

# TOWN OF COTTESLOE



## FULL COUNCIL MEETING MINUTES

ORDINARY MEETING OF COUNCIL  
HELD IN THE  
Council Chambers, Cottesloe Civic Centre  
109 Broome Street, Cottesloe  
7.00 PM, Monday, 28 June, 2010

1 July 2010

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

The Deputy Mayor announced the meeting opened at 07:05 PM.

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

**Elected Members**

Cr Jack Walsh	Presiding Member
Cr Jay Birnbrauer	
Cr Rob Rowell	
Cr Greg Boland	
Cr Dan Cunningham	
Cr Jo Dawkins	
Cr Victor Strzina	
Cr Davina Goldthorpe	
Cr Patricia Carmichael	
Cr Ian Woodhill	

**Officers**

Mr Carl Askew	Chief Executive Officer
Mr Graham Patrick	Manager Corporate & Community Services
Mr Geoff Trigg	Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Mrs Lydia Giles	Executive Assistant

**Apologies**

Mayor Kevin Morgan

**Officer Apologies**

Nil

**Leave of Absence (previously approved)**

Nil

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

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 PUBLIC STATEMENT TIME**Ms Jessica Stephens, 199 Gloucester St., Victoria Park – Item 11.2.3 - Firework Application Cottesloe Groyne

Ms Stephens requested that Council support the application to hold a fireworks display as part of her wedding as per the officer report. She indicated that the display would be short with no large fireworks, appropriate safety (temporary closure of the groyne) would be in place and that any debris would be cleaned up. She referred to the experience of the contractor selected to conduct the display and her desire to celebrate her marriage in a memorable and magical way.

Ms Karen Clifford, 1 Macdonald Rd, Applecross – Item 11.1.1 - 16 Edward Street - Two Storey Dwelling

Ms Clifford spoke on behalf of her client and referred to correspondence circulated to Councillors and thanked the Councillors who had looked at the property and/or spent time discussing the matter over the telephone. She explained the owner's justification for the proposed setback variations and requested that Council exercise its discretion when approving the development.

Mr David Cairns, 119 Grant St, Cottesloe – Item 12.1 - Black Spot Works – Mann Street/Grant Street

Mr Cairns referred to his comments at Committee on Tuesday and in particular the community's concerns with the proposed original design for the Mann St/ Grant St intersection and the potential resulting traffic problems. As a resident of Grant St he supported the proposed amended design as tabled by Councillors Cunningham and Rowell and urged Council to support that design. He also made reference to what he considered to be the "bigger" traffic problem in Cottesloe caused by the Eric St and Swabourne bridges.

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**Moved Cr Strzina, seconded Cr Dawkins**

[Minutes May 24 2010 Council.DOC](#)

**The Minutes of the Ordinary meeting of Council held on Monday, 24 May, 2010 be confirmed.**

**Carried 10/0**

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

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

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

Standing Orders 12.1 and 21.5 read as follows:

**Members to Rise**

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

**Suspension of Standing Orders**

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

**COUNCIL RESOLUTION:**

**Moved Cr Strzina, seconded Cr Goldthorpe.**

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

**Carried 10/0**

**9 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

For the benefit of the members of the public present and those who had made statements in relation to matters before Council, the following reports were dealt with first;

- 11.2.3 Firework Application Cottesloe Groyne
- 11.1.1 16 Edward Street - Two Storey Dwelling
- 12.1 Black Spot Works – Mann Street/Grant Street
- 11.2.5 Restorations of the Groundwater Acquifer - National Water Initiative

The remainder of the items from the Development Services Committee were dealt with *en bloc*:

- 11.1.2 2A George Street - Two Storey Dwelling with Swimming Pool
- 11.1.3 No.4 Hamersley Street - Proposed Front Addition, Carport And Roof Deck

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

- 11.2.1 Adoption of 2010/2011 budget
- 11.2.2 Write off of assets following asset stock take
- 11.2.4 Drainage Issues, ROW 5, Lyons Street & Brighton Street
- 11.2.6 Right of Way Access between Lyons Street and Brighton Street
- 11.2.7 Width Reduction of Jarrad Street Road Reserve - Broome Street to Marine Parade
- 11.2.8 Statutory Financial Reports for the month ending 31 May 2010
- 11.2.9 Schedule of Investments and Loans as at 31 May 2010
- 11.2.10 Accounts Paid in the Month of May 2010
- 11.2.11 Property & Sundry Debtors Report for May 2010

**10 REPORTS OF OFFICERS**

Nil

**11 REPORTS OF COMMITTEES****11.1 DEVELOPMENT SERVICES COMMITTEE MINUTES - 21 JUNE 2010****11.1.1 16 EDWARD STREET - TWO STOREY DWELLING**

<b>Attachments:</b>	<a href="#">16edwardAerialphoto.pdf</a> <a href="#">16EdwardSitePhotos.pdf</a> <a href="#">16EdwardPlans.pdf</a> <a href="#">16EdwardApplicantJustif.pdf</a>
<b>File No:</b>	<b>1868</b>
<b>Responsible Officer:</b>	<b>Carl Askew</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>William Schaefer</b> <b>Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>21 June 2010</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Property Owner:</b>	<b>Mrs F Kibblewhite</b>
<b>Applicant:</b>	<b>Peter Stannard Homes</b>
<b>Date of Application:</b>	<b>07 January 2010</b>
<b>Zoning:</b>	<b>Metropolitan Region Scheme Reserve – Primary Regional Road and Residential R20/</b>
<b>Use:</b>	<b>P – A use that is permitted under this Scheme</b>
<b>Lot Area:</b>	<b>559 m<sup>2</sup></b>

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**SUMMARY**

This application is seeking the following variations to Council's Scheme and Resolution:

- Front setback;
- Building height (height of tower walls).

These issues are discussed in this report, which refers to plans received on 7 January 2010.

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

**PROPOSAL**

It is proposed to demolish the existing building and construct a two-storey, brick and tile dwelling with a limestone-clad feature tower.

Most of the lot is reserved under the Metropolitan Region Scheme - Primary Regional Road (MRS – PRR). However a very small portion of the lot is zoned for Residential use at R20 density under Town Planning Scheme No. 2 (TPS 2).



**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

- TPSP 005 - Building Height;
- Resolution TP128a October 2002 – Front Setbacks.

**STATUTORY ENVIRONMENT**

- Town of Cottesloe Town Planning Scheme No 2;
- Metropolitan Region Scheme;
- Residential Design Codes.

**FINANCIAL IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**VARIATIONS**

<b>Scheme Clause/ Council Resolution</b>	<b>Requirement</b>	<b>Proposed</b>
TPS2 Clause 5.1.1 (c)	6.0m maximum wall height	Max height of turret walls 6.44m
Resolution TP128a October 2002	6.0m front setback for residential development in the district	4.6m

**APPLICANT'S JUSTIFICATION**

The applicant submitted a detailed response to the preliminary assessment feedback of Council's Planning Staff. A copy of the response is attached.

A summary of the items that are particularly relevant is as follows:

- If true Geographical Centre of Site NGL (30.08m) is used instead of the Four Corner Averaging NGL (29.8m), the overheight walls of the proposed turret are only 0.16m above the standards of TPS2;
- The proposed overheight turret reflects the overheight turrets and steep roof pitch of the old church opposite the subject lot and enhances the streetscape;
- The proposed overheight turret occupies a small proportion of the streetscape, with the rest of the dwelling height complying with the standards of TPS2;
- The impact of the proposed overheight turret will be minimal;

- Despite being forward of the 6.0m setback line, the ground floor verandah and upper floor balcony are proposed to be of open construction and will not significantly detract from the streetscape;
- Under the averaging method normally permitted by the R-Codes, the dwelling is actually setback 6.25m, which is greater than the standard 6.0m requirement;
- The impact of the projections of the dwelling (as opposed to verandah/balcony) into the streetscape will be insignificant as they are single storey;
- The existing Gordon Street and Edward Street streetscapes are considerably more eclectic than for other parts of Cottesloe, comprising a mixture of the church, modern homes, grouped dwellings (on Edward Street), traditional homes and homes with secondary street setbacks (1.5m) from Gordon Street. The pattern of development is such that the reduced setback to the dwelling would be difficult to detect;
- Four of the six homes opposite and adjacent to the subject lot appear to have reduced setbacks. More specifically, the old church is set back 3.7m from Gordon Street, with the vestibule being set back approximately 1.0m. A portion of the large wall abutting the rear of the church is set back 1.5m. The grouped dwellings on Edward Street are setback 5.0m. Several solid walls may be found in the front setback areas of other dwellings in the vicinity;
- There are numerous examples of reduced secondary street setbacks further up Gordon Street. In one instance a carport appears to be set back 0.15m from the secondary street boundary;
- It appears that the subject lot was created by subdivision of the adjacent property facing Stirling Highway. The RDC permit a reduced setback to the original secondary street in situations where a lot has been subdivided. It could be argued that Gordon Street is the original secondary street for the parent lot;
- The owners wish to “age-in-place”, remaining in the same home for many years. The anticipated future reduction in client mobility has produced a large area of ground floor relative to upper floor, which has led to the front setback variation being sought.

## CONSULTATION

As much of the lot is reserved under the MRS, the Western Australian Planning Commission (WAPC) was advised of the application and invited to comment. Officers have received advice that, owing to corporate changes within the Department of Planning, longer than usual delays are to be expected. Thus, at the time of writing this report, the WAPC has not yet formally provided the Town with its advice.

