golf course,
- emphasis placed on public safety,
- temporary closure of a portion of Jarrad Street,
- local law generally prohibiting the playing of *"...any game or sport so as to cause danger to any person or thing or impede the movement of vehicles or persons on a thoroughfare*

it is self-evident that for so long as the golf club continues to operate, the opening of Jarrad Street will pose a recognised safety hazard for the travelling public.

The only practical argument in favour of the reopening Jarrad Street is that its current closure dramatically cuts public access to the beach.

All other arguments hinge on the way golf should be played or how the land should be used. The harsh reality is that the way the golf course is situated defies any economic and sensible reconstruction of the course that would ensure public safety and the continued viability of the golf club. In terms of the usage of the land, there is no widespread desire to convert the golf course to some other use.

The question therefore reduces to one of whether the safety of the public should be traded off in the interests of improving public access to the beach.

Staff of the Town of Cottesloe believe that the Council has an over-riding duty of care and responsibility for those using the town's road network. This duty of care and responsibility is limited only by the expense of ensuring public safety and the actual level of risk to the public.

As the cost of closing the road permanently is minimal and as the risk of being hit by a golf ball is real if the road is reopened, we believe that Council has no choice but to permanently close the road.

If Council is of a mind to do otherwise, then we strongly recommend that legal advice be sought to ensure that elected members are not potentially compromised in the discharge of their duties as elected members of the Town of Cottesloe.

VOTING

Simple Majority

DECLARATION OF INTEREST

Mayor Morgan declared a proximity interest in as much as he is a landowner in proximity to Pearse Street. Mayor Morgan left the meeting at 7.12pm and did not participate in the debate or vote.

Cr Miller chaired the meeting in Mayor Morgan's absence.

DECLARATION OF IMPARTIALITY

Cr Strzina made a declaration of impartiality in that he is a member of the Sea View Golf Club.

Cr Furlong made a declaration of impartiality in that he is a social member of the Sea View Golf Club.

COMMITTEE COMMENT

Cr Furlong noted the letter received from the Hon. Colin Barnett, who stresses that there has been no requests to his office for the road to be opened and suggested that Council vote in favour of closure.

OFFICER & COMMITTEE RECOMMENDATION

That Council:

- (1) Request the Minister to permanently close the section of the Jarrad Street road reserve between Marine Parade and Broome Street, under Section 58 of the Land Administration Act, 1997 and that this closed road reserve be amalgamated into "A" Class Reserve 6613; and
- (2) Require a report from staff, on the matter of the Sea View Golf Club golf course encroaching on a portion of the Pearse Street road reserve.

AMENDMENT

Moved Cr Dawkins, seconded Cr Jeanes

That Council:

- (1) Request the Minister to permanently close the section of the Jarrad Street road reserve between Marine Parade and 20 metres east from the north west corner of Lot 6271 and 1664, under Section 58 of the Land Administration Act,

1997 and that this closed road reserve be amalgamated into "A" Class Reserve 6613; and

- (2) Require a report from staff, on the matter of the Sea View Golf Club golf course encroaching on a portion of the Pearse Street road reserve.

Carried 7/2

12.2.1 COUNCIL RESOLUTION

Moved Cr Dawkins, seconded Cr Jeanes

That Council:

- (1) Request the Minister to permanently close the section of the Jarrad Street road reserve between Marine Parade and 20 metres east from the north west corner of Lot 6271 and 1664, under Section 58 of the Land Administration Act, 1997 and that this closed road reserve be amalgamated into "A" Class Reserve 6613; and**
- (2) Require a report from staff, on the matter of the Sea View Golf Club golf course encroaching on a portion of the Pearse Street road reserve.**

Carried 9/0

Mayor Morgan returned to the meeting at 7.30pm.

12.2.2 RIGHTS OF WAY AND LANEWAYS POLICY - NAMING OF LANEWAYS

File No: E13.1
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 9 August, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

At its meeting on 22 May, 2006 Council resolved:

That Council advertise for public comment the proposal that Council's *Rights of Way/Laneways* policy be changed to:

- (1) Allow for the consideration of applicable and appropriate names for rights of way and laneways with and controlled by the Town of Cottesloe, if such naming requests are received; and
- (2) Make clear that the naming of a row/laneway is not to be taken in anyway whatsoever as that the provision of services will be provided in that row/laneway.

The public advertising process has been completed.

This report comments on the results and recommends:

That Council:

- (1) Change item No. 13 of the *Rights of Way/Laneways* policy, to read:

On request Council will consider the naming of right-of-ways/laneways under the care, control and management of the Town of Cottesloe on the understanding that there shall be no obligation on the Town of Cottesloe or any other service agency to improve the condition of any particular right-of-way/laneway or services to same.
- (2) Advise property owners adjacent to ROW 29 (between Nailsworth Street and Broome Street) of a proposal to name ROW 29 "Marchant Walk" and requesting submissions on the proposal in writing by the 12th September 2006 to enable further consideration by Council at its September, 2006 meeting.
- (3) Have staff prepare a report on the legality of accepted names currently used on ROWs/Laneways within the Town of Cottesloe, including alternatives for any laneways with no legal name but for which the local use name is unlikely to achieve approval from the Geographic Names Committee.

STATUTORY ENVIRONMENT

Rights of Way (ROWs)/Laneways in the Town of Cottesloe are either Crown land, privately owned by the Town of Cottesloe or privately owned by a number of individuals or companies.

Those which are Crown land or owned by the Town of Cottesloe are maintained by Council and Council has control over the naming of such accesses, with the Department of Land Information having to approve, through the Geographical Names Committee, the choices made regarding suitable names.

POLICY IMPLICATIONS

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

RIGHTS OF WAY / LANEWAYS

OBJECTIVES:

1. To provide a safe environment and trafficable surface for residents to access their properties while managing risk to the public and the Town of Cottesloe.
2. To establish a procedure for the progressive upgrading of all public Rights of Way and Laneways, by paving and drainage, using all available sources of funding.
3. To establish a procedure for private developments and subdivisions to contribute to the upgrading of public Rights of Way and Laneways, where those developments impact on those routes.
4. To establish a procedure for sections of private laneways to become Crown land, including land held by Council as private property and used by the public as access.

PRINCIPLES:

1. To recognise that the Rights of Way (ROW)/Laneway network provides valuable access to residential and commercial properties.
2. To recognise that aesthetic improvements occur in street frontages when garages and carports are accessed from ROW's and Laneways.
3. To ensure that the costs of improvements to ROW's/Laneways are funded by developers and subdividers, if such improvements are required to service such developments.
4. To recognise that the ROW/Laneway network is of benefit to the whole community and that the Town of Cottesloe should contribute towards upgrading, if landowners wish to contribute towards ROW or Laneway upgrading.
5. To recognise that any ROW or Laneway used by the general public should be Crown land vested in Council for the purpose of public access, maintained by Council through the normal annual budgeted maintenance programs.
6. To discourage motorists from using laneways as de-facto streets or using laneways as shortcuts.

ISSUES:

1. When compared with similar Local Government Authorities in the metropolitan area, the Town of Cottesloe has a high proportion of its ROW's and Laneways in a poor to undeveloped condition.
2. A large proportion of ROW's and Laneways in the Town of Cottesloe are privately owned by the Town, with the remaining sections being either Crown land or privately owned by various individuals or companies.
3. ROW's and Laneways are being progressively built, piecemeal, due to conditions placed on developments and subdivisions, with no long term air of this construction. Such construction has not included a requirement to connect the built section to a built street or existing built Laneway or ROW.
4. ROW's and Laneways often contain Service Authorities infrastructure eg; deep sewers, water supply pipes, as well as Council installed drainage systems.

- Machine access is required at all times to maintain and service this infrastructure, regardless of ownership.
5. The mixture of Crown control, private ownership and Council ownership of ROW's and Laneways has created confusion in the past for staff trying to maintain these accesses while trying not to expend Council funds on privately owned sections.
 6. The amount of privately owned laneway sections (by Council and individuals) requires a lot of control regarding actions, filing, knowledge of ownership etc, which could be greatly simplified by their surrender to the Crown.
 7. Past completion of various short sections of ROW and Laneway construction by various contractors organised by various developers to meet development conditions have left Council with varying levels, construction standards and quality standards of these sections throughout the Town area. This will inevitably result in a variety of maintenance problems as ROW and Laneway use grows.
 8. Many of the past approved laneway constructed sections have been to a 100mm thick, un-reinforced concrete standard. With vehicle weights increasing and the use of heavy machinery by Service Authorities to service their infrastructure in laneways, it is also inevitable that Council will be involved in expensive repairs to cracked and damaged concrete laneway sections. Therefore laneway surfacing should be based on flexible rather than inflexible pavements.

POLICY:

1. Council's attitude towards the status of ROW's/Laneways is that all such accesses should be Crown land, where they are used by the general public rather than for a specific restricted property access function.
 2. Any sections of ROW's/Laneways owned by the Town of Cottesloe will be surrendered to the Crown under processes included in the *Local Government Act*. Any such sections owned by ratepayers of the Town of Cottesloe, which become available to Council for little or no cost, will also be surrendered to the Crown for Crown land.
 3. When a ROW or Laneway is required for primary access to a new development the developer will upgrade by paving, kerbing and drainage, the ROW or Laneway from the nearest built gazetted road or existing built laneway to the furthestmost lot boundary, to the satisfaction of the Manager Engineering Services.
 4. The developer may elect to have the Laneway upgrading works done by the Town of Cottesloe or by a Contractor.
 - (a) If the Town is to undertake the works, payment of the full estimated value of the works must be received by the Town before works commence.
 - (b) If the developer employs contractors, a supervision and inspection fee is to be charged, in accord with Section 6.16 of the *Local Government Act, 1995*.
 5. The design of the ROW or Laneway must recognise the need to minimize vehicle speeds and maximize safety and security.
 6. When a ROW is required for primary or secondary access from an existing property redevelopment, it is conditional (Town Planning) upon the developer to contribute an amount equivalent to 50% of the costs to construct a portion of standard ROW 4m x 20m in area.
 - (a) Where a charge has been applied, as condition of development for the upgrade of a ROW, the money is to be placed in a Reserve Account established under Section 6.11 of the *Local Government Act*, for the specific purpose of ROW upgrade.
 7. Notwithstanding averaging requirements for developments under the residential codes for rear setbacks and fencing specifications in Council's fencing local laws, there shall be a minimum building setback for carports and garages, to allow a minimum turning circle of six (6) metres, measured from the far side laneway
-