Nevertheless, it is considered unlikely that the WAPC will raise any objection and it is recommended that the approval be conditioned so that it may become valid once the WAPC advises its acceptance of the proposal.

**Advertising**

- The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2;
- The advertising consisted of Letters to Adjoining Property Owners;
- No written response was received.

**PLANNING COMMENT**

The application was received on 7 January 2010. After lengthy consultation with the owner, the applicant has provided justification for the proposal and requested that it be presented to Council as originally submitted.

**Front Setback**

It is proposed to construct the ground floor verandah/upper floor balcony with a setback of 4.6m, which amounts to a minor projection that incurs 1.4m into the Gordon Street front setback area. Under Acceptable Development Standard 6.2.2 A2 (i) of the RDC, verandahs and balconies may project up to 1.0m into the front setback area.

It is also proposed to construct two portions of the dwelling forward of the 6.0m front setback line. The setback to the office is proposed to be 5.1m, and the setback of bedroom 1 is intended to be 4.995m.

Under the normal averaging arrangements permitted under Acceptable Development Standard 6.2.1 A1.1 (i) of the RDC, the proposal would achieve an average of 6.25m and would comply. However, by resolution, Council prefers not to utilise the averaging method of setback calculation. The variation must therefore be assessed under the RDC Performance Criterion 6.2.1 P1, which contemplates:

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

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

In this instance the diverse pattern of development along Gordon Street is such that the variation is unlikely to create disruption. The old church across the road is set back 3.7m from Gordon Street, with the vestibule being set back approximately 1.0m. A portion of the large wall between the church and 14 Gordon Street is set back 1.5m. The grouped dwellings at 1-3/15 Edward Street are setback 5.0m. Several solid walls may be found in the front setback areas of other dwellings in the vicinity.

It should be noted that the office is only 2.89m wide and that the Bedroom is 4.33m wide. The total length of dwelling proposed to be forward of the front setback line is thus 7.22m, which comprises 30.7% of the 23.54m Gordon Street frontage.

No privacy issues or open space concerns have been generated by the variations, and it does not appear that the variations will compromise any easements for essential service corridors.

Nevertheless, whilst it appears that the proposed reduced front setback would blend in relatively well with the streetscape, the design of the dwelling does not appear to have responded to the site. From this perspective, the need for rooms and features of the given dimensions may be questioned, especially as they do not seem essential to the dwelling and as spaces could be designed more efficiently.

Recently, Council has been prepared to approve variations for front setbacks in south Cottesloe. However, this area generally has a density coding of R30 and thus an RDC setback of 4.0m, with the result being that variations to Council's 6.0m setback preference typically comply with the lesser requirements of the RDC. There are very few, if any, instances of recent approvals for reduced front setbacks in R20 areas.

In conclusion, the context of varied setbacks along Gordon Street and in the general vicinity is such that the proposed reduced setback to the dwelling would be unlikely to prove disruptive. Nevertheless, as the proposal does not appear to have responded to the site, the design could be modified without compromising the dwelling. It is also difficult to cite precedents for reduced front setbacks in R20 areas of Cottesloe. In accordance with Resolution TP128a it is suggested that a condition requiring a 6.0m front setback be applied.

### **Height of Turret Walls**

It is proposed to construct a turret feature with a wall height (ie height to underside of eaves) of 6.44m, whereas Clause 5.1.1 (c) of TPS 2 sets a wall height standard of 6.0m. It is noted that the maximum height of the turret roof is within the maximum building height standards of the Scheme.

The applicant has argued that the overheight component matches the turrets/spires and steep roof pitch of the old church across the road. It is further submitted that the turret wall occupies a relatively narrow proportion of the streetscape and is unlikely to have any effect on the amenity of the area.

Clause 5.1.1 (c) of TPS 2 allows for variations to the 6.0m wall height maximum in the case of extensions to existing buildings and in situations where topography has rendered compliant design more difficult.

In view of the relatively flat site and the fact that it is a new dwelling that has been proposed, there is not a basis available under the provisions of TPS 2 to support the variation to the 6.0m wall height maximum. Whilst it is true that the overall roof height of the turret is compliant, and it is likely that the overheight walls would perform without undue disruption to the amenity of the area, approving a variation that is not in accordance with the Scheme would be inconsistent.

It is therefore recommended that a condition be applied to the approval, to the effect that the maximum height of the turret walls be lowered to comply with Clause 5.1.1 (c) of TPS 2.

**CONCLUSION**

The proposal seeks variations to wall height and front setback standards. Whilst the proposal could be expected to perform without undue impact on the amenity of the area, there are insufficient grounds to allow the variations, especially considering that the proposal is for a new-build rather than alterations/additions to an existing dwelling.

Approval with conditions to this effect is recommended.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

Committee expressed support for the proposed turret as a design element, noting that it was lower than the main roof height, and felt that condition (i) could be deleted. Mr Jackson acknowledged this design appreciation but cautioned that the report informed of the limits of discretion available to Council under the Scheme, whereby there was insufficient basis to support a height variation by reason of topography (as explained by officers in relation to the natural ground level). Mr Jackson suggested that were Committee still inclined to recommend this amendment, he could provide further advice in this regard to Council to guide its decision, and Committee agreed with this approach.

Committee also discussed the setbacks situation and considered that there was scope for the design to be improved to comply with Council's preferred 6m primary street setback. Committee formed this view in the interest of streetscape, while noting the points raised by the applicant about the pattern of setbacks.

**OFFICER RECOMMENDATION**

Moved Cr Walsh, seconded Cr Dawkins

THAT Council GRANT its Approval to Commence Development for the proposed two storey dwelling on Lot 22 (No 16) Edward Street in accordance with the plans received 7 January 2010, subject to the following conditions:

- (a) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.
- (b) Stormwater runoff from the driveway of any other paved portion of the site shall not be discharged onto the street reserve or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings.
- (c) The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (d) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings and housed or treated to ensure that sound emissions do not exceed the limits prescribed by the Environmental Protection (Noise) Regulations 1997.

- (e) Any future fencing to the front setback area of the site shall be of "Open Aspect" design in accordance with Council's Fencing Local Law and the subject of a separate application to the Town.
- (f) The property owner shall liaise with Council's Rates Department to formally change the street address of the property to a Gordon Street address prior to completion of the development.
- (g) Prior to the issue of a Building Licence, the WAPC shall formally advise the Town that it has no objections to the proposal.
- (h) At Building Licence stage, revised plans shall be submitted showing the front setback to the dwelling being increased to a minimum of 6.0m, in accordance with the Residential Design Codes and Council Resolution TP128a – October 2002.
- (i) At Building Licence stage, revised plans shall be submitted showing the maximum height of the turret walls being lowered to 6.0m above the calculated NGL, in accordance with Clause 5.1.1 (c) of Town Planning Scheme No. 2.

**AMENDMENT**

Moved Cr Walsh, seconded Cr Dawkins

That condition (i) be deleted from the recommendation.

Carried 6/1

**COMMITTEE RECOMMENDATION**

Moved Cr Dawkins, seconded Cr Birnbrauer

THAT Council GRANT its Approval to Commence Development for the proposed two storey dwelling on Lot 22 ( No 16) Edward Street in accordance with the plans received 7 January 2010, subject to the following conditions:

- (a) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.
- (b) Stormwater runoff from the driveway of any other paved portion of the site shall not be discharged onto the street reserve or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings.
- (c) The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (d) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings and housed or treated to ensure that sound emissions do not exceed the limits prescribed by the Environmental Protection (Noise) Regulations 1997.
- (e) Any future fencing to the front setback area of the site shall be of "Open Aspect" design in accordance with Council's Fencing Local Law and the subject of a separate application to the Town.

- (f) The property owner shall liaise with Council's Rates Department to formally change the street address of the property to a Gordon Street address prior to completion of the development.
- (g) Prior to the issue of a Building Licence, the WAPC shall formally advise the Town that it has no objections to the proposal.
- (h) At Building Licence stage, revised plans shall be submitted showing the front setback to the dwelling being increased to a minimum of 6.0m, in accordance with the Residential Design Codes and Council Resolution TP128a – October 2002.

Carried 5/2

**AMENDMENT**

**Moved Cr Boland, seconded Cr Goldthorpe**

**That point (i) in the original officer recommendation be reinstated.**

**Carried 7/3**

**AMENDMENT**

**Moved Cr Woodhill, seconded Cr Walsh**

**That point (H) be removed from the Committee Recommendation.**

**Lost 2/8**

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**Moved Cr Walsh, seconded Cr Strzina**

**COUNCIL RESOLUTION**

**THAT Council GRANT its Approval to Commence Development for the proposed two storey dwelling on Lot 22 (No 16) Edward Street in accordance with the plans received 7 January 2010, subject to the following conditions:**

- (a) **All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.**
- (b) **Stormwater runoff from the driveway of any other paved portion of the site shall not be discharged onto the street reserve or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings.**
- (c) **The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- (d) **Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings and housed or treated to ensure that sound emissions do not exceed the limits prescribed by the Environmental Protection (Noise) Regulations 1997.**

- (e) Any future fencing to the front setback area of the site shall be of “Open Aspect” design in accordance with Council’s Fencing Local Law and the subject of a separate application to the Town.
- (f) The property owner shall liaise with Council’s Rates Department to formally change the street address of the property to a Gordon Street address prior to completion of the development.
- (g) Prior to the issue of a Building Licence, the WAPC shall formally advise the Town that it has no objections to the proposal.
- (h) At Building Licence stage, revised plans shall be submitted showing the front setback to the dwelling being increased to a minimum of 6.0m, in accordance with the Residential Design Codes and Council Resolution TP128a – October 2002.
- (i) At Building Licence stage, revised plans shall be submitted showing the maximum height of the turret walls being lowered to 6.0m above the calculated NGL, in accordance with Clause 5.1.1 (c) of Town Planning Scheme No. 2.

Carried 8/2



**11.1.2 2A GEORGE STREET - TWO STOREY DWELLING WITH SWIMMING POOL**

<b>File No:</b>	<b>1949</b>
<b>Attachments:</b>	<a href="#">2AGeorgeAerialPhoto.pdf</a> <a href="#">2AGeorgeSitePhotos.pdf</a> <a href="#">2AGeorgePlans.pdf</a> <a href="#">2AGeorgeApplicantJustif.pdf</a>
<b>Responsible Officer:</b>	<b>Carl Askew</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>William Schaefer</b> <b>Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>21 June 2010</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Property Owner:</b>	<b>Dr J and Mrs V Yap</b>
<b>Applicant:</b>	<b>Brooking Design Practice</b>
<b>Date of Application:</b>	<b>5 May 2010</b>
<b>Zoning:</b>	<b>Residential – R20</b>
<b>Use:</b>	<b>P - A use that is permitted under this Scheme</b>
<b>Lot Area:</b>	<b>458m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>Not applicable</b>

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**SUMMARY**

This application is seeking the following variations to Council's Scheme, Policies, Local Laws or the Residential Design Codes:

- Front Setback

This variation is discussed in this report which refers to plans received on 5 May 2010.

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

**PROPOSAL**

It is proposed to demolish the existing dwelling and construct a new two storey dwelling with a small swimming pool at the above address.

The front boundary of the lot runs at an angle to the side boundaries and thus a compliant design has been difficult to achieve.

It is intended to maintain the primary street relationship to Curtin Avenue. The proposed dwelling will be mostly single storey, but will present a two storey element to the Curtin Avenue streetscape.

Portions of the existing dwelling appear old but the rear of the dwelling has been significantly altered at some stage in the past. Overall the dwelling is in poor condition. The dwelling also occupies the entire width of the lot, with practically no setbacks from the side boundaries (refer photographs), which is undesirable from a

planning perspective. As the building is not listed on the Municipal Inventory, there are no heritage issues associated with its demolition.

Vehicular access to the site will be from George Street.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Resolution TP128a October 2002 – Front Setbacks

**FINANCIAL IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION****Advertising**

- The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2;
- The advertising consisted of Letters to Adjoining Property Owners
- No written response was received.

**HERITAGE LISTING**

N/A

**VARIATIONS**

<b>Council Resolution</b>	<b>Requirement</b>	<b>Proposal</b>
Resolution TP128a – October 2002	6.0m front setback for residential development in the district	4.7m

**MUNICIPAL INVENTORY**

N/A

**NATIONAL TRUST**

N/A

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**APPLICANT'S JUSTIFICATION**

The applicant submitted a substantial report in support of the application. A summary of the main issues is as follows:

- The angled front boundary of the lot has generated a difficult-to-design-for front setback area;
- The proposed setback meets the averaging requirements of the RDC;
- The ample Curtin Avenue verge and service road space is 24 metres wide, which preserves the sense of openness in front of the proposed dwelling;
- The proposed reduced front setback will not have a negative effect on the privacy of other dwellings;
- The proposed reduced setback will not jeopardize easements or essential service corridors;
- The proposed dwelling will be finished to a high standard and will enhance the immediate neighbourhood;
- Many of the buildings along the Curtin Avenue service road have been constructed well forward of the 6.0m setback line – including the immediately adjacent garage that has been built right up to the front boundary;
- Density-code changes awaiting Gazettal as part of Proposed Local Planning Scheme No. 3 will see future development at R30 standards instead of R20. Development to R30 standards would render the reduced setback difficult to detect;
- Council's Resolution TP128A appears concerned with the potential abuse of the RDC averaging allowances, with the primary concern being the possibility of setbacks as small as 2.0m in R30 areas. The proposed reduced setback, however, is minor, and will actually be further back from the street than many of the setbacks that exist for dwellings along the same streetscape.
- The reduced secondary street setback to the garage will match the setback of the neighbouring garage and will not negatively impact the neighbours' amenity.

**PLANNING COMMENT****Front Setback**

It is proposed to have a minimum front setback of approximately 4.7m, whereas by Resolution TP128A, Council prefers front setbacks of 6.0m. The proposal does not seek a variation for the bulk of the dwelling, but rather for the south-east corner of the building. The majority of the dwelling is intended to be setback behind the 6.0m line, with the north-eastern corner of the building setback 7.2m.

The applicant has substantially justified the reduced front setback, demonstrating that the proposal complies with the averaging allowances of the RDC, remains consistent with the pattern of reduced front setbacks along the street and does not create other amenity issues for the surrounding area.

In general terms, the variation is considered relatively minor and in keeping with the spirit of the Town's Resolution, which was to prevent extreme setback reductions from being approved.

The difficulty of designing for narrow, obliquely-fronted lots that are orientated from east to west tends to result in a number of small variations being sought for various elements of a proposal. In this case it is the need to reduce shadow impact on the southern neighbour by keeping the small two storey element away from living areas and habitable rooms of the neighbor to the south that has seen the front of the dwelling pushed further towards Curtin Avenue.

More specifically, reduced primary street setbacks to dwellings occur at 91 Curtin Avenue, 4 George Street (the dwelling on which is orientated to Curtin Avenue), 103 Curtin Avenue, 105 Curtin Avenue, 107 Curtin Avenue, 109 Curtin Avenue, 111 Curtin Avenue and 19 Reginald Street (the dwelling on which is also orientated to Curtin Avenue. In this context, the proposed reduced setback for the dwelling at 2A George Street will probably be the furthest back from Curtin Avenue. In any, the variation would be unlikely to disrupt the pattern of existing development along the primary street.

No written objection was received. It is considered that the variation can be supported.

### **Secondary Street Setback**

It is intended to set the garage 1.0m back from the George Street (the secondary street), whereas the RDC require a setback of 1.5m. It is therefore necessary to consider the variation under RDC Performance Criterion 6.2.1 P, which contemplates:

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

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

The applicant has justified the variation, noting that the reduced setback to the garage matches that of the adjacent garage and thus contributes continuity to the George Street streetscape. The applicant also states that a setback of 1.0m is no worse for neighbours with regard to privacy, ventilation, shadowfall or building bulk.

In general, the justification is considered acceptable. The variation has resulted from a dwelling design that has maximised areas of ground floor so as to minimise the impact on neighbours. The alignment of the two garages will not unduly disrupt the streetscape and it appears that no easements will be compromised by the variation. No privacy or open space issues are expected to be generated by the reduced setback.

Approval is recommended.

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**CONCLUSION**

The proposal is compliant with the requirements of TPS 2 and the RDC and seeks a variation to the 6.0m setback standard for only a portion of the dwelling. It has been demonstrated that the proposed variation would have minimal impact on the streetscape, which is already comprised of dwellings that are setback substantially less than 6.0m. Approval is recommended.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

Committee supported the design as suitable for the property and noted that the proposal involves partial front and rear setback variations, which Mr Jackson explained were assessed as acceptable in the context of the angled front boundary and rear street usage, as elaborated in the report.

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Walsh, seconded Cr Strzina**

**THAT Council GRANT its Approval to Commence Development for the proposed two storey dwelling with swimming pool on Lot 99 (No. 2A) George Street, Cottesloe, as per the plans dated 5 May 2010, subject to the following conditions:**

- (a) All construction work shall be carried out in accordance with the Environmental Protections (Noise) Regulations 1997, Regulation 13 – Construction Sites.**
- (b) The external profile of the development as shown of the approved plans shall not be changed, whether by 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 shall not be discharged into the street reserve or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings.**
- (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 shall be located closer to the proposed dwelling than the adjoining dwellings, and housed or treated to ensure that sound emissions do not exceed the levels prescribed in the Environmental Protection (Noise) Regulations 1997.**
- (f) The pool pump and filter shall be located closer to the proposed dwelling than the adjoining dwellings, and housed or treated to ensure that sound emissions do not exceed the levels prescribed in the Environmental Protection (Noise) Regulations 1997.**

- (g) Wastewater or backwash water from swimming pool filtration systems shall be disposed of into adequate soakwells and contained within the boundary of the property.**
- (h) A soakwell system having a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary shall be installed to the satisfaction of the Environmental Health Officer.**
- (i) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.**

**Carried 10/0**

**11.1.3 NO.4 HAMERSLEY STREET - PROPOSED FRONT ADDITION, CARPORT AND ROOF DECK**

<b>File No:</b>	<b>1938</b>
<b>Attachments:</b>	<a href="#">4HamersleyAerialPhoto.pdf</a> <a href="#">4HamersleyPlans.pdf</a> <a href="#">4HamersleyApplicantJustif.pdf</a>
<b>Responsible Officer:</b>	<b>Carl Askew</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Ed Drewett</b> <b>Senior Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>21 June 2010</b>
<b>Author Disclosure of Interest</b>	<b>Nil</b>
<b>Property Owner</b>	<b>E &amp; M Owen</b>
<b>Applicant</b>	<b>Rodrigues Bodycoat Architects</b>
<b>Date of Application</b>	<b>9 April 2010 (Amended 28/5/10)</b>
<b>Zoning:</b>	<b>Residential</b>
<b>Use:</b>	<b>P - A use that is permitted under this Scheme</b>
<b>Lot Area:</b>	<b>574m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>Not applicable.</b>

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**SUMMARY**

This application is seeking the following variations to Council's Town Planning Scheme No.2, the Residential Design Codes and Council's preferred front setback requirement:

- Front and side setbacks
- Visual Privacy

These aspects are discussed in this report and refer to amended plans received on 28 May 2010.