- boundary to the closest part of the structure, for each car bay, carport and garage designed at 90° to the laneway or ROW.
8. Fees and charges for contribution to works, supervision and inspection will be determined annually by Council in accordance with the provisions of Section 6.16 of the *Local Government Act, 1995*.
 9. In situations where new developments or redevelopments are not factors in laneway upgrading and the condition of particular laneways has created concern regarding unsafe conditions for drivers and pedestrians, an increased public liability risk and ongoing maintenance requirements, the following shall apply regarding upgrading:
 - (a) A construction program of ROW's and Laneways will be determined by priority on the basis of vehicle and pedestrian usage, existing surface condition, drainage problems and condition of private fencing.
 - (b) The design of the ROW/Laneway will recognise the need to minimize vehicle speeds and maximize safety and security.
 - (c) All fences abutting ROW's and Laneways shall be constructed and maintained in accordance with Council's fencing Local Laws.
 - (d) The funds available for ROW/Laneway upgrading per budget year shall be total of:
 - (i) The equivalent of the total of minimum rates levied on privately owned ROW/Laneway sections per financial year; plus
 - (ii) Contributions received through the development process as covered under point #6, ie the contents of the Reserve Account for this purpose; plus
 - (iii) An amount determined by Council in each budget document, to be made available from Council funds for ROW/Laneway upgrading and construction.
 - (e) Where adjacent landowners wish to contribute to the cost of construction of a ROW/Laneway or section thereof, the project will be given priority over all other such works, subject to the following:
 - (i) The application shall contain confirmation by landowners of their request for the upgrading and the amount each is willing to contribute.
 - (ii) It will be the responsibility of the applicants to collect the contributions and deliver all monies to the Council.
 - (iii) A minimum of 50% of the total cost of the work, estimated by the Council's Manager Engineering Services will be required prior to acceptance of any application. If the ROW/Laneway or section thereof already includes work previously required to be done in the preceding five years then expenditure involved will be treated as contributions, in order to assess priorities and make up the minimum of 50%.
 - (iv) Work will not commence until the full amount of the contribution has been received by the Council.
 - (v) The programming and design of the work will be at the sole discretion of the Council.
 - (vi) Applications will be approved in the order in which the full amount of the contribution is received by the Council and will be subject to the availability of funds to meet the Council's contribution through budget allocations each year.
 10. The higher the percentage of cost of laneway upgrading to be provided by private property owner contribution, the higher the priority of project acceptance from Council, apart from the need to allow for funding to remove public liability risks and unsafe conditions on any other ROW or Laneway.
 11. As a general rule it is Council policy to keep Laneways open, even if unconstructed. Applications for closure are to be considered by Council.
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12. The widths of ROW's/Laneways, the need for truncations on 90° bends, 'Tee' junctions and outlets of laneways onto gazetted roads, and set back requirements from laneways are issues dealt with in other Council documents.
13. Naming of Laneways is not supported as this may create problems of residents requesting the normal services of a street eg; access for emergency vehicles, postal services, refuse collection and street numbering.
However, the installation of metal plates at each end of the ROW's/Laneways showing the ROW number is supported.
14. Where a development or subdivision approval includes a condition requiring the sealing and drainage of a portion of ROW/Laneway to allow rear vehicle access, and the developer believes there is a substantial negative attitude from other affected landowners for such ROW/Laneway improvements, it is up to the developer to demonstrate to Council that attitude.
15. Where no application for a development has been received relating to the drainage and sealing of a laneway, and one or more landowner wishes to prevent the sealing and drainage of a laneway, then the concerned landowner(s) would undertake the requirements of #16 to present Council will the case to prevent such sealing and drainage.
16. The demonstration of a local landowner attitude against the drainage and sealing of a laneway to meet a development condition must include the signatures of at least two thirds of all landowners affected by the proposal supporting the 'no sealing and drainage' case and accepting that any future request to Council from any affected landowner to upgrade or seal that laneway must include an acceptance of two thirds of those owners for a differential rating payment system for those properties to fund such improvement works.

RESOLUTION NO: 12.2.5
ADOPTION: 28 November, 2005
REVIEW: December, 2012

STRATEGIC IMPLICATIONS

Governance/Consistency: All decisions made are consistent with relevant statutes, Council policy and the aims of the Strategic Plan.

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

FINANCIAL IMPLICATIONS

Minor - possible purchase, installation and maintenance of extra street signs.

BACKGROUND

Council's existing policy does not support the naming of laneways.

13. Naming of Laneways is not supported as this may create problems of residents requesting the normal services of a street eg; access for emergency vehicles, postal services, refuse collection and street numbering.
However, the installation of metal plates at each end of the ROW's/Laneways showing the ROW number is supported.

This matter arose when a request for the reinstatement of bollards on ROW 29 included a request for this laneway to be named "Marchant Walk", after a former prominent Cottesloe resident.

Council resolved to advertise the possibility of allowing the naming of laneways with the proviso that any approved naming has no connection with any request for an expansion of services on that laneway.

CONSULTATION

This matter has been advertised in a local newspaper, on the Civic Centre notice board and on Council's web page.

STAFF COMMENT

Apart from the original request for ROW 29 to be named "Marchant Walk", no further comments were received during the public consultation period

In an associated matter relating to the naming of laneways, due to a query on the exact name relating to Napoleon 'Lane' or 'Close', advice was requested from the Geographic Names Committee of the Department of Land Information.

The advice received was that the dedicated laneway or ROW bounded by Napoleon Street, Stirling Highway, Station Street and Railway Street has never had any formal name allocated to it. Also, because of the very close use of the name 'Napoleon' for a street name, the use of this name for the ROW or laneway would probably not be approved.

This brings into question the legality of the other named laneways in Cottesloe eg Clapham Lane, Fig Tree Lane, etc.

It is suggested that a report be prepared on any other ROW/Laneway names requiring formalisation or alternative names.

It is recommended that all properties adjacent to ROW 29 be sent a copy of a proposal to name that laneway 'Marchant Walk', with support information on the background of Mr Les Marchant, with the results of this mail-drop being returned to Council for consideration.

VOTING

Simple Majority

12.2.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

(1) Change item No. 13 of the *Rights of Way/Laneways* policy, to read:

- (A) On request Council will consider the naming of right-of-ways/laneways under the care, control and management of the Town of Cottesloe on the understanding that there shall be no obligation on the Town of Cottesloe or any other service agency to improve the condition of any particular right-of-way/laneway or services to same.**

- (2) Advise property owners adjacent to ROW 29 (between Nailsworth Street and Broome Street) of a proposal to name ROW 29 “Marchant Walk” and requesting submissions on the proposal in writing by the 12th September 2006 to enable further consideration by Council at its September, 2006 meeting.
- (3) Have staff prepare a report on the legality of accepted names currently used on ROWs/Laneways within the Town of Cottesloe, including alternatives for any laneways with no legal name but for which the local use name is unlikely to achieve approval from the Geographic Names Committee.

Carried 10/0

12.2.3 PARKING - GRANT STREET AND NO. 305 MARMION STREET - 'DAISIES'

File No: 303 & 305 Marmion Street
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 8 August, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

At its meeting in July, 2006 Council resolved:

That Council:

- (1) Request the landowner of 303-305 Marmion Street to provide on-site parking, particularly for staff, and to meet with Officers to discuss the arrangements for implementation, and the Manager Development Services to report back to Council on the outcome of this matter.
- (2) Request the Manager Engineering Services to report to Council via the Works & Corporate Services Committee on undertaking measures to improve street parking at *Daisies* by:
 - (a) Maintaining the parking bays in the Marmion Street verge on the west side (ie, in front of the shops);
 - (b) Adding parking bays to the Grant Street verge, subject to examining that feasibility; and
 - (c) Improving the Grant Street median to include attractive and sustainable informal parking.

This report recommends that Council consider the provision of \$18,500 in its 2007/08 draft budget for the construction of a brown asphalt landscaped 14 bay carpark area opposite Daisies shop on the Grant Street median area, and that this proposal be included in a five year program for parking provision and upgrading due in December, 2006.

STATUTORY ENVIRONMENT

Town Planning Scheme No.2.

POLICY IMPLICATIONS

Council's policy *Parking - Residential* controls verge parking and is partially applicable.

PARKING - RESIDENTIAL**OBJECTIVE**

To encourage property owners to provide sufficient on site parking.

To minimise vehicle damage to road verges.

To provide guidelines for temporary parking areas on road verges where conventional on site parking cannot be achieved.

PRINCIPLE

On-site parking should be provided on all residential lots in accordance with the residential Planning Codes, Town Planning Scheme and decisions of Council. Council recognises that there are occasions where this is not immediately possible and temporary solutions may be required.

ISSUES

Verges are part of the road reserves, and as such are not a parcel of land which can be developed in such a way that property rights to individuals may accrue. Residents who may be granted approval to develop verge parking need to be aware that the land remains under the ultimate control of Council.

Continuous or regular parking on verges can cause serious damage to the verge surface, creating dust problems in summer and mud problems in winter. Paving verges continues the extension of hardstanding areas which may contribute to an ongoing drainage problem, as well as difficulties for the healthy growth of street trees and other nearby plants. Verge parking on a regular basis should be discouraged and should not contribute to drainage responsibilities of Council, or significantly disadvantage local plant life.

The general provisions of this policy will apply to all existing verge parking areas including crossovers made obsolete by redevelopment, or the construction of walls, or other obstructions.

The provisions of the Local Government Act, Cottesloe Council Local Laws, Town Planning Scheme and relevant Policies will apply.