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

**PROPOSAL**

This application is seeking the following variations to Council's Town Planning Scheme No.2, the Residential Design Codes and Council's preferred front setback requirement:

- Front and side setbacks
- Visual Privacy

These aspects are discussed in this report and refer to amended plans received on 28 May 2010.

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

**STATUTORY ENVIRONMENT**

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

**PROPOSED LOCAL PLANNING SCHEME NO 3**

No changes are proposed to the zoning of this lot.

**MUNICIPAL INVENTORY**

Not applicable.

**AREAS OF NON-COMPLIANCE**

Council resolution	Provided
6m front setback	4m to front balcony (3m to eaves)

**Residential Design Codes**

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
6.3 – Boundary setback	Setback to southern boundary 1.8m from front balcony and 1.2m from roof deck	1m	Clause 6.3.1 – P1
6.8 – Privacy	7.5m cone of vision from accessible rooftop and front balcony	Cone of vision to north & south boundaries - 3.2m & 2.5m from proposed roof deck and 1.9m & 1m from front balcony	Clause 6.8.1 – P1

**Advertising**

- The Application was advertised as per Town Planning Scheme No 2. The advertising consisted of a letter to the owners of the adjoining properties. No submissions were received.

**APPLICANT'S JUSTIFICATION**

The main points raised by the applicant in support of the proposal are summarised below:

- The proposed addition is to allow the owners to take full advantage of the ocean aspect and to maximise their living space;
- A new kitchen, living area and balcony at the existing floor level will provide improved interaction with the street and surrounding beach amenities;
- A new roof-deck on an existing concrete roof slab takes advantage of coastal views;



- The use of lightweight building materials, recycled timber flooring and aluminium louvres represent an efficient, well-resolved solution to the growing needs of a family home. The design also allows for undercroft parking and improved storage facilities for beach-related activities;
- The new addition allows adequate direct sun/ventilation to both the building and adjoining properties and will not detract from their amenity due to its location next to walkways, a garage, front garden and an enclosed balcony. It will also assist in improving the impact of building bulk on adjoining properties as it is a lightweight addition with the proposed front balcony being open and having minimal impact on neighbouring dwellings in terms of streetscape. The southern adjoining building is a 2-storey art deco apartment building with a heavy, robust street presence consisting of enclosed balconies and small openings. The proposed new addition will enliven it with a contemporary lightweight structure;
- The proposed front balcony will assist in street surveillance and offers an opportunity for improved interaction with residents on the street; and
- There will be no direct overlooking of active habitable spaces or outdoor living areas on adjoining properties as to the south the new addition will overlook a garage, enclosed balconies and walkway and to the north will overlook a front garden and indirectly over a balcony which is screened by trees and other built structures. The proposed balcony does not permit direct views into habitable indoor or outdoor living spaces.

Planning Comment Following the submission of amended plans on 28 May 2010 there are three variations being sought by the applicant to Council's Town Planning Scheme No 2, the Residential Design Codes and Council preferred front setback resolution. These are discussed below:

#### Front setback

In 2002 Council resolved to generally insist on a 6m front setback for residential development (for the preservation of streetscapes, view corridors and amenity).

The applicant is proposing an open-sided front balcony (2m wide x 12.39m long) at 4m from the front boundary with a roof extending to 3m from the boundary, albeit that the enclosed part of the new additions will be setback at 6 metres.

The balcony and eaves comply with the front setback requirements of the Residential Design Codes for the R30 zoned lot and will have a similar juxtaposition to an existing raised garden area on the adjoining lot to the north and setback behind an existing garage located to the front of the building to the south.

Both adjoining properties comprise of 2-storey multiple dwellings with ground floor levels that are raised well above Hamersley Street, whereas the subject property is only single-storey and will remain of relatively small-scale in comparison, even with the proposed additions. Furthermore, although the proposed balcony, eaves and lower carport will protrude in front of the existing building line of the adjoining properties, its light-weight open design will assist in reducing its visual impact on the streetscape. The location of existing vegetation and a solid fence along the northern boundary also will ensure that it will not significantly affect existing views from these

adjoining units and the units on the southern side are predominantly orientated towards Eric Street with views to the south-west which will equally not be significantly affected by the proposed additions.

#### Side setbacks

The proposed front balcony and roof-deck both have a 1 metre setback from the southern boundary, in lieu of 2.3m and 1.2m respectively, as required under the acceptable development standards of the Residential Design Codes. However, the applicant has requested this setback be considered under performance criteria of the Codes which state:

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

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

The proposed balcony is only 2m wide and the proposed privacy screen to the roof-deck facing the southern boundary has a length of only 2.8m so the impact of both structures on the adjoining property will be limited by virtue of their size. Furthermore, under the Residential Design Codes the wall length is rounded up to 9m (that being the minimum wall length allowed for) and so the setbacks required under the acceptable development standards are taking account of larger structures than that actually proposed.

Furthermore, as the proposed structures will be adjoining the rear of the multiple dwellings to the south it will not affect major openings or appurtenant open space and will have a negligible impact to residents in terms of light, ventilation, additional building bulk or privacy.

#### Visual Privacy

The proposed development complies with the majority of visual privacy requirements under the acceptable development standards of the Residential Design Codes due to the inclusion of 1.9m high solid screens proposed at each end of the new roof-deck and the provision of a high-level north-facing window to the new living area. However, the proposed front balcony and a portion of the west-facing roof-deck still needs to be assessed under performance criteria of the Codes which state:

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

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

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

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

The positioning of an existing wall and vegetation along the front section of the northern boundary and the raised level of the front courtyard area on the adjoining lot to the north will assist in ameliorating any loss of privacy to that property and the majority of overlooking from the proposed roof-deck will be over the street setback area due to proposed solid screening at each end. Overlooking to the south will be restricted to the rear of the adjoining units and an existing garage so again will have minimal impact on the adjoining residents or their amenity.

## **CONCLUSION**

The proposal can be supported with the variations sought as it satisfies the performance criteria of the Residential Design Codes. Furthermore, the proposed front setback to the balcony, eaves and carport is compliant with the R-Codes, has raised no objections from neighbours, and provides better articulation to the front of the dwelling and surveillance to the street without significantly impacting on the amenity of adjoining residents or the streetscape

## **VOTING**

Simple Majority

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

**Moved Cr Walsh, seconded Cr Strzina**

**That Council GRANT its Approval to Commence Development for the proposed front addition, carport and roof-deck at 4 (Lot 2) Hamersley Street, Cottesloe, in accordance with the plans submitted on 28 May 2010, subject to the following conditions:**

- (a) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
- (b) Stormwater runoff from the driveway or any other paved portion of the site shall not be discharged onto the street reserve or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings for a building licence.**
- (c) The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- (d) The applicant applying to the Town of Cottesloe for approval to construct a new crossover, if required, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.**
- (e) The carport shall not have any garage-type solid door.**

- (f) The applicant complying with the Town of Cottesloe Policy for Street Trees, February 2005, where development requires the protection or pruning of the existing street tree which is required to be retained.

Carried 10/0

**11.2 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 22 JUNE 2010****11.2.1 ADOPTION OF 2010/2011 BUDGET**

**File No:** SUB/140  
**Attachments:** [budget 2010 2011.pdf](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services

**Proposed Meeting Date:** 22 June 2010  
**Author Disclosure of Interest** Nil

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**SUMMARY**

A recommendation is made to adopt the draft 2010/11 budget.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

Section 6.2 of the Local Government Act 1995 provides the following:-

**6.2. LOCAL GOVERNMENT TO PREPARE ANNUAL BUDGET**

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt\*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.  
*\* Absolute majority required.*
  - (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
    - (a) the expenditure by the local government;
    - (b) the revenue and income, independent of general rates, of the local government; and
    - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
  - (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.
  - (4) The annual budget is to incorporate —
-

- (a) particulars of the estimated expenditure proposed to be incurred by the local government;
  - (b) detailed information relating to the rates and service charges which will apply to land within the district including —
    - (i) the amount it is estimated will be yielded by the general rate; and
    - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;
  - (c) the fees and charges proposed to be imposed by the local government;
  - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
  - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
  - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
  - (g) such other matters as are prescribed.
- (5) Regulations may provide for —
- (a) the form of the annual budget;
  - (b) the contents of the annual budget; and
  - (c) the information to be contained in or to accompany the annual budget.

## **FINANCIAL IMPLICATIONS**

The budget sets the direction for the next financial year.

## **SUSTAINABILITY IMPLICATIONS**

Nil

## **CONSULTATION**

There have been several workshops with Councillors to determine the budget

## **STAFF COMMENT**

This budget has been prepared with input from senior staff and Councillors. The Local Government CPI (LGCPI) has been used as a yardstick to measure to ensure that the council maintain a sustainable financial foundation. In addition to LG CPI the new financial year will be the first to have 2 payments on the new library loan.

## **VOTING**

Absolute Majority

## **OFFICER RECOMMENDATION**

Moved Mayor Morgan, seconded Cr Strzina  
THAT Council:

- (a) Adopt the budget for the financial year ending 30 June 2011;

- (b) Adopt the Statement of Cash Flows for the financial year ending 30 June 2011;
- (c) Endorse the Rate Setting Statement for the financial year ending 30 June 2011; and
- (d) Endorse the Statement of Comprehensive Income (by nature and type) showing expenditure of \$9,978,770 and revenue of \$9,452,174 for the financial year ending 30 June 2011.

(2) ADOPTION OF RATE – SECTION 6.32 LOCAL GOVERNMENT ACT, 1995

That Council:

(a) General Rate

Impose a rate of 6.645 cents in the dollar on the gross rental value of all the rateable property within the Town of Cottesloe for the financial year ending 30 June 2011.

(b) Minimum Rate

Impose a minimum rate of \$845.00 for the financial year ending 30 June 2011.

(c) Refuse Collection

Include in the rate charge for residential properties:

- a once per week service of a 120 litre mobile garbage bin (MGB) for general household rubbish, and
- a once per fortnight service of a 240 litre MGB for recyclable household rubbish.

Apply the following charges to residential properties for additional services:

- General rubbish – each additional service per week – 120 litre MGB - \$312.00 per annum (inclusive of GST),
- Recycling – each additional service per fortnight – 240 litre MGB – nil.

Apply the following charges to commercial properties:

- General rubbish – one service per week – 240 litre MGB - \$312.00 per annum (inclusive of GST),
  - Recycling – one service per fortnight – 240 litre MGB - \$126.50 per annum (inclusive of GST),
  - Recycling – one service per week – 240 litre MGB - \$253.00 per annum (inclusive of GST).
-

(d) Administration Charge – Section 6.45(3) Local Government Act, 1995

Impose an administration charge of \$50.00 where payment of a rate or service charge is made by instalments, except that eligible pensioners will be excluded from paying the charge.

(e) Interest – Section 6.51 Local Government Act, 1995

Apply an interest rate of 11% per annum to rates and service charges levied in the 2010/11 financial year which remain unpaid after they become due and payable and where no election has been made to pay the rate or service charge by instalments.

(f) Rates Instalment Payment Option

Adopt the following rates instalment options:

Option 1

To pay the total amount of rates and charges included on the rate notice in full by the 35<sup>th</sup> day after the issue.

OR

Option 2

To pay by four instalments, as detailed on the rate notices with the following anticipated dates:

- First instalment due by 2nd September, 2010
- Second instalment due by 11<sup>th</sup> November, 2010
- Third instalment due by 13<sup>th</sup> January, 2011
- Fourth instalment due by 24<sup>th</sup> March, 2011.

(g) Specified Area Rate – Section 6.37 Local Government Act, 1995

Include for the purposes of area promotion, the raising of a specified area rate to raise 1.1999 cents in the dollar on the gross rental valuations of all of the rateable land bounded by Forrest Street, Stirling Highway, the railway line, Brixton Street and Railway Street as shown in Appendix 1 of Town Planning Scheme No. 2 as the Town Zone Development Policy Plan, except for lots 50 and 61 and any other property in the specified area that is used solely for residential purposes.

**(3) INTEREST ON MONEY OWING – SECTION 6.13 LOCAL GOVERNMENT ACT, 1995**

That Council apply an interest rate of 11% per annum to any amount not paid within 35 days of the date of the issue of the account.



**(4) MEMBERS MEETING ATTENDANCE FEES – SECTION 5.99 LOCAL GOVERNMENT ACT, 1995**

That Council set an annual meeting attendance fee of \$5,000 for Council Members and \$10,000 for the Mayor.

**(5) MAYOR AND DEPUTY MAYORAL ALLOWANCE – SECTION 5.98 AND 5.98A LOCAL GOVERNMENT ACT, 1995**

That Council set a mayoral allowance of \$5,000 and set a deputy mayoral allowance of \$1,250.

**(6) TELECOMMUNICATIONS ALLOWANCE – SECTION 5.99A LOCAL GOVERNMENT ACT, 1995**

That Council set a telecommunication allowance of \$1,600 for elected members.

**Committee Comment:**

Cr Rowell raised the matter of the current Meeting Attendance Fees and Mayoral Allowance fees as stated in section (4) and (5) of the Officer Recommendation of Item 10.1.1 and proposed that the Mayoral Allowance be increased.

Mayor Morgan declared a financial interest on Item 10.1.1 as the Mayor of Town of Cottesloe and exited the room.

Cr Boland assumed the Chair in the Mayors absence.

Committee discussed the workload and expectations of the position of Mayor and the amount of time spent at Community events and meetings. After debate, the Committee came to the decision that the Mayor Allowance should be increased by \$2,500 per annum and determined to amended part (5) of the Officer Recommendation accordingly.

**AMENDMENT**

**Moved Cr Rowell, seconded Cr Woodhill**

That point (5) of the Office Recommendation be changed to state the Mayoral allowance of \$5,000 be increased to \$7,500.

**Carried 5/1**

*Mayor Morgan left the meeting at 7:50pm and returned at 8:10pm.*

**COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Boland, seconded Cr Rowell**

**THAT Council:**

- (a) Adopt the budget for the financial year ending 30 June 2011;**
- (b) Adopt the Statement of Cash Flows for the financial year ending 30 June 2011;**

- (c) Endorse the Rate Setting Statement for the financial year ending 30 June 2011; and
- (d) Endorse the Statement of Comprehensive Income (by nature and type) showing expenditure of \$9,978,770 and revenue of \$9,452,174 for the financial year ending 30 June 2011.

(2) **ADOPTION OF RATE – SECTION 6.32 LOCAL GOVERNMENT ACT, 1995**

That Council:

(a) **General Rate**

Impose a rate of 6.645 cents in the dollar on the gross rental value of all the rateable property within the Town of Cottesloe for the financial year ending 30 June 2011.

(b) **Minimum Rate**

Impose a minimum rate of \$845.00 for the financial year ending 30 June 2011.

(c) **Refuse Collection**

Include in the rate charge for residential properties:

- a once per week service of a 120 litre mobile garbage bin (MGB) for general household rubbish, and
- a once per fortnight service of a 240 litre MGB for recyclable household rubbish.

Apply the following charges to residential properties for additional services:

- General rubbish – each additional service per week – 120 litre MGB - \$312.00 per annum (inclusive of GST),
- Recycling – each additional service per fortnight – 240 litre MGB – nil.

Apply the following charges to commercial properties:

- General rubbish – one service per week – 240 litre MGB - \$312.00 per annum (inclusive of GST),
- Recycling – one service per fortnight – 240 litre MGB - \$126.50 per annum (inclusive of GST),
- Recycling – one service per week – 240 litre MGB - \$253.00 per annum (inclusive of GST).

(d) **Administration Charge – Section 6.45(3) Local Government Act, 1995**

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Impose an administration charge of \$50.00 where payment of a rate or service charge is made by instalments, except that eligible pensioners will be excluded from paying the charge.

(e) **Interest – Section 6.51 Local Government Act, 1995**

Apply an interest rate of 11% per annum to rates and service charges levied in the 2010/11 financial year which remain unpaid after they become due and payable and where no election has been made to pay the rate or service charge by instalments.

(f) **Rates Instalment Payment Option**

Adopt the following rates instalment options:

**Option 1**

To pay the total amount of rates and charges included on the rate notice in full by the 35<sup>th</sup> day after the issue.

OR

**Option 2**

To pay by four instalments, as detailed on the rate notices with the following anticipated dates:

- First instalment due by 2nd September, 2010
- Second instalment due by 11<sup>th</sup> November, 2010
- Third instalment due by 13<sup>th</sup> January, 2011
- Fourth instalment due by 24<sup>th</sup> March, 2011.

(g) **Specified Area Rate – Section 6.37 Local Government Act, 1995**

Include for the purposes of area promotion, the raising of a specified area rate to raise 1.1999 cents in the dollar on the gross rental valuations of all of the rateable land bounded by Forrest Street, Stirling Highway, the railway line, Brixton Street and Railway Street as shown in Appendix 1 of Town Planning Scheme No. 2 as the Town Zone Development Policy Plan, except for lots 50 and 61 and any other property in the specified area that is used solely for residential purposes.

(3) **INTEREST ON MONEY OWING – SECTION 6.13 LOCAL GOVERNMENT ACT, 1995**

That Council apply an interest rate of 11% per annum to any amount not paid within 35 days of the date of the issue of the account.

(4) **MEMBERS MEETING ATTENDANCE FEES – SECTION 5.99 LOCAL GOVERNMENT ACT, 1995**

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**That Council set an annual meeting attendance fee of \$5,000 for Council Members and \$10,000 for the Mayor.**

**(5) MAYOR AND DEPUTY MAYORAL ALLOWANCE – SECTION 5.98 AND 5.98A LOCAL GOVERNMENT ACT, 1995**

**That Council set a mayoral allowance of \$7,500 and set a deputy mayoral allowance of \$1,250.**

**(6) TELECOMMUNICATIONS ALLOWANCE – SECTION 5.99A LOCAL GOVERNMENT ACT, 1995**

**That Council set a telecommunication allowance of \$1,600 for elected members.**

**THE SUBSTANTIVE MOTION WAS PUT**

**Carried 10/0**

**11.2.2 WRITE OFF OF ASSETS FOLLOWING ASSET STOCK TAKE**

**File No:** SUB/534  
**Attachments:** [Asset Stocktake December 2009.xls](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Patrick  
Manager Corporate Services

**Proposed Meeting Date:** 27 April 2010  
**Author Disclosure of Interest** Nil

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**SUMMARY**

A recommendation is made that the assets identified to be written off in the stock take of the asset register be approved for deletion from the asset register.