POLICY

- 4.1 The Chief Executive Officer is delegated responsibility to approve residential parking other than on-site parking.
- 4.2 In the event of any redevelopment, any verge parking area approved in accordance with this policy, or by any previous decision of Council, or any vehicle crossing place made obsolete, is to be removed and the verge reinstated at no cost to Council.
- 4.3 Applications for a verge parking area should detail the special circumstances which currently prevent vehicle access onto private property.
- 4.4 Council reserves the right to order the removal of any verge parking area which is not built, used, or maintained to the satisfaction of Council.
- 4.5 Council, pursuant to Clause 4.4 above, will consider an application for the construction of a verge parking area as a temporary measure in the following circumstances only:
 - (a) where the applicant acknowledges that the verge parking area is to be totally removed at no cost to Council if the property is redeveloped, or if the removal is required by Council;
 - (b) where vehicle access onto private residential property cannot reasonably be gained by a conventional vehicle crossover, or from a trafficable right of way;
 - (c) where a vehicle cannot be accommodated on site due to insufficient area, or major variation of natural ground levels, or where access to available space on-site is an unreasonable expectation, or

- (d) where on-site parking, with turn around space on a busy road cannot be reasonably achieved, and
 - (e) where a vehicle may be safely accommodated on the verge without adversely affecting the sight distance.
- 4.6 Construction of a temporary verge parking area shall be in accordance with written approval in regard to the following conditions:
- (a) the dimensions and finished level of a verge parking area being consistent with the specification for a single width vehicle crossing place;
 - (b) provision for two vehicles parked in tandem if space permits;
 - (c) a standard concrete kerb entry being built in accordance with the design for a brick paved crossover.
 - (d) the surface being protected paving brick, approved by the Manager of Engineering and laid on a sand bed evenly graded to conform with verge levels;
 - (e) provision being made for the disposal of all stormwater in close proximity without contributing water to the road/public drainage system;
 - (f) existing or proposed verge parking areas are not to include any fence or sign, which restricts usage to any property owner, occupier, business or customer.
 - (g) reinstatement resulting from excavation by other service authorities, or by Council in the course of road works, is to be carried out at the expense of the property owner.
- 4.7 Paved set down areas will be considered in special circumstances for approval on road verges where the following applies:
- (a) The set down area will be limited to one bay, 6m long by 2.7m wide, at a right angle to the kerbline and immediately behind the kerbline.
 - (b) A footpath from the set down area to the private property, maximum width 1.2 metres, may be approved.
 - (c) If the surface of an original crossover is being converted to this use, then the remainder of the crossover is to be removed and replaced with indigenous native plant species in a non-lawn setting.
 - (d) Wherever possible, drainage water from the verge, in this situation, is to be controlled and directed into a private soak pit.
 - (e) Where existing parking restrictions are compromised by this approval, the applicants will find the change of signage necessary to allow "Authorised Vehicles Only" signs for the set down area plus any other required sign changes.
 - (f) This approval, if given, for a set down area, does not grant the right for full time long term parking. Its use is restricted to short term visits, mail and other forms of deliveries, and to aid the infirm and disabled to access private properties as visitors.
 - (g) Applicants for the approval of "Set Down Areas" must demonstrate the difficulties in the normal form of access from rear ROW or parking areas on adjacent streets or formal parking bays. Other factors would include narrow laneway widths, extreme level changes on existing vehicle ROW accesses and problems of access for the frail and disabled.
- 4.8 With every development approval including a condition requiring the removal of a redundant crossover because of the creation of a side or rear lane access, a \$500 bond shall be paid at the time of building licence approval to ensure the redundant crossover is removed. If the redundant crossover hasn't been

removed within two months of the new rear access being used by the owner, and the owner refuses to undertake the removal, Council staff shall remove the crossover and rehabilitate the crossover area using funds taken from the \$500 bond. Any unspent bond funds shall then be returned.

- 4.9 If no alternative exists, and justification has been provided by the property owner, as part of a separate application, for a constructed verge parking area, consideration will be given to approval based on a reinforced grass area using available commercial products, to ensure a green aspect to the verge and capacity for drainage water to soak away without overflowing onto the street surface.

RESOLUTION NO: 12.2.2
ADOPTION: 27 February, 2006
REVIEW: February, 2014

(Replaces 13.2.1, March, 2003)

STRATEGIC IMPLICATIONS

District Development – Asset Management – Appropriate Planning: Produce and implement a realistic 5 year plan for the maintenance of all major assets.

District Development – Environment – Streetscape: Provision of clean, safe, sustainably managed streetscapes, with appropriate selections of trees and infrastructure, which are pedestrian friendly and incorporate tidy verges.

FINANCIAL IMPLICATIONS

No funds are allocated for any upgrading or construction of parking bays in Grant Street or Marmion Street in 2006/07. Car park construction cost is estimated at \$18,500.

BACKGROUND

Parking provision for public use at Daisies shop has been an ongoing issue for many years, involving various reports to Council.

The report to Council via the Development Services Committee in July, 2006 and the subsequent Council resolution requires the continued maintenance of the parking provision in Marmion Street. It also generally accepts that Council would consider the provision of an attractive and sustainable informal parking area on the Grant Street median plus the consideration of the feasibility of adding parking bays to the south side Grant Street verge.

CONSULTATION

Nil.

STAFF COMMENT

With regards to the three measures listed by the July, 2006 resolution, the following applies:

- (a) The sealed, kerbed and linemarked parking area on the west side of Marmion Street has recently been upgraded as part of the roundabout construction. Ongoing maintenance would continue to be Council's responsibility.

- (b) The south side of Grant Street near Daisies currently has parking provided for approximately three cars. The area was modified as part of the roundabout construction. Further expansion of this site for parking would require tree removal for a minimal expansion which would also impact on the verge aesthetics and footpath use.
- (c) The defacto unsealed parking area on the Grant Street median has been there for many years. When the roundabout was built, extra road base was added to improve the surface condition and levels.

The area is approximately 55m long by 7.4m wide, allowing approximately 13 - 14 cars to park on an angle to Grant Street.

This places the front of parked vehicles within 1 metre of the mature Norfolk Island pine trees planted in the median.

It is possible, if funds are available, to build an embayed parking area at this site, with bollards to move the north side of the area 1.0 to 1.5m to the south, to further protect the tree root systems. A tighter design moved further to the west would also provide a longer buffer for vehicles heading west from the roundabout.

One problem is the need for 'sustainable informal parking'. Reinforced grass with BG slabs works for a normal suburban verge that receives the odd car for a few hours. This area is used for a commercial activity with all types of vehicles up to medium sized heavily loaded trucks currently parking there. Reinforced grass type treatments are not suitable for commercial use.

Sustainable should mean low maintenance. It is quite possible to install a brown asphalt surface draining to a soak pit, with native vegetation landscaping as a surround, linked to the roundabout plantings, which would require minimal maintenance.

The estimated cost of such a construction, for 13-14 cars is \$18,500. This would have to be considered in a future budget provision unless the 2006/07 budget is modified.

VOTING

Simple Majority

12.2.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council consider the provision of \$18,500 in its 2007/08 draft budget for the construction of a brown asphalt landscaped 14 bay carpark area opposite Daisies shop on the Grant Street median area, and that this proposal be included in a five year program for parking provision and upgrading to be provided by December, 2006.

Carried 10/0

**12.2.4 GRANT STREET, MARINE PARADE TO MARMION STREET, NORTH SIDE
- MEDIAN STRIP KERBING**

File No: E17/10.42
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 9 August, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

This financial year, the road surface of Grant Street, between Marine Parade and Marmion Street, on the northern carriageway, is to be asphalt resurfaced.

The kerbed edge on the south side of this carriageway has substantial damage and is proposed to be replaced before the reseal takes place.

This report recommends:

That Council replace the existing broken kerbline on the south side of the northern carriageway, on Grant Street from Marine Parade to Marmion Street, when the surface of this road section receives asphalt resurfacing this financial year; with a strengthened mountable kerb to allow future consideration of a parallel parking strip behind this kerbline and landscaping of the median area.

STATUTORY ENVIRONMENT

Council is responsible for the condition and proper maintenance of its road, path and drainage systems. Kerbing is an integral part of the road system and where kerbing is installed to allow vehicles to cross to a parking area, the kerbing height and shape must be chosen to achieve Council objectives, whilst limiting liability concerns.

POLICY IMPLICATIONS

Council's *Parking – Residential* policy partially applies:

PARKING - RESIDENTIAL**OBJECTIVE**

To encourage property owners to provide sufficient on site parking.
To minimise vehicle damage to road verges.
To provide guidelines for temporary parking areas on road verges where conventional on site parking cannot be achieved.

PRINCIPLE

On-site parking should be provided on all residential lots in accordance with the residential Planning Codes, Town Planning Scheme and decisions of Council. Council recognises that there are occasions where this is not immediately possible and temporary solutions may be required.

ISSUES

Verges are part of the road reserves, and as such are not a parcel of land which can be developed in such a way that property rights to individuals may accrue. Residents who may be granted approval to develop verge parking need to be aware that the land remains under the ultimate control of Council.

Continuous or regular parking on verges can cause serious damage to the verge surface, creating dust problems in summer and mud problems in winter. Paving verges continues the extension of hardstanding areas which may contribute to an ongoing drainage problem, as well as difficulties for the healthy growth of street trees and other nearby plants. Verge parking on a regular basis should be discouraged and should not contribute to drainage responsibilities of Council, or significantly disadvantage local plant life.

The general provisions of this policy will apply to all existing verge parking areas including crossovers made obsolete by redevelopment, or the construction of walls, or other obstructions. The provisions of the Local Government Act, Cottesloe Council Local Laws, Town Planning Scheme and relevant Policies will apply.

POLICY

- 4.1 The Chief Executive Officer is delegated responsibility to approve residential parking other than on-site parking.
- 4.2 In the event of any redevelopment, any verge parking area approved in accordance with this policy, or by any previous decision of Council, or any vehicle crossing place made obsolete, is to be removed and the verge reinstated at no cost to Council.
- 4.3 Applications for a verge parking area should detail the special circumstances which currently prevent vehicle access onto private property.
- 4.4 Council reserves the right to order the removal of any verge parking area which is not built, used, or maintained to the satisfaction of Council.
- 4.5 Council, pursuant to Clause 4.4 above, will consider an application for the construction of a verge parking area as a temporary measure in the following circumstances only:
 - (a) where the applicant acknowledges that the verge parking area is to be totally removed at no cost to Council if the property is redeveloped, or if the removal is required by Council;
 - (b) where vehicle access onto private residential property cannot reasonably be gained by a conventional vehicle crossover, or from a trafficable right of way;
 - (c) where a vehicle cannot be accommodated on site due to insufficient area, or major variation of natural ground levels, or where access to available space on-site is an unreasonable expectation, or
 - (d) where on-site parking, with turn around space on a busy road cannot be reasonably achieved, and
 - (e) where a vehicle may be safely accommodated on the verge without adversely affecting the sight distance.
- 4.6 Construction of a temporary verge parking area shall be in accordance with written approval in regard to the following conditions:
 - (a) the dimensions and finished level of a verge parking area being consistent with the specification for a single width vehicle crossing place;
 - (b) provision for two vehicles parked in tandem if space permits;
 - (c) a standard concrete kerb entry being built in accordance with the design for a brick paved crossover.
 - (d) the surface being protected paving brick, approved by the Manager of Engineering and laid on a sand bed evenly graded to conform with verge levels;
 - (e) provision being made for the disposal of all stormwater in close proximity without contributing water to the road/public drainage system;
 - (f) existing or proposed verge parking areas are not to include any fence or sign, which restricts usage to any property owner, occupier, business or customer.
 - (g) reinstatement resulting from excavation by other service authorities, or by Council in the course of road works, is to be carried out at the expense of the property owner.
- 4.7 Paved set down areas will be considered in special circumstances for approval on road verges where the following applies:
 - (a) The set down area will be limited to one bay, 6m long by 2.7m wide, at a right angle to the kerblines and immediately behind the kerblines.
 - (b) A footpath from the set down area to the private property, maximum width 1.2 metres, may be approved.