**BACKGROUND**

Following the audit for 2009/2010 a recommendation was made by the auditors that a stock take be performed of the assets of the Town of Cottesloe.

The Finance Manager conducted the stock take and identified an assortment of assets that are either poorly described and not individually identifiable, are missing, obsolete or for a number of other reasons need to be written off (see attachment for details).

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

The Town of Cottesloe's Accounting policy requires under Section 4 - Financial Reporting that each month the principal accounting officer shall present to Council:  
(c) A statement of assets and liabilities that is prepared in accordance with the appropriate accounting standards.

**STATUTORY ENVIRONMENT**

Local Government (Financial Management) Regulations 1996

**FINANCIAL IMPLICATIONS**

The write off will have a positive impact of \$111,628.85

(This is because some of the items to be written off are book entries for asset adjustments from 12 years ago that have large credit balances. These are items that should never have been entered in the asset register in the first place.)

**SUSTAINABILITY IMPLICATIONS**

Nil

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**CONSULTATION**

The write off follows a request from the auditors. This has been reviewed by the Audit Committee and approved.

**STAFF COMMENT**

The items to be written off either have a written down value of \$0, have a minimal value or are accounting entries with a negative value in the asset register. The assets with significant amounts are accounting entries made 12 years ago that should have been written against the operating side of the business.

An asset register should be composed of physically identifiable assets with a purchase cost of at least \$5,000 and with a useful life of over 12 months.

This exercise will remove assets that are either not able to be located or that are not useful.

**VOTING**

Absolute majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Boland, seconded Cr Rowell**

**THAT Council write off the assets contained within the Asset Stocktake December 2009 spreadsheet (attached) totalling \$111,628.85 CR in accord with the Audit Committee recommendation.**

**Carried 10/0**

**11.2.3 FIREWORK APPLICATION COTTESLOE GROYNE**

**File No:** SUB/550-02  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Annaliese Davis  
Events and Support Officer

**Proposed Meeting Date:** 22 June 2010  
**Author Disclosure of Interest** Nil

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**SUMMARY**

On the 30 April 2010, an application has been received for a Fireworks Event Notice to be held on the 22<sup>nd</sup> October 2010 at 8:20PM for five minute duration at the Cottesloe Groyne. The event is a Wedding Reception to be held at Indiana Tea Houses.

The recommendation is that Council Approve the Fireworks Event Notice for a Wedding firework display on the 22<sup>nd</sup> October 2010.

**BACKGROUND**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Fireworks: (Resolution No: 12.1.2, Adopted: April, 1997)

**STATUTORY ENVIRONMENT**

Clause 5 of the Town of Cottesloe's *Beaches and Beach Reserve Local Law No. 3* provides that in order to protect the quiet and amenity of the beach reserves, no person shall discharge any fireworks except in the course of a function or activities approved in writing by the Council.

**FINANCIAL IMPLICATIONS**

Nil.

**SUSTAINABILITY IMPLICATIONS**

Nil.

**CONSULTATION**

Nil.

**STAFF COMMENT**

According to the *Fireworks Policy* the main issues to be considered by Council when approving a fireworks event are:

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- potential damage to sand dune vegetations caused by spectators and fireworks,
- litter management and disposal
- adverse noise for adjacent residents and nesting birds, and
- public liability protection for the Town of Cottesloe.

Cardile International Fireworks have stated in the email attachment the following:

- the display would not affect any sand dune vegetation because of the location being the Groyne and spectators being within the Tea House complex,
- All litter will be collected completely
- Noise will be reduced due to the size of the aerial shells being 75mm and midlevel type firework. Additionally the duration will only be five minutes and due to the open area of the fireworks the noise factor will be at a minimal.
- A certificate of Currency for \$20m for public liability insurance has been attached to the report.

Section 7 of the Government of Western Australia, Department of Mines and Petroleum Firework Event Notice shows the various departments which have been notified regarding the possible firework event. These are:

- Department of Planning and infrastructure (Marine Safety Branch)
- Local Volunteer Marine Rescue

Additionally a cadastral map has been attached showing a 200m and 500m radius from the event site. The *Firework Policy* also states that, 'Applications will not be approved for Fireworks within 500m of a Protected Place or for hours outside Restricted Times or for events beginning later than 8:30pm'.

Originally the firework display was scheduled for 8:45pm however this changed to finish by 8:30pm after Cardile Fireworks were given the *Town of Cottesloe Firework Policy*.

## **VOTING**

Simple Majority

### **Committee Comments**

Committee discussed the report and recommendation with particular reference to the use of a public space for a private event as opposed to a "community" event. After discussion they moved not to support the request.

### **OFFICER RECOMMENDATION**

Moved Cr Woodhill, seconded Cr Rowell

THAT Council approve the Fireworks Event Notice for a Wedding firework display on the 22<sup>nd</sup> October 2010.

Lost 3/4



**COUNCIL RESOLUTION**

**Moved Cr Cunningham, seconded Cr Woodhill**

**THAT Council approve the Fireworks Event Notice for a Wedding firework display on the 22<sup>nd</sup> October 2010.**

**Carried 6/4**

**11.2.4 DRAINAGE ISSUES, ROW 5, LYONS STREET & BRIGHTON STREET**

**File No:** SUB/245  
**Attachments:** [Plan of Site - ROW 5, Lyons Street and Brighton Street.pdf](#)  
[Copy of letters from residents.pdf](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
**Proposed Meeting Date:** 22 June 2010  
**Author Disclosure of Interest** Nil

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**SUMMARY**

In the past 2 months, three very heavy rainfall events occurred in Cottesloe and the general western suburbs area. A variety of flooding incidents occurred, including properties in Lyons Street, to the last of ROW 5.

Affected residents require confirmation that drainage works will occur to ensure this problem does not re-occur.

The recommendation is that Council:

1. Note the works being undertaken on Brighton Street and ROW 5 to remove drainage flooding issues from properties in Lyons Street.
2. Consider a 5 year plan for the sealing and drainage of laneways in the Town of Cottesloe, to be supplied by the Manager Engineering Services in 2010.

**BACKGROUND**

The affected properties are 43, 45 and 47 Lyons Street. 45 Lyons Street was Councils original sump property.

Over the past 4 years, Council has been involved in \$2.5m of drainage upgrading works in Cottesloe, including in this drainage catchment.

Many new soak pits have been installed in Brighton Street, Lyons Street, Grant Street and North Street. All of these works have contributed to a reduction in the volume of drainage water running east from Broome Street to Marmion Street, down a shallow 'valley' on low point between each street in the catchment.

In the past 2 months, there have been three very heavy rainfall events, probably heavier than any experienced in the previous year.

Several locations have caused overflows and discharge into private properties, from laneways and sheet surfaces. One of the more serious drainage issues was on the unsealed ROW 5, which runs south off North Street, parallel to and between Brighton

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Street and Lyons Street. Letters from 43 and 47 Lyons Street describe the property drainage experiences and the issues encountered. (See Attachments)

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Councils "Right of Way/Laneways" policy applies

**STATUTORY ENVIRONMENT**

Council can be liable for damage done from drainage water entering private property. Both resident letters have been sent to Councils Insurers for consideration of insurance claims.

**FINANCIAL IMPLICATIONS**

Additional drainage works are being funded through the remaining funds included in the 2009/2010 National Water Initiative Program.

**SUSTAINABILITY IMPLICATIONS**

Council's drainage system is based on the need to gather all road/laneway/parking area drainage water and direct it into soak pits to restore the shallow aquifer. These additional drainage installations are aimed at that sustainability objective.

**CONSULTATION**

Nil apart from affected property owners

**STAFF COMMENT**

Staff have been on site and spoken to affected owners. A number of drainage improvements have been arranged, all of them to increase the capacity of drainage water retention and soakage in Brighton Street and ROW 5.

Several properties on the west side of ROW 5 were also found to be draining water onto the laneway surface, which has added to the volume of water flowing along ROW 5 to the low point opposite 43-47 Lyons Street. Letters have been sent to the properties requiring proper gutters, downpipes and soak pits on private property sheds and garages.

Soak pits behind 43-47 Lyons Street are being inter-connected and cleared out. Part of the issue is the unsealed surface of the laneway which means quantities of soil and sand are washed into the existing soak pits during peak rainfall events.

Council's current attitude of 'piecemeal' sealing of sections of the laneways as development applications and conditions on these DA's require short sections of sealing does not address the full drainage requirements of laneways, particularly when many sheds and garages dump drainage water straight onto these laneways. Heavy rainfall events will continue to wash soil and sand into the few soak pits in these unsealed lanes.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Boland, seconded Cr Rowell**

**THAT COUNCIL:**

- 1. Note the works being undertaken on Brighton Street and ROW 5 to remove drainage flooding issues from properties in Lyons Street.**
- 2. Consider a 5 year plan for the sealing and drainage of laneways in the Town of Cottesloe, to be supplied by the Manager Engineering Services in 2010.**

**Carried 10/0**

**11.2.5 RESTORATIONS OF THE GROUNDWATER ACQUIFER - NATIONAL WATER INITIATIVE**

**File No:** SUB/145  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
**Proposed Meeting Date:** 22 June 2010  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The Town of Cottesloe commenced this four year project in June, 2006. The project budget includes a one-third grant from the Federal Government under the National Water Initiative. One of the grant conditions is the preparation of a formal report on progress and expenditure every six months. This will be the seventh six-month report for this project.

It is recommended that Council adopt the report and forward it to the National Water Commission.

A copy of the report is attached.

**BACKGROUND**

Council has previously resolved to undertake this project over a four year period, with the practical tasks to be completed being:

1. The construction of 280 individual soak pits.
2. The removal of 10 separate ocean outfall pipelines with the water being redirected into the water table.
3. The replacement of 7 existing open sumps with replacement structures to remove debris and pollutants prior to their entry into the aquifer.
4. Provision for the interception and removal of debris and pollutants from all structures.
5. A community education programme to change public attitudes to reducing groundwater use and changing garden types.

Each year of the project has had its own milestones for the completion of set portions of the above mentioned tasks.

**STRATEGIC IMPLICATIONS**

Council's *Future Plan 2006-2010* has an objective No. 5 the aim to maintain infrastructure and Council buildings in a sustainable manner. This project is centred on sustainability of the underground water aquifer and long term sustainable drainage structures.

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**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

All work for this four year period has taken place on land controlled by the Town of Cottesloe and has involved drainage works on various types.

Council is responsible for the long term construction and maintenance of stormwater drainage systems.

The Federal Government grant for this project required the signing of a legal agreement which placed reporting requirements on the Town of Cottesloe.

**FINANCIAL IMPLICATIONS**

The total project cost is \$2.34m (plus GST) over four years with the Federal Government agreeing to a \$782,000 (plus GST) grant through the National Water Initiative. The State Department of Water has been requested for assistance with this project and an agreement was finalised by the Department of Water for a \$100,000 grant over 3 years. 2009/2010 is the third year of this agreement for the State Department of Water grant provision.

Councils 2010/2011 budget includes no expenditure for this project, but a remanning income of \$4,000 from the State Department of Water.

**SUSTAINABILITY IMPLICATIONS**

The total reason for this project is to ensure the sustainability of the existing Cottesloe shallow fresh water aquifer.

**CONSULTATION**

Nil

**STAFF COMMENT**

The project is progressing towards completing at the end of this month, with no current concerns regarding the rate of progress or the level of expenditure.

All required milestones have now been met for the second half of the fourth year of this project.

The works undertaken have received strong support from within the community and others who are concerned with the future of the Cottesloe aquifer and metropolitan water supplies in general.

In 2009/2010, the third of three education packages was designed and production is now nearly completed. Distribution will begin this month, at the Civic Centre, of hand towels and tea towels featuring a number of 'Save Water' motifs, to allow the message to be retained by residents into the future. A survey form will be required to be filled out upon issue of the towels, to assess the success level of the education program and knowledge of the four year construction program to restore the Cottesloe aquifer.

The Department of Water has agreed in writing to a \$100,000 grant over 3 years to assist this project, particularly for public education. A formal agreement is also in place for this grant with \$32,000 being funded per year for 3 years. 2009/2010 has been the third of these three years, \$4 000 will be funded in 2010/2011 upon completing of the final report.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

**Moved Cr Boland, seconded Cr Rowell**

THAT Council adopt the report and forward it to the National Water Commission.

**AMENDMENT**

**Moved Cr Birnbrauer, seconded Cr Rowell**

That an additional part 2 be added to the officer recommendation which states "That Council take this opportunity on behalf of the residents and ratepayers of Cottesloe and surrounding areas to commend Mr Geoff Trigg, Manager Engineering Services for his initiative, perseverance and expertise in carrying this highly significant project to a successful conclusion".

**Carried 10/0**

**THE AMENDED SUBSTANTIVE MOTION WAS PUT****COUNCIL RESOLUTION**

**THAT Council;**

- 1. Adopt the report and forward it to the National Water Commission.**
- 2. Take this opportunity on behalf of the residents and ratepayers of Cottesloe and surrounding areas to commend Mr Geoff Trigg, Manager Engineering Services for his initiative, perseverance and expertise in carrying this highly significant project to a successful conclusion.**

**Carried 10/0**

**11.2.6 RIGHT OF WAY ACCESS BETWEEN LYONS STREET AND BRIGHTON STREET**

**File No:** SUB/245  
**Plan of area**  
**Rights of Way/Laneway Policy**

**Attachments:** [Letter from 28-30 Brighton Street.pdf](#)  
[Plan of area.pdf](#)  
[Policy - Rights of Way- Laneways.pdf](#)

**Responsible Officer:** Carl Askew  
**Chief Executive Officer**

**Author:** Geoff Trigg  
**Manager Engineering Services**

**Proposed Meeting Date:** 22 June 2010

**Author Disclosure of Interest** Nil

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**SUMMARY**

The residents of 28-30 Brighton Street have complained of ongoing illegal and unauthorised traffic through their property from ROW 5 to Brighton Street. They believe this is because of the problems of turning around at the southern 'dead end' of ROW 5, which was created when Council closed the southern connection of ROW 5 to Grant Street years ago.

They have requested Council assistance in the funding of a remote controlled gate at the ROW 5 main entry point onto the property.

**THAT COUNCIL RESOLVE:**

1. to contribute 50% up to \$2000 towards the supply and installation of an automatic remote control gate system on the shared boundary of TOW 5 and 28-30 Brighton Street, Cottlesloe, to restrict illegal use of 28-30, Brighton Street an illegal vehicle connection between ROW 5 and Brighton Street.
2. Inform applications of Council's decisions on this matter.

**BACKGROUND**

In 1999, the unit owners requested closure of the portion of this ROW south of their property, potentially to stop this traffic movement. This was rejected by Council because of existing rear access requirements from properties in Lyon Street.

Council gained ownership in 1990 of this laneway as a result of a sale for rates procedure. The laneway had already been closed by 1988, as was mentioned in a laneway inspection sheet on file.

Further file details show that closure of the southern section of ROW 5, and amalgamation of the land into abutting private properties, occurred in 1979, after an exhaustive legal process and Council contact with the Department of Local Government. This closure was undertaken by Council because of a petition from the

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majority of land owners fronting the laneway requesting closure and amalgamation of laneway sections into adjacent properties.

Discussions with residents recently covered the possibility of some form of bollard either in the laneway north of the units (28-30 Brighton Street) or on the laneway boundary to step entry into the rear of the private property from the laneway.

The bollard in ROW 5 would not be approved because it would prevent access to properties having existing legal rear access south of the bollard location.

Residents did not accept a fixed bollard on the eastern boundary of the units property which would stop vehicles turning off ROW 5 into the property, because it would prevent access for owners of 28-30 Brighton Street from accessing their car ports on the west side of the ROW, from Brighton Street, through the private property.

### **STRATEGIC IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

Council's Right of Way/Laneways policy applies.

### **STATUTORY ENVIRONMENT**

Council has no legal obligation to ensure vehicles cannot enter off the laneway onto a private property. No bollard or closure of a section of a section of the laneway can take place that removes existing laneway usage rights unless a formal closure process is undertaken.

### **FINANCIAL IMPLICATIONS**

Council could resolve to contribute to the cost of improving security on a laneway if the security installation is on the shared property boundary. Chain gates on bollards have a large price range, with installation and connection to power bring a large part of the cost. A contribution of \$2000 - \$3000 would be an approximate half cost.

### **SUSTAINABILITY IMPLICATIONS**

Nil

### **CONSULTATION**

Only with owners of 28-30 Brighton Street

### **STAFF COMMENT**

No 'fault' could be attributed to Council for the closure of the southern section of ROW 5 in 1979, given that there was a strong demand from adjacent properties for this action. The closure occurred before Council gained ownership of the remaining portion.

The units on 28-30 Brighton Street were built in 1984, prior to the laneway closure. The original laneway turned to connect back to Brighton Street behind properties fronting Grant Street. This would have allowed a through route without having to turn around on reverse.

Instead of a remote controlled gate, a more simple solution might be an automatic chain gate which releases or tightens a chain across an entry with a remote control.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

**Moved Cr Strzina, seconded Mayor Morgan**

THAT COUNCIL:

1. contribute 50% up to \$2000 towards the supply and installation of an automatic remote control gate system on the shared boundary of ROW 5 and 28-30 Brighton Street, Cottesloe, to restrict illegal use of 28-30, Brighton Street as an illegal vehicle connection between ROW 5 and Brighton Street.
2. Inform applicants of Council's decisions on this matter.

**Lost 0/7**

**Committee Comment**

Committee discussed the request and the issues surrounding it including advice from the Manager Engineering Services. Whilst there was some support for potential assistance with signage or improvement of the laneway surface it was considered not appropriate to support the request. The Mayor foreshadowed that if the Officer Recommendation was not supported he would move an alternative motion that Council decline the request.

**COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Boland, seconded Cr Rowell**

**That Council:**

1. **Decline the applicant request of 50% contribution towards the supply and installation of an automatic remote control gate system on the shared boundary of ROW 5 and 28-30 Brighton Street, Cottesloe, to restrict illegal use of 28-30, Brighton Street as an illegal vehicle connection between ROW 5 and Brighton Street but officers consider assistance with signage and improvements to the laneway surface.**
2. **Inform the applicants of Councils decision on this matter.**

**Carried 10/0**

**11.2.7 WIDTH REDUCTION OF JARRAD STREET ROAD RESERVE - BROOME STREET TO MARINE PARADE**

**File No:** SUB/465  
**Attachments:** [Plan of Site - Jarrad Street Road Reserve.pdf](#)  
[Copy of Advertised Closure proposal.pdf](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
**Proposed Meeting Date:** 22 June 2010  
**Author Disclosure of Interest** Nil

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**SUMMARY**

At its March 2010 meeting, Council resolved:

That Council commence the procedure required under section 58 of the Land Administration Act 1997, to narrow the 40m road reserve of Jarrad Street, between Broome Street and Marine Parade, to 20 metres, with the closed land being amalgamated into adjacent reserves.