- (c) If the surface of an original crossover is being converted to this use, then the remainder of the crossover is to be removed and replaced with indigenous native plant species in a non-lawn setting.
 - (d) Wherever possible, drainage water from the verge, in this situation, is to be controlled and directed into a private soak pit.
 - (e) Where existing parking restrictions are compromised by this approval, the applicants will find the change of signage necessary to allow "Authorised Vehicles Only" signs for the set down area plus any other required sign changes.
 - (f) This approval, if given, for a set down area, does not grant the right for full time long term parking. Its use is restricted to short term visits, mail and other forms of deliveries, and to aid the infirm and disabled to access private properties as visitors.
 - (g) Applicants for the approval of "Set Down Areas" must demonstrate the difficulties in the normal form of access from rear ROW or parking areas on adjacent streets or formal parking bays. Other factors would include narrow laneway widths, extreme level changes on existing vehicle ROW accesses and problems of access for the frail and disabled.
- 4.8 With every development approval including a condition requiring the removal of a redundant crossover because of the creation of a side or rear lane access, a \$500 bond shall be paid at the time of building licence approval to ensure the redundant crossover is removed. If the redundant crossover hasn't been removed within two months of the new rear access being used by the owner, and the owner refuses to undertake the removal, Council staff shall remove the crossover and rehabilitate the crossover area using funds taken from the \$500 bond. Any unspent bond funds shall then be returned.
- 4.9 If no alternative exists, and justification has been provided by the property owner, as part of a separate application, for a constructed verge parking area, consideration will be given to approval based on a reinforced grass area using available commercial products, to ensure a green aspect to the verge and capacity for drainage water to soak away without overflowing onto the street surface.

RESOLUTION NO: 12.2.2
ADOPTION: 27 February, 2006
REVIEW: February, 2014

(Replaces 13.2.1, March, 2003)

STRATEGIC IMPLICATIONS

District Development – Environment – Streetscape: Provision of clean, safe, sustainably managed streetscapes, with appropriate selections of trees and infrastructure, which are pedestrian friendly and incorporate tidy verges.

FINANCIAL IMPLICATIONS

Nil for 2006/07.

BACKGROUND

Grant Street from Marine Parade to Marmion Street is a 40m road reserve containing two one-way streets running parallel, with a median strip approximately 19m wide separating the two carriageways.

The northern carriageway for this section is in very poor condition and requires asphalt resurfacing. That work is programmed for 2006/07.

Part of the resurfacing work will include drainage improvement and replacement of damaged kerbs. Because the south side kerb for the entire length of this section is in poor condition, it is to be replaced.

All of the above works will be funded on a \$2 : \$1 basis (MRWA : Council).

This report deals with the type of replacement kerb – mountable or semi mountable.

CONSULTATION

Nil.

STAFF COMMENT

The existing kerb shape is mountable, which is not a strong profile and often is broken by trucks and other heavy vehicles. Because it is currently mountable the median strip is easily accessible for parking, often involving dumping of construction materials, building contractor parking and local residential parking.

This, in turn, creates the ongoing complaints of the median strip being 'trashed', with deep wheel ruts, all forms of debris having to be cleaned up, builders spreading their materials and vehicles over large areas and, probably, damage being done to the street tree roots due to soil compaction.

If normal mountable kerb is installed to replace the existing damaged kerb, then it will quickly be damaged again, due to the continuous crossing of a variety of vehicles.

Mountable kerb can be installed using a thicker profile to provide extra strength if Council wishes to continue the existing variety of median strip use.

Currently, without protection, continued median parking rules out any form of landscaping other than maintaining the existing line of Norfolk Island Pine street trees.

One alternative that would provide for parallel parking on both sides of the median strip, beside the two carriageways, but protect the central remaining 14 metres is shown in copies of photos of a treatment in South Perth.

The carriageway edge has a strengthened mountable kerb and an approximate 2.5m width is then provided in brown asphalt as a parallel parking strip. The remaining edge of this parking strip is a concrete barrier kerb line.

At this stage, for Grant Street, only the strengthened mountable kerb would be installed to allow an eventual parallel parking bay to be provided in future.

Five year plans covering parking and landscaping/streetscape projects would detail such a treatment.

VOTING

Simple Majority

DECLARATION OF INTEREST

Cr Walsh made a declaration of proximity interest as he resides in Grant Street in the area under discussion. Cr Walsh left the meeting at 7.47pm and did not participate in the debate or vote.

Cr Woodhill made a declaration of proximity interest as he resides in Grant Street in the area under discussion. Cr Woodhill left the meeting at 7.47pm and did not participate in the debate or vote.

12.2.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Furlong

That Council replace the existing broken kerbline on the south side of the northern carriageway, on Grant Street from Marine Parade to Marmion Street, when the surface of this road section receives asphalt resurfacing this financial year, with a strengthened mountable kerb to allow future consideration of a parallel parking strip behind this kerbline and landscaping of the median area.

Carried 8/0

Crs Walsh and Woodhill returned to the meeting at 7.48pm.

12.2.5 PARKING - EAST SIDE OF MARINE PARADE - NORTH STREET TO VERA VIEW

File No: E17.10.64
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 8 August, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

At its meeting in June, 2006 Council resolved:

That Council request an officer report on the matter of parking on the east side of Marine Parade between North Street and Vera View.

Recommendations are made with a view to removing unsightly "No Parking" areas in Marine Parade.

STATUTORY ENVIRONMENT

Marine Parade is a Council built and maintained street on a road reserve vested in Council. Council has the legal control and responsibility to set and maintain parking restrictions, including signage and parking bay line marking.

Council's *Parking and Parking Facilities* Local Law also sets out detailed requirements for parking restrictions and approvals.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

A Council request was made for a report on the matter of parking on the east side of Marine Parade between North Street and Vera View.

Apart from the southern end, which provides for bus parking areas, all other vehicle parking between Vera View and North Street on the eastern side of Marine Parade is currently banned. The second bus stop has a bus stop post/marker but no line marked provision. If additional parking was approved for normal vehicle use, 10 to 12 parking bays could be found.

CONSULTATION

Nil.

STAFF COMMENT

The existing parking ban is understood to have been in place for at least six years.

The safety reasons as to why parking should not be allowed are believed to be based on heavy seasonal demand for parking in the area and resultant

- increased potential for vehicle collisions with local residents being blind-sided by parked vehicles when reversing out onto Marine Parade, and
- increased potential for vehicle/pedestrian/dog accidents as beach visitors cross the road with little or no awareness of oncoming traffic.

The parking situation at the northern end of Marine Parade is in marked contrast with the central and southern sections of Marine Parade which have had parking bays on the eastern side for many years.

While seasonal parking pressures in South Cottesloe are not as great as those in northern Cottesloe, those properties on the east side of Marine Parade, immediately to the north of Eric Street would, at face value, appear to have grounds for a similar claim to banned parking as currently applies at the northern end of Marine Parade.

Perhaps the only real difference between the two situations is that residents near Eric Street have views of the sea that are less likely to be impeded by parked vehicles and are further removed from the road itself.

Be that as it may, the section of Marine Parade from North Street to Grant Street has been approved for resurfacing this financial year and an opportunity presents itself to be rid of the unsightly "No Parking" area for once and for all. This can be achieved by either:

1. Moving the eastern kerb line out and effectively incorporating the "No Parking" areas underneath the road verge, or
2. Reintroducing parking spaces in a similar format to the recently upgraded section between Napier Street and Jarrad Street – brown asphalt for parking bays and black for the 'through' lanes.

The planned resurfacing will remove all existing linemarking and facilitates the consideration of these and other options. The funding for the project is \$2:\$1 MRWA: Council and includes minor drainage and kerb changes.

The options available within the available budget are therefore:

1. Resurface and duplicate existing linemarking and signage.
2. Resurface but on the east side, move the kerbline out approximately 2.5m to the west between North Street and Vera View, to remove the current 'No Parking' marked areas (apart from the two bus bay areas), backfill and landscape the reclaimed 2.5m strip.
3. Resurface but linemark between North Street and Vera View on the east side for the provision of car parking bays (and the two bus bays) with colour

variations similar to the recently upgraded Napier Street to Forrest Street section.

Comments on these options are:

1. It would be a waste of funds to replace asphalt on a road surface that is immediately banned for parking and is not used for any other purpose. Resurfacing should be confined to the two bus bay areas and the carriage way itself.
2. This option is more appropriate if Council believes the ban on parking between North Street and Vera View should be continued. Currently this section of Marine Parade is visually unappealing. A landscaped verge would soften the area adjacent to the new limestone concrete footpath. Any saving in road maintenance due to a reduced asphalt surface would however, be offset by an increased garden/landscaping maintenance requirement.
3. The rationale for banning parking along this section is based on historic arguments of improved safety but since that time, roundabouts have been installed at the North Street and Grant Street intersections with Marine Parade and a speed restriction island placed mid span. In theory these works should allow vehicles to circulate more easily while looking for parking bays and at the same time reduce vehicle speeds. Parking on both sides of the street also discourages speeding.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council invite all property owners of properties fronting the east side of Marine Parade (from Vera View to North Street) to make submissions on two options being considered by the Council namely;

- (1) the removal of the areas of asphalt currently marked as "No Parking", the provision of new kerbing to be backfilled and landscaped with native vegetation approximately 2.5m to the west of the existing kerb line together with the provision of new embayments for existing bus stops.
- (2) the reintroduction of parking spaces in a similar format to the recently upgraded section between Napier Street and Jarrad Street – brown asphalt for parking bays and black for the 'through' lanes.

OR

That Council

- (1) Inform all property owners of properties fronting the east side of Marine Parade (from Vera View to North Street) of its intention to;
 - remove the areas of asphalt currently marked as "No Parking"
 - provide new kerbing to be backfilled and landscaped with native vegetation approximately 2.5m to the west of the existing kerb line, and

- (2) Provide new embayments for existing bus stops.

OFFICER & COMMITTEE RECOMMENDATION

That Council invite all property owners of properties fronting the east side of Marine Parade (from Vera View to North Street) to make submissions on two options being considered by the Council namely;

- (1) the removal of the areas of asphalt currently marked as “No Parking”, the provision of new kerbing to be backfilled and landscaped with native vegetation approximately 2.5m to the west of the existing kerb line together with the provision of new embayments for existing bus stops.
- (2) the reintroduction of parking spaces in a similar format to the recently upgraded section between Napier Street and Jarrad Street – brown asphalt for parking bays and black for the ‘through’ lanes.

AMENDMENT

Moved Cr Cunningham, seconded Cr Walsh

That the recommendation be amended to include:

- (3) That the status quo remain and existing embayments be red asphalt and lanes black asphalt.

Carried 8/2

12.2.5 COUNCIL RESOLUTION

Moved Cr Cunningham, seconded Cr Walsh

That Council invite all property owners of properties fronting the east side of Marine Parade (from Vera View to North Street) to make submissions on three options being considered by the Council namely;

- (1) the removal of the areas of asphalt currently marked as “No Parking”, the provision of new kerbing to be backfilled and landscaped with native vegetation approximately 2.5m to the west of the existing kerb line together with the provision of new embayments for existing bus stops.**
- (2) the reintroduction of parking spaces in a similar format to the recently upgraded section between Napier Street and Jarrad Street – brown asphalt for parking bays and black for the ‘through’ lanes.**
- (3) that the status quo remain and existing embayments be red asphalt and lanes black asphalt.**

Carried 10/0

12.2.6 2007/08 STATE AND FEDERAL BLACKSPOT SUBMISSIONS

File No: C 9.7
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 15 August, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

Submissions for the 2007/08 State and Federal Blackspot grants closed on 28 July, 2006. Submissions for six locations were submitted on behalf of the Town of Cottesloe.

This report recommends the acceptance of these grants and Council's provision of the one-third contribution towards the total cost, if the grants are approved, for the 2007/08 budget year.

STATUTORY ENVIRONMENT

Main Roads WA (MRWA) is responsible for all traffic control signs and linemarking, including 'Stop', 'Give Way' and speed control signs. The Police Department enforces these lines and signs as well as driver compliance with all posted speed limits. Apart from West Coast Highway and Stirling Highway, all road reserves within the town are vested in Council. Therefore, all road surfaces, kerbing, installation and maintenance of traffic control devices and warning signs rests with Council.

Blackspot funding is available to assist local governments to install properly designed treatments which will improve the safety of the built road system, particularly at proven accident sites.

POLICY IMPLICATIONS

The only associated policy is the *Traffic Management* policy, adopted in 2002. This policy is included as an attachment. The policy deals with road hierarchy, general overall objectives, the need to foster cycling, pedestrian activity and the use of public transport plus an elaborate series of intervention guidelines when complaints are received regarding potential dangerous sites.

STRATEGIC IMPLICATIONS

The most applicable provisions within the Strategic Plan are:

District Development – Asset Management – Appropriate Planning: produce and implement a realistic five year plan for the maintenance of all major assets.

District Development – Environment – Streetscape: provision of clean, safe sustainably managed streetscapes, with appropriate selections of trees and infrastructure, which are pedestrian friendly and incorporate tidy verges.

The core words from these provisions are safe, sustainable, appropriate infrastructure, pedestrian friendly, maintenance of all major assets.

FINANCIAL IMPLICATIONS

State Blackspot grants are approved on the basis of a \$2 : \$1 State : Council contribution level. Federal Government Blackspot grants provide for 100% of the cost to be covered by the grant.

These submissions cover the installation of median islands at four sites plus left turn lanes at two sites on Curtin Avenue.

Five are proposed for State Blackspots and one as a Federal Blackspot.

The total estimated cost of all works is \$213,000 of which Council would contribute \$71,000 if all were State Blackspots. This would reduce to \$51,000 if one is accepted as a Federal Blackspot.

BACKGROUND

Every year, Main Roads WA make available data collected on crash statistics to each local government authority for their area. Requests are then made for submissions under the State and Federal Blackspot programs, for solutions to the sites most affected by injuries and damage to property.

A specialist consultant then analyses the data provided and works with the Manager for Engineering Services to determine the sites most likely for success as well as the most applicable treatments.

The data collected is over a five year period and pre-computed costs are assigned to each type of accident to determine a total community cost of accidents occurring at each site. The cost of the proposed treatment is determined and a Benefit Cost Ratio (BCR) is then determined.

The higher the BCR, the better chance of the site crash solution being funded from the grant level available.

A high BCR may also indicate that the Federal Blackspot program may fund 100% of the treatment rather than two-thirds by the State program.

CONSULTATION

No public consultation has occurred on this matter. The submissions for Blackspot funding are based on the crash statistics for each site, the applicability of the solution and the benefit cost ratio of the solution.

STAFF COMMENT

After analysis of the most accident prone sites, the types of accidents occurring and the most applicable solutions, six sites were chosen to be developed through the submission stage. These were:

1. Curtin Avenue/Hawkstone Street intersection
 - Proposal: median islands in Curtin Avenue and Hawkstone Street to establish turning controls
 - 7 accidents in five years

- Benefit cost ratio: 1.34
 - Project cost \$18,000 – State project
2. Curtin Avenue/Warton Street intersection
 - Proposal: median islands in Curtin Avenue and Warton Street to establish turning controls.
 - 6 accidents in five years
 - Benefit cost ratio: 1.64
 - Project cost \$21,000 – State project
 3. Curtin Avenue/Victoria Street intersection
 - Proposal: provide left turn lane into Victoria Street level crossing to improve sight clearance and reduce right turn crashes.
 - 17 accidents in five years
 - Benefit cost ratio: 4.59
 - Project cost: \$60,000 – State project
 4. Curtin Avenue/Salvado Street intersection
 - Proposal: provide left turn lane into Salvado Street level crossing to improve sight distance and reduce right turn crashes.
 - 14 crashes over five years
 - Benefit cost ratio: 3.33
 - Project cost: \$60,000 – National program
 5. Marine Parade/Forrest Street intersection
 - Proposal: install median island on Forrest Street to reinforce priority at Tee junction and provide a pedestrian refuge.
 - 6 crashes over five years
 - Benefit cost ratio: 3.33
 - Project cost: \$9,000 – State project
 6. Marmion Street/Hawkstone Street intersection
 - Proposal: no control at intersection, requires median islands on all four 'legs' to improve traffic control.
 - 6 accidents over five years
 - Benefit cost ratio: 1.87
 - Project cost: \$45,000 – State project

The two sites with the most crashes over five years are both on Curtin Avenue, at the Salvado Street and Victoria Street intersections, where left turn lanes for south bound vehicles are proposed on the east side of Curtin Avenue, each at an estimated cost of \$60,000.

Main Roads WA will now investigate all received proposals to establish an initial approval list. Council will not know of any successful project approvals until early in 2007.

At that time final acceptance, approvals or changes to Council's attitudes towards these projects can take place.

VOTING

Simple Majority

12.2.6 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council provide agreement in principle that the 2007/08 budget include up to one-third funding towards the six Blackspot submissions, if these submissions are approved by Main Roads WA and the Minister to receive Blackspot grant funding, the projects being:

- 1. Curtin Avenue/Hawkstone Street intersection – median islands.**
- 2. Curtin Avenue/Warton Street intersection – median islands.**
- 3. Curtin Avenue/Victoria Street intersection – left turn lane.**
- 4. Curtin Avenue/Salvado Street intersection – left turn lane.**
- 5. Marine Parade/Forrest Street intersection – median island.**
- 6. Marmion Street/Hawkstone Street intersection – median islands.**

Carried 10/0

12.3 FINANCE**12.3.1 FINANCIAL REPORT FOR JULY, 2006**

File No: C 1. 2
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Report Date: 17 August, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

It is recommended that Council accept the Financial Report for July, 2006.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The Manager Corporate Services provides a report to Council as required.

CONSULTATION

Nil.

STAFF COMMENT**Financial Status:**

July 2006	Actual YTD	Budget YTD	Variance	Variance
Total Revenue (excluding rates)	\$569,208	\$332,352	\$236,856	71%
Total Expenses	-\$417,504	-\$620,303	\$202,799	33%
Capital Expenditure	-\$164,400	-\$167,500	\$3,100	2%
Other	-\$3,381	-\$3,500	\$119	3%

Financial Commentary and Analysis

The first month reflects the dominant transaction for the financial year - the billing of the rates. The other transactions that have had a material impact on the monthly accounts are the grant income for projects spanning the old and new financial year (this is discussed further in the next paragraph). It is nevertheless a positive start to the year to have a surplus on the Operating Statement (see page 17 of the Financial Statements) of \$538,460.

The main reason for the positive variance in operating revenue is the grant money received in advance for capital works on infrastructure – particularly roads (\$248,878). This is a result of timing of grant income and financial year end. The main causes of the lower than anticipated expenditure include: depreciation has not been run for the new year yet (\$67,950); and, lower than budgeted expenditure on contractors in the area of sanitation (\$60,858).

Capital Works projects have not been budgeted to commence at a material level of activity until the next few months.

IT Steering Committee

There has been a major development with the timing of the implementation of the council software package. The idea of attempting to 'go live' part way through the year has been deemed too risky and resource intense. A decision was made by the IT Committee to 'go live' on July 1st, 2007. This allows the team to spend extra time on the establishment of the system parameters and also focus more energy on the implementation of the electronic records management software package – TRIM. The intention is to have TRIM operational by January 1st, 2007. We are meeting with technical representatives on Friday, August 18th to determine the detailed timeline for the implementation of TRIM.

We have received a draft implementation plan from Civica. The following table provides a summary of activities. The detailed draft plan will be e-mailed for you to review at your leisure.

Key Deliverables

Description	Planned Delivery Date	Overall Responsibility for Delivery
Establish the Project Management Committee	31 August 2006	Council Manager & Civica Project Manager
Deliver the draft Project Management Plan	11 August 2006	Civica Project Manager
Approval of the Project Management Plan	31 August 2006	Council Manager
Delivery of the Detailed Implementation Schedule	15 September 2006	Civica Project Manager
Software installation	31 October 2006	Civica Project Manager
Completion of the Acceptance Test Plan	31 December 2006	Council Project Manager

Completion of Acceptance Testing	30 April 2007	Council Manager	Project Manager
Go Live - Modules	1 July 2007	Council Manager Project Manager	Project & Civica Project Manager
Go Live - Integrations	1 August 2007	Council Manager Project Manager	Project & Civica Project Manager
Project Closure	31 August 2007	Council Manager Project Manager	Project & Civica Project Manager

Immovable Deadlines

Description	Planned Date
Go Live for General Ledger, Rates & Property	1 July 2007

After a period of initial disappointment at the delayed 'go live' date, the IT Committee has embraced the opportunity to get the electronic records management software up and running effectively so that it can be integrated fully with Authority from July 1st.

Audit

The auditors, Haynes Norton, are due to review 2005/2006 financial reports in the first 2 weeks of September.

Disability Services Committee

The Town of Cottesloe has been chosen as one of the pilot sites for wheelchair enabled beach access. This follows work I have initiated to coordinate Nedlands and Fremantle to join with us in submitting for grant funding. There is a meeting on Tuesday, 15 August 2006 with the 3 councils, the Disability Services Commission and Surf Life Saving WA to progress the project.

Sustainability

I obtained detailed documentation from WALGA relating to the '*Systemic Sustainability Study*' that has been discussed in the media recently. Using this information I have formulated the Town of Cottesloe's **backlog and revenue adjusted operating surplus/(deficit) ratio**. The backlog and revenue adjusted operating surplus/(deficit) ratio is 1.98%. This means that we are not one of the councils with a negative ratio. This consolidates the information coming out of the 20 year Long Term Financial Plan.

The calculation was based on financial information from the 2004/2005 financial year. The details are as follows:

Surplus/(Deficit) after capital amounts	\$ 158,573
<u>less</u> : portion of annual capital grants from govt intended for asset related expenditure	\$-
<u>less</u> : portion of 'contributions' intended for capital purposes	\$-
<u>less</u> : net gains from asset sales	\$ 29,745
<u>less</u> : gains from asset revaluations	\$-
<u>plus</u> : additional revenue available if rates were raised to level	

of higher effort peers	\$-
<u>plus</u> : additional revenue available if cost recovery via fees were raised to level of higher effort peers	\$-
<u>less</u> : additional expenses to be incurred if the Council were to clear infrastructure backlog in full over the next 5-10 years	\$-
 equals: the council's backlog and revenue adjusted operating surplus/(deficit)	 \$ 128,828
 divided by: council's total annual 'own source' revenues	 \$6,501,047
 equals: the council's backlog and revenue adjusted operating surplus/(deficit) ratio	 1.98%

VOTING

Simple Majority

12.3.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council accept the Financial Report for July, 2006.

Carried 10/0

12.3.2 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 JULY, 2006

File No: C 7. 4
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Period Ending: 31 July, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 May, 2006, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The Financial Statements are presented monthly.

CONSULTATION

Nil.

STAFF COMMENT

The Operating Statement on page 17 of the Financial Statements shows a favourable variance between the actual and budgeted YTD operating surplus of \$538,460 as at 31 July 2006. Operating Revenue is ahead of budget by \$335,661 (6%). Operating Expenditure is \$202,799 (33%) less than budgeted YTD. A report on the variances in income and expenditure for the period ended 31 July 2006 is shown on page 38.

The main reason for the positive variance in operating revenue is the grant money received in advance for capital works on infrastructure – particularly roads. This is a result of timing of grant income and financial year end. The main causes of the lower than anticipated expenditure include: depreciation has not been run for the new year yet (\$67,950); and, lower than budgeted expenditure on contractors in the area of sanitation.

The Capital Works Program is listed on pages 23 to 24 and shows a total under spend of \$29,924. This is the first month of the year and little activity was budgeted.

VOTING

Simple Majority

12.3.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 May, 2006, as submitted to the 20 June, 2006 meeting of the Works and Corporate Services Committee.

Carried 10/0

12.3.3 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 31 JULY, 2006

File No: C12 and C13
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Period Ending: 31 July, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 31 May, 2006, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

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

CONSULTATION

Nil.

STAFF COMMENT

The Schedule of Investments on page 47 of the Financial Statements shows that \$1,596,654.10 was invested as at 31 July 2006.

Reserve Funds make up \$687,653.01 of the total invested and are restricted funds. Approximately 73% of the funds are invested with the National Australia Bank, 13% with Home Building Society and 14% with BankWest.

The Schedule of Loans on page 48 shows a balance of \$350,506.90 as at 31 July 2006. There is \$179,829.79 included in this balance that relates to self supporting loans.

VOTING

Simple Majority

COMMITTEE COMMENT

Cr Cunningham asked the Manager Corporate Services whether it is possible to invest funds in accounts that provide a safe but better return.

The Manager Corporate Services will review the Local Government Act, consider the options and report back to Committee.

OFFICER & COMMITTEE RECOMMENDATION

That Council receive the Schedule of Investments and Schedule of Loans for the period ending 31 May, 2006, as submitted to the 20 June, 2006 meeting of the Works and Corporate Services Committee.

AMENDMENT

Moved Cr Cunningham, seconded Cr Utting

That Council receive a report in September on the current policies regarding investments of the Council.

Carried 9/1

12.3.3 COUNCIL RESOLUTION

Moved Cr Cunningham, seconded Cr Utting

That Council:

- (a) Receive the Schedule of Investments and Schedule of Loans for the period ending 31 May, 2006, as submitted to the 20 June, 2006 meeting of the Works and Corporate Services Committee; and**
- (b) Receive a report in September on the current policies regarding investments of the Council.**

Carried 9/1

12.3.4 ACCOUNTS FOR THE PERIOD ENDING 31 JULY, 2006

File No: C 7. 8
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Period Ending: 31 July, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending 31 May, 2006, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The List of Accounts is presented monthly.

CONSULTATION

Nil.

STAFF COMMENT

The following significant payments are brought to your attention that are included in the list of accounts commencing on page 39 of the Financial Statements:

- \$10,052.46 to WESROC for contribution towards Travelsmart Officer
- \$10,766.47 to Warren, Symington Ralph for legal advice on Indiana Tea House
- \$13,970.67 to Main Roads for Blackspot works on Curtin Ave and Eric Street
- \$11,857.65 to Water Corp for annual service charges
- \$15,246.00 to TAAPS Contracting for brick paving along Marine Parade
- \$12,769.44 to WA Local Govt Super for staff deductions
- \$35,131.80 to Water Dynamics for installation of water pump
- \$30,607.50 to Claremont Asphalt for various repair work
- \$14,545.15 to Midland Brick for pavers for Marine Parade
- \$16,606.59 to Roads 2000 to supply and lay asphalt to Nailsworth Street
- \$18,220.18 to Town of Mosman Park for roundabout construction
- \$12,586.94 to WMRC for transfer station tipping to June 2006

- \$18,700.00 to Jaymar Pumps for Civic Centre water pump
- \$20,029.39 for Insurance cover for 2006/07
- \$40,576.55 to Trum P/L for waste collection for June 2006
- \$10098.00 to Considine & Griffiths for architectural consultancy on War Memorial Hall
- \$16,350.40 to Jaymar Pumps for pump and bore works at Napier & Curtin
- \$21,560.00 to Lovegrove Turf Supplies for turf at main beach
- \$88,184.80 to Shire of Peppermint Grove for quarterly contributions for Sept 2006 for the Library
- \$14,414.33 to WALGA for Marketforce advertising
- \$53,738.99, and \$52,327.80 for staff payroll

VOTING

Simple Majority

12.3.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council receive the List of Accounts for the period ending 31 May, 2006, as submitted to the 20 June, 2006 meeting of the Works and Corporate Services Committee.

Carried 10/0

**12.3.5 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD
ENDING 31 JULY, 2006**

File No: C 7. 9
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Period Ending: 31 July, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 31 July, 2006, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The Property and Sundry Debtors Reports are presented monthly.

CONSULTATION

Nil.

STAFF COMMENT

The Sundry Debtors Report on pages 43 to 45 of the Financial Statements shows a balance of \$427,345.47 of which \$302,235.70 relates to the current month. The balance of aged debt greater than 30 days stood at \$125,109.77 of which \$83,316.32 relates to pensioner rebates that are being reconciled by the Senior Finance Officer.

The Property Debtors Report on page 46 of the Financial Statements shows a balance of \$6,208,307.10. Of this amount \$158,204.19 and \$8,894.08 are deferred rates and deferred ESL respectively. As can be seen on the Balance Sheet on page 18 of the Financial Statements, rates as a current asset are \$6,041,210 in 2006 compared to \$5,830,197 last year.

VOTING

Simple Majority

12.3.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

- (1) Receive and endorse the Property Debtors Report for the period ending 31 May, 2006; and**
- (2) Receive the Sundry Debtors Report for the period ending 31 May, 2006.**

Carried 10/0

12.4 EVENTS COMMITTEE MEETING HELD ON 31 JULY 2006**12.4.1 ANZAC DAY**

File No: X 1. 1
Author: Mrs Jodie Peers
Author Disclosure of Interest: Nil
Report Date: 26 July, 2006

SUMMARY

This report provides background information on the Anzac Day Services held by RSL Cottesloe Sub-Branch in conjunction with the Town of Cottesloe.

This report recommends that Council write to the Cottesloe RSL Sub-branch and offer Council's further assistance to organise and host the annual Anzac Day Service.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

In 2006/07 \$500.00 has been budgeted for the purchase of drinks and one wreath. Further funding would need to be considered depending on Council's future commitment.

BACKGROUND

Each year the Cottesloe Sub-Branch of the RSL hosts an Anzac Day Service at the War Memorial Town Hall, commencing at 7.00am. After the service refreshments are served in the Town Hall and Lounge. The Mayor attends the service to lay a wreath on behalf of Council. Councillors are invited to attend, by the Executive Assistant.

Currently Council's involvement includes:

- Provision of War Memorial Town Hall and Lounge. Ensuring that the rooms and toilets are cleaned before and after the event.
- Purchase of drinks.
- Payment for one wreath. The RSL organises it with the Bush Stop Florist, along with their other wreaths.
- Liaison with Mustard Catering to ensure that the Lounge is set up with trestle tables, chairs, urns, crockery and cutlery. Mustard Catering have been providing the equipment and use of the bar and fridge free of charge. One of the Mustard Catering staff members is the grandson of one of the RSL members and does the set up and clean up.
- One Ranger on duty to unlock the main gates and the Town Hall, to assist with any set-up and to lock up afterwards.
- Provision of a flag if the RSL requires one.
- Invitation of local MP's.

The Executive Assistant undertakes the above organisation.

STAFF COMMENT

To date this event has been run primarily by the Cottesloe RSL, with little Council involvement.

Concern has been raised that as the members of the Cottesloe RSL age they may require further assistance to hold the service.

Further consideration is also required in relation to the relationship that Council has with Mustard Catering. If in the future Mustard Catering are unable to assist by supplying the equipment and the use of the bar and fridge area for free Council will need to budget for equipment hire.

Another matter to be aware of is the Mustard Catering staff member who is the Grandson of one of the RSL members. This person may not always be able or willing to set up, attend the event and clean up after the event. In this case alternative arrangements will need to be made with the possibility of paying for Mustard Staff to undertake the set up and clean up.

COMMITTEE COMMENT

Cr Utting advised that he has spoken with the Secretary of the RSL and has received positive feedback from Council's offer of assistance. Cr Utting is also organising a bugle player and honour guard from the Christ Church Grammar School.

DECLARATION OF IMPARTIALITY

Cr Utting made a declaration of impartiality as he is a member of Cottesloe RSL Sub-branch.

12.4.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

- (1) Write to the Cottesloe RSL Sub-branch to offer Council's further assistance to organise and host the annual Anzac Day Service; and**
- (2) Be aware of the role that Mustard Catering plays in the organisation of this event and be prepared to make alternative arrangements if Mustard Catering are unable to continue to assist in the future.**

Carried 10/0

12.4.2 CLAREMONT AS A PARTICIPANT IN AUSTRALIA DAY CELEBRATIONS

File No: X 1. 2
Attachment: Australia Day Celebrations Agreement
Author: Mrs Jodie Peers
Author Disclosure of Interest: Nil
Report Date: 26 July, 2006

SUMMARY

This report provides background information on the annual Australia Day Celebrations held by the Town of Cottesloe.

This report recommends that Council agree to the request of the Town of Claremont to join with the Towns of Cottesloe and Mosman Park and the Shire of Peppermint Grove to host the annual Australia Day Celebrations.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Management/Innovation-Improvement: We constantly seek new ways of delivering high quality services and seek ways to share resources with adjacent Councils.

FINANCIAL IMPLICATIONS

The host Council pays the full costs of the event, except for each Council's presentations to their Citizen of the Year, Young Citizen of the Year and Community Group/Event of the year.

When Cottesloe hosted the event in 2005 it cost \$7,352.00.

In 2006/07 \$1,000.00 has been budgeted for Australia Day, 2007. This is for the framing of certificates and engraving of plaques for Cottesloe's Citizen of the Year awardees. An allowance is also made for any small miscellaneous costs that may arise.

The funding would need to be reconsidered if the Town of Claremont becomes a participating host Council.

BACKGROUND

The aim of the celebrations is to offer the community an opportunity to gather and think about the meaning of being an Australian as well as inspiring national pride and spirit within the community.

Our records show that the Towns of Mosman Park and Cottesloe and Shire of Peppermint Grove have jointly undertaken the Australia Day Celebrations since 2001.

The aim of the shared arrangement is to:

- provide a quality event for the community,

- ensure equity amongst each local government event whilst still enabling the opportunity to offer an event unique to that community,
- provide a team approach to the planning of the event and provide support for the host Council, and
- provide cost efficiencies.

The morning's celebrations commence at 8am and the program of events includes an official welcome, flag raising ceremony, national anthem, citizenship ceremonies, address to new citizens, Australia Day awards, Australia Day address and concludes with a community barbeque breakfast.

Approximately 300-400 people have attended the celebrations each year for the past few years.

The Australia Day Celebrations Agreement is attached for your information.

The Mayor of each Council is involved in the official ceremony. The Elected Members and CEO from each Council are also invited to attend.

The Town of Cottesloe last hosted the celebrations on 26 January, 2005. The Town of Mosman Park hosted the 2006 celebrations and the Shire of Peppermint Grove will be hosting the 2007 event.

The Town of Claremont has recently shown interest in joining with the three Councils for future Australia Day celebrations. Formal correspondence is yet to be received from the Town of Claremont requesting consideration of their proposal.

STAFF COMMENT

The organisation of a celebration of this size and type involves a significant amount of work and the cooperation of the three municipalities is a positive experience and provides staff with support and resources that may not be available within their own office.

The organisation of the event takes approximately five (5) months, with representatives from each Council commencing their meetings and tasks in August of the year prior to the event.

If Council is agreeable to the addition of the Town of Claremont into this joint event it would enable a larger and more diverse event to be undertaken and would provide another one or two staff members to assist with the organisation. It would also mean that the rotation of host would be on a four (4) yearly basis.

Areas to be considered if the Town of Claremont join in will be:

- the extension of the time required to conduct the official ceremony, and
- the increase of costs of hire equipment and catering (estimated \$10,000 - \$12,000). Preliminary discussion between Mosman Park, Peppermint Grove and Cottesloe representatives has led to a possible solution that each Council contribute to the budget a set amount (approx. \$3,000) each year, rather than paying the full amount when they host the event.

Preliminary discussions between representatives of the Towns of Cottesloe and Mosman Park and the Shire of Peppermint Grove reveal that there is support for the Town of Claremont to join in this arrangement.

WESROC encourages cooperation between the Western Suburbs Councils and this is an opportunity to continue to develop the relationships between each municipality.

COMMITTEE COMMENT

The Event Committee agreed that each Council contribute to the budget a set amount each year, rather than pay the full amount when they host the event.

12.4.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council agree to the request of the Town of Claremont to join with the Towns of Cottesloe and Mosman Park and the Shire of Peppermint Grove to host the annual Australia Day Celebrations.

Carried 10/0

12.4.3 SCULPTURE BY THE SEA AND PROCOTT INVOLVEMENT

File No: X 2. 1. 1
Author: Mrs Carolyn Ryder & Mrs Jodie Peers
Author Disclosure of Interest: Nil
Report Date: 27 July, 2006

SUMMARY

This report provides information on the request by Mr Leo Schaper, President Cottesloe Business Association, for the town centre retailers to be involved with Sculpture by the Sea, Cottesloe 2007 exhibition.

This report recommends that Council:

- (1) Support a proposal from the Cottesloe Business Association for a town centre festival during the period of 8-18 March, 2007 which would incorporate, where possible, environmentally responsible attitudes and behaviours and include local community groups; and
- (2) Confirm with Sculpture by the Sea their desire to establish partnerships with the Cottesloe town centre retailers by promotion of the Town Centre Festival during the exhibition period.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

\$15,000 is included in the 2006/07 budget for a festival event.

BACKGROUND

On behalf of the Cottesloe Business Association, Mr Leo Schaper contacted Council with a suggestion for creating a linkage between the Town Centre and Sculpture by the Sea, Cottesloe, based on a similar concept held in the Eastern States, where miniatures of the sculptures are displayed in shop windows.

The Sustainability Officer, Ms Carolyn Ryder, discussed the proposal with Sculpture by the Sea's General Manager, Ms Amanda Duffy and Director, Mr David Handley. Mr Handley expressed concern at the idea of displaying works outside the exhibition area, as this would exceed provisions of the event's insurance coverage. However Mr Handley is keen to remain open to other opportunities to establish partnerships between the town centre retailers and the Sculpture by the Sea exhibition.

ProCott presented to the Works & Corporate Services Committee their ideas for promoting the town centre, one of which was a wine, beer and food festival. Discussions have been held between staff, Mr Handley and Mr Schaper and it has been identified that there may be an opportunity to incorporate a town centre festival

with scaled down elements of the Sea Dragon festival and that it be held during the Sculpture by the Sea exhibition period (8-18 March, 2007).

Mr Handley agrees that this could be a suitable solution and he is willing to allow advertising of the town centre festival to be placed in the area of the exhibition. The Sculpture by the Sea Exhibition would also be advertised in the town centre.

In previous years the Cottesloe Business Association hosted a town centre festival and street fair prior to Christmas. Council contributed funding when requested. This festival was seen as a positive event by the retailers, however there was concern that only Napoleon Street was closed to traffic and it has been suggested that Station Street should also be closed.

STAFF COMMENT

The Sustainability Development Officer and Executive Assistant are supportive of the suggestion of a town centre festival that is structured to incorporate environmentally responsible attitudes and behaviours on the day such as recycling and reduced packaging. Ideally, the festival would promote community sustainability by inviting community groups such as Coast Care and Earth Carers to participate on the day.

COMMITTEE COMMENT

People come to the beach to enjoy the exhibition and this should remain a separate event to a town centre festival.

OFFICER RECOMMENDATION

That Council:

- (1) Support a proposal from the Cottesloe Business Association for a town centre festival during the period of 8-18 March, 2007 which would incorporate, where possible, environmentally responsible attitudes and behaviours and include local community groups; and
- (2) Confirm with Sculpture by the Sea their desire to establish partnerships with the Cottesloe town centre retailers by promotion of the Town Centre Festival during the exhibition period.

COMMITTEE COMMENT

Cr Cunningham advised that ProCott are considering other events to be held in the town centre.

12.4.3 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council is unable to support a Town Centre Festival linked to Sculpture by the Sea.

Carried 10/0

12.4.4 SEA DRAGON FESTIVAL

File No: X 7. 1
Author: Mrs Jodie Peers
Author Disclosure of Interest: Nil
Report Date: 27 July, 2006

SUMMARY

This report provides background information on the Sea Dragon Festival, and an evaluation of the 2006 Sea Dragon Festival.

This report recommends that Council:

- (1) Convene a meeting of the Seadragon Organising Committee to gain their views on the future of the Seadragon Festival, including aims, purpose and focus;
- (2) Offer to host a family concert with an invitation to community groups to hold displays running as an adjunct to the concert;
- (3) Advise Cottesloe Business Association that options are being considered in relation to the Seadragon Festival; and
- (4) Request Cottesloe Business Association to advise Council of the suggested format, timing, aims and objectives of the proposed Town Centre festival, including what support they would require from Council.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

\$15,000 is included in the 2006/07 budget for a festival event.

BACKGROUND

For the past 4 years, the Seadragon Festival has attracted both local and non local visitors, with emphasis on caring for the coastal environment. Generally the exhibits have been non commercial community groups and organisations. This year's objective, as determined by the organising committee, was *"Celebrating the intrinsic values of our precious yet fragile coast; raising awareness of community groups and empowering individuals to reduce human impact on the coastal zone"*.

At its meeting on 29 March, 2005 Council endorsed the concept of a 'Cottesloe Festival Week' to include a week of special events, aimed at engaging all sectors of the community.

On 25 July, 2005 Council supported the proposed draft program for the Sea Dragon Festival and confirmed the preferred date for holding the next Sea Dragon Festival as being Sunday, 5 March, 2006. The report to Council provided a series of dates for

consideration, noting that Council should take into consideration the possible decline in attendance numbers on Sunday, 5 March due to the Labour Day holiday on Monday, 6 March.

Week of Events

- *Sunset Sustainability Walk:* 8 people joined in the walk on Monday, 27 February, however the second walk on Thursday, 2 March was cancelled due to a lack of registrations.
- *Fast and Fresh Organic Cooking Demonstration:* 30 people attended the demonstration.
- *Improving Your Memory As You Age Presentation:* 118 people attended the presentation.
- *Science Alive Water Shows:* these interactive science based presentations visited both Cottesloe and North Cottesloe Primary schools, and involved all students from Kindergarten to year 7.
- *Peace Love and all That Stuff* – this family picnic concert held at the Civic Centre attracted a crowd of approximately 350 people.

Two staff members worked at each event, with the exception of *Science Alive* presentations.

Sunday, 5 March – beachfront festival

The attendance numbers were lower than the crowds experienced at past festivals (approximately 200 people passed through the festival displays). Feedback indicates this may be related to the fact it was a long weekend, and an extremely hot day where swimmers just wanted to cool off in the water.

Two staff members worked on the day for the whole event, plus three depot staff for the set up and pull down.

This year, the attendance numbers were lower than the crowds experienced at past festivals (approximately 200 people passed through the festival displays). Feedback indicates this may be related to the fact it was a long weekend, and an extremely hot day where swimmers just wanted to cool off in the water.

The key stakeholders (Organising Committee members and stallholders) provided the following feedback to staff after the event:

- Suspend the festival until 2008, to allow for more precise planning.
- The art competition (held in previous years) draws many children to the festival. (Staff note: feedback has been received from the three primary/secondary schools art teachers stating that there is not enough class time for students to complete works so early in the school term, in time for the festival).
- Include a small scale primary school student art competition on the day.
- Food stalls tend to attract people.
- Banners on location on the day for “walking by” visitors.
- Program of events to hand out on the day.
- Interactive environmental component needs to remain.
- Do not choose a long weekend for the festival day.
- Lack of attendance by Councillors.

- Stall locations should have been adjacent to the main beach, rather than near the surf club.
(Staff note: location this year was favoured due to its proximity to power supply, which was a requirement of 5 exhibitors).
- The giant chess set used at a previous year's festival was a success and might be worth considering for inclusion in future.
- Some people were asking if the sandcastle competition was being held.
- The Aboriginal dancers (Warrdong) were enjoyed by many people - young and old. Good interaction with a few children joining in the dancing.

STAFF COMMENT

In response to comments by members of the organising committee the Sustainable Development Officer and Executive Assistant have been considering alternative ideas for a feature community event.

On 5 March this year, as part of the Sea Dragon Festival week, a *family picnic concert* was held on the Civic Centre's western lawn at 6pm, and was attended by approximately 350 community members. As the evening concluded, the Sustainable Development Officer and Executive Assistant were told repeatedly to "please have more of these family type picnic concerts at the Civic Centre".

An opportunity exists to extend the number of summer twilight concerts on the western lawn at the Civic Centre from 3 to 5, in keeping with policy described in agenda item *1.6 Use of Civic Centre Grounds For More Community Events*, using the major portion of the funds allocated to the Sea Dragon Festival. In addition, elements of the Sea Dragon Festival could be incorporated into the Town Centre Festival, such as reduced packaging and recycling, together with inviting participation of community groups such as Earth Carers and Coast Care.

The Cottesloe Business Association will address the suggestion of the festival at its next meeting. After which Mr Leo Schaper will be in contact with the Executive Assistant to provide feedback from the meeting.

COMMITTEE COMMENT

A more suitable date for the Seadragon festival would be in April/May.

A combined town centre/Seadragon festival would put out a confused message – is the focus on retail or the environment?

Supportive of allocation of funds to a town centre festival, if requested.

Suggested that in future Seadragon Festivals the North Cottesloe and Cottesloe Surf Life Saving Clubs be invited to be involved.

A theme could be "celebration of beach culture".

Supportive of Twilight Concerts.

Suggestion that one family concert could be held on the beach. Offer to the community groups to set up stalls at this concert.

Staff to discuss with the Seadragon Organising Committee their thoughts on continuing the festival and their aims, purpose and focus for future festivals.

OFFICER RECOMMENDATION

That Council:

- (1) Support a proposal from the Cottesloe Business Association for a town centre festival during the period of 8-18 March, 2007 which would incorporate, where possible, environmentally responsible attitudes and behaviours and include local community groups;
- (2) Support the provision of some funds, if requested by the Cottesloe Business Association, to a town centre festival from the budget allocation for Sea Dragon Festival.
- (3) Support additional twilight concerts being held during the summer months in 2007 with funding provisions from the Twilight Concerts and Sea Dragon Festival budget allocations.

12.4.4 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

- (1) Convene a meeting of the Seadragon Organising Committee to gain their views on the future of the Seadragon Festival, including aims, purpose and focus;**
- (2) Offer to host a family concert with an invitation to community groups to hold displays running as an adjunct to the concert;**
- (3) Advise Cottesloe Business Association that options are being considered in relation to the Seadragon Festival; and**
- (4) Request Cottesloe Business Association to advise Council of the suggested format, timing, aims and objectives of the proposed Town Centre festival, including what support they would require from Council.**

Carried 10/0

12.4.5 2007 CENTENARY OF COTTESLOE AS A 'MUNICIPALITY'

File No: X 1
Author: Mrs Jodie Peers
Author Disclosure of Interest: Nil
Report Date: 26 July, 2006

SUMMARY

This report provides information on the upcoming centenary of Cottesloe as a municipality and previous centenary celebrations.

This report recommends that Council form an organising committee for the 2007 Centenary Celebrations and agree to underwrite the book "Cottesloe – A Town of Distinction" and release it as part of the centenary celebrations.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Funds to be included under Civic Receptions in the 2007/08 budget.

STRATEGIC IMPLICATIONS

Nil

BACKGROUND

Local Government was granted to Cottesloe on 2 November, 1895 and the Roads Board existed until 1907 when Cottesloe became a municipality.

In September, 2007 the Town of Cottesloe will celebrate 100 years of Cottesloe as a municipality.

Mrs Ruth Marchant-James has written a new book "Cottesloe – A Town of Distinction" which could be underwritten by the Town of Cottesloe and released as part of any proposed centenary celebrations.

Ms Pat Adamson has also expressed interest to the Mayor that Council celebrate this milestone.

On 31 January, 1997 the Town of Cottesloe celebrated the centenary year of the Cottesloe Civic Centre by holding 'A Spanish Gala' Centenary Ball and Family Fair. This event was organised and run by Red Rock Entertainment.

STAFF COMMENT

This is an important milestone for Cottesloe and deserves to be celebrated. Many opportunities exist for events to mark the occasion, including the release of the book "Cottesloe – A Town of Distinction".

COMMITTEE COMMENT

The Centenary Organising Committee are to set guidelines and gather ideas for consideration by Council.

Suggestion that flagpoles and banners in Napoleon Street could be provided as part of the celebrations.

Opportunity to promote street parties within the suburb.

OFFICER RECOMMENDATION

That Council:

- (1) Form an organising committee for the 2007 Centenary Celebrations; and
- (2) Agree to underwrite the book "Cottesloe – A Town of Distinction" and release it as part of the centenary celebrations.

12.4.5 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

- (1) Form an organising committee, comprised of Crs Carmichael, Dawkins and Jeanes, Mayor Morgan, Mr Stephen Tindale, Mrs Carolyn Ryder and Mrs Jodie Peers, for the 2007 Centenary Celebrations; and**
- (2) Agree in principle, subject to details of costs, to underwrite the book "Cottesloe – A Town of Distinction" and release it as part of the 2007 Centenary Celebrations.**

Carried 10/0

13 STRATEGIC PLANNING COMMITTEE MEETING HELD ON 31 JULY 2006**13.1 GENERAL****13.1.1 CEO'S REMUNERATION REVIEW**

File No: X9.12
Author: Mr Stephen Tindale
Author Disclosure of Interest: The author has an interest in the matter as it directly relates to his employment.
Report Date: 28 July, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY**STATUTORY ENVIRONMENT**

Clause 5.2.1 of the CEO's current contract provides

The Council must, before the expiration of each year during the Term, review the Remuneration Package taking account of:

- (a) the total remuneration of CEOs holding positions similar to the Position of local governments in Western Australia of similar size to Cottesloe; and
- (b) the Council's policy of review from time to time which shall be based on performance, productivity and such other matters as the Council reasonably considers relevant

but there is no obligation on the Council to increase the Remuneration.

The relevant sections of the Local Government Act read, in part, as follows:

5.23. Meetings generally open to the public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;...
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

BACKGROUND

In July, 2005 it was resolved that:

The Review Committee obtain data in relation to Chief Executive Officer remuneration relativities, particularly as they relate to local governments in Perth's western suburbs. The Review Committee to make recommendations to Council on an increase to Mr Tindale's remuneration, in accordance with clause 5.2 of the contract of employment.

At the August, 2005 meeting of Council subsequently decided to increase the remuneration package of the CEO by \$7,000 backdated from 1 July 2005.

At the July 2006 meeting of Council the CEO Performance Review Panel was requested to make recommendations to Council on an increase to Mr Tindale's remuneration, in accordance with clause 5.2 of the contract of employment.

To assist the CEO Performance Review Panel in making a recommendation to Council, an extract from the WALGA's 2006 Local Government Remuneration Survey is attached.

Also attached is a copy of a recent determination of the Salaries and Allowances Tribunal. The Salaries and Allowances Tribunal has advised that Cottesloe along with 20 other 'similar' local governments falls within Band 3 of a 9 band categorisation of WA local governments. The Salaries and Allowances Tribunal has recommended that the total reward package for Band 3 local governments should be in the range of \$117,000 to \$158,500.

It is also the view of the Salaries and Allowances Tribunal that professional development costs should be excluded from the CEO's remuneration package. These are currently included in the Town of Cottesloe's remuneration package for the CEO and amount to \$1,995.

The Salaries and Allowances Tribunal's determination may have a bearing on any recommendation being made by the CEO Performance Review Panel to Council.

CONSULTATION

N/A.

STAFF COMMENT

The CEO seeks a remuneration package increase of \$15,000 based on:

1. parity with the remuneration packages of the CEOs of the Towns of Claremont and Mosman Park, and

2. an increase in the level of performance from an overall rating of '3' – “meets most of the performance requirements of the position of CEO. Generally acceptable; average work performance” to an overall rating of '4' – “meets expectations...has met all the performance requirements of the position and continues to provide a high standard, above average service as the Town’s Chief Executive Officer.”

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Any increase in the CEO’s remuneration package will be accommodated within the 2006/07 budget.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council:

- (1) Close the meeting for the consideration of this agenda item on the grounds that it relates to a matter affecting an employee and a contract entered into, or which may be entered into by the Town of Cottesloe; and
- (2) Increase the CEO’s remuneration package by an amount of \$15,000 to take effect as of 1 July 2006.

COMMITTEE RECOMMENDATION

That Council:

- (1) Close the meeting for the consideration of this agenda item on the grounds that it relates to a matter affecting an employee and a contract entered into, or which may be entered into by the Town of Cottesloe.
- (2) Increase the CEO’s remuneration package by an amount of \$7,500, inclusive of all superannuation, to take effect as of 1 July 2006.

DECLARATION OF INTEREST

Mr Tindale declared a financial interest and left the meeting at 8.11pm.

13.1.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Miller

That Council close the meeting for the consideration of this agenda item on the grounds that it relates to a matter affecting an employee and a contract entered into, or which may be entered into by the Town of Cottesloe.

Carried 10/0

Mr Pattrick, Mr Trigg, Mrs Peers and members of the public gallery left the meeting at 8.11pm.

AMENDMENT

Moved Mayor Morgan, seconded Cr Strzina

That Council increase the CEO's remuneration package by an amount of \$7,500, inclusive of 9% superannuation, to take effect as of 1 July 2006.

Carried 8/2

13.1.1 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

That Council increase the CEO's remuneration package by an amount of \$7,500, inclusive of 9% superannuation, to take effect as of 1 July 2006.

Carried 8/2

Mr Tindale and Mrs Peers returned to the meeting at 8.20pm.

14 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

16 MEETING CLOSURE

The Mayor announced the closure of the meeting at 8.20pm

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