The required public advertising has taken place, with no comments being received. The recommendation is that Council:

Continue the procedure, under section 58 of the Land Administration Act 1997, to narrow the 40m wide road reserve of Jarrad Street between Broome Street and Marine Parade, to 20 metres with the closed land being amalgamated into adjacent reserves, and that the WAPC be requested for their approval once all service providers are in agreement with the proposal.

**BACKGROUND**

A normal road reserve width is 20m. For a number of streets in Cottesloe, the width of the total road reserve is 40m, including this section of Jarrad Street. While there may be reasons why a street with private homes on each side may have use of a 40m road reserve, with an approx 16m verge width on each side, there is no reason why this section of Jarrad Street should be 40m.

The original 6m sealed street width plus drainage services could easily be replaced on a 20m reserve width.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

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**STATUTORY ENVIRONMENT**

For road closures, including reduction of road reserves width, the Land Administration Act 1997, section 58 applies. The closed portion of the road reserve would also need permission from Western Australian Planning Commission for amalgamation into the adjacent 'A' class reserve, as occurred with the Pearse Street road reserve narrowing.

All service authorities with services in this section of Jarrad Street have been contacted, with a guarantee that they would also be able to access their services after closure.

**FINANCIAL IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

The mandatory 35 days objection period has been advertised in the 'West Australia'. The intention has also been displayed on Councils Web page.

**STAFF COMMENT**

At the time of closure of the 35 day objection period, no comments had been received. Letters and plans were also sent to the four service providers for their comments and agreements. Once all service providers have agreed to the closure, a submission will be put to Western Australian Planning Commission (WAPC) for that Departments approval prior to Landgate being requested to proceed with the closure/narrowing.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Boland, seconded Cr Rowell**

**THAT Council continue the procedure, under section 58 of the Land Administration Act 1997, to narrow the 40m wide road reserve of Jarrad Street between Broome Street and Marine Parade, to 20 metres with the closed land being amalgamated into adjacent reserves, and that the WAPC be requested for their approval once all service providers are in agreement with the proposal.**

**Carried 10/0**

**11.2.8 STATUTORY FINANCIAL REPORTS FOR THE MONTH ENDING 31 MAY 2010**

**File No:** SUB/137  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Patrick  
Manager Corporate Services

**Proposed Meeting Date:** 22 June 2010  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 May 2010, to Council.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Operating Statement on page 2 of the Financial Statements shows a favourable variance between the actual and budgeted YTD operating surplus of \$678,496 as at 31 May 2010. Operating Revenue is above budget by \$461,442 (5%). Operating Expenditure is \$243,926 (3%) less than budgeted YTD. A report on the variances in income and expenditure for the period ended 31 May 2010 is shown on page 7.

The Capital Works Program is listed on pages 21 - 26 and shows total expenditure of \$5,915,794 compared to YTD budget of \$7,401,272. The reason for the significant difference is a timing delay with the library and delayed general capital expenditure due to cashflow restrictions at the start of the year.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Boland, seconded Cr Rowell**

**THAT Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 May, 2010, as per the attached Financial Statements, submitted to the 22 June 2010 meeting of the Works and Corporate Services Committee.**

**Carried 10/0**

**11.2.9 SCHEDULE OF INVESTMENTS AND LOANS AS AT 31 MAY 2010**

**File No:** SUB/150 & SUB/151  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services  
**Proposed Meeting Date:** 22 June 2010  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 30 April 2010, as per attachment, to Council.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Schedule of Investments on page 16 of the Financial Statements shows that \$2,864,538.99 was invested as at 31 May, 2010.

Reserve Funds make up \$834,111.21 of the total invested and are restricted funds. Approximately 25% of the funds are invested with the National Australia Bank, 40% with Westpac, 21% with BankWest and 14% with Commonwealth.

The Schedule of Loans on page 17 shows a balance of \$6,840,714.24 as at 31 May, 2010. There is \$459,792.00 included in this balance that relates to self supporting loans.

**VOTING**

Simple Majority

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**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Boland, seconded Cr Rowell**

**THAT Council receive the Schedule of Investments and Schedule of Loans for the period ending 31 May, 2010, as per the attached Financial Statements, as submitted to the 22 June 2010 meeting of the Works and Corporate Services Committee.**

**Carried 10/0**



**11.2.10 ACCOUNTS PAID IN THE MONTH OF MAY 2010**

**File No:** SUB/137  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services

**Proposed Meeting Date:** 22 June 2010  
**Author Disclosure of Interest** Nil

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**SUMMARY****STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

Resource requirements are in accordance with existing budgetary allocation.

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The following significant payments are brought to your attention that are included in the list of accounts commencing on page 9 of the Financial Statements:

- \$21,141.36 to BCITF for March 2010 contributions
  - \$15,167.78 to WA Local Govt Super Fund for staff deductions
  - \$10,312.50 to Blackwell & Associates for consulting on Urban Design Guide
  - \$25,579.40 to TAPSS for June 2010 contribution
  - \$17,006.00 to Digital Mapping Solutions for MapInfo subscription
  - \$568,575.48 to the Shire of Peppermint Grove for contributions towards new library construction
  - \$49,143.25 to Transpacific Cleanaway for domestic & commercial waste disposal in April 2010
  - \$32,343.30 to Claremont Asphalt & Paving for installation of various soak-pits
  - \$35,203.30 to Key2Design for 4,000 tea towels & 2,000 hand towels for promotional items
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- \$13,545.22 to Wilson Technology Solutions for monthly payment for meter-eye
- \$14,943.50 to Claremont Asphalt & Paving for installation of various soak-pits
- \$64,998.07 and \$67,262.34 for staff payroll.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Boland, seconded Cr Rowell**

**THAT Council receive the List of Accounts for the period ending 31 May 2010, as per the attached Financial Statements, as submitted to the 22 June 2010 meeting of the Works and Corporate Services Committee.**

**Carried 10/0**

**11.2.11 PROPERTY & SUNDRY DEBTORS REPORT FOR MAY 2010**

**File No:** SUB/145  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Graham Pattrick  
Manager Corporate Services

**Proposed Meeting Date:** 22 June 2010  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 31 May 2010 to Council.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Sundry Debtors Report commences on page 18 of the Financial Statements and shows a balance of \$191602.606 of which \$163,107.78 relates to the current month. The balance of aged debtors over 30 days stood at \$28,494.82

Property Debtors are shown in the Rates and Charges analysis on page 20 of the Financial Statements and show a balance of \$279,284.32. Of this amount \$220,711.77 and \$23,065.37 are deferred rates and outstanding ESL respectively. As can be seen on the Balance Sheet on page 4 of the Financial Statements, rates as a current asset are \$58,420 in 2010 compared to \$85,849 last year.

**VOTING**

Simple Majority

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**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Boland, seconded Cr Rowell**

**THAT Council receive the Property and Sundry Debtors Report for the period ending 31 May 2010, as per the attached Financial Statements, as submitted to the 22 June 2010 meeting of the Works and Corporate Services Committee.**

**Carried 10/0**

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

From the Works and Corporate Services Committee Meeting 22 June 2010 Cr Rowell moved a motion as follows:

**12.1 BLACK SPOT WORKS – MANN STREET/GRANT STREET**

Council meeting Minutes May 24:

**Moved Cr Rowell, seconded Cr Cunningham**

“That work on the Mann Street/Grant Street intersection be halted until a rescission motion can be prepared”

**Rescission motion – 17 June 2010**

1. Council resolve to rescind part (2) of resolution 11.2.1 from the Council meeting dated 25 August 2008, for the support and one third funding for intersection Black Spot works at the Mann Street/Grant Street intersection, including a ‘seagull’ island on Mann Street.
2. Council resolve to submit to Main Roads WA an alternative Black Spot design for the Mann Street/Grant Street intersection, which removes the proposed Mann Street ‘seagull’ island and features ‘Stop’ rather than ‘Give Way’ signs in Mann Street, as shown on the submitted drawing, for construction in 2010, with a two thirds MRWA grant contribution.

**Moved Cr Cunningham, seconded Cr Rowell****Committee Comment:**

Cr Rowell and Cunningham spoke about their proposal and the Manager of Engineering Services tabled some additional comments on the proposed re-design. Committee discussed the issues including the need for any design to meet Main Roads Standards/Requirements. There were also discussions on the primary reason for the Black Spot funding i.e. recorded accidents and the need for a design to make the intersection safer. As a consequence of the Committee discussion Cr Rowell and Cunningham agreed to amend their recommended motion.

**AMENDMENT**

That the words “*and substitute an alternative Black Spot design*” be added at the end of point 1 and that the words “*subject to proper design drafting to satisfy MRWA requirements*” be added in point (2) in the last line after “construction in 2010”. Additionally that the words, “*and one third funding from the Town of Cottesloe*” be added to the last sentence of point (2).

**Recession motion – 22 June 2010**

Council Standing Orders 16.20 Revoking Decisions requires a decision which is to be rescinded, to be supported by at least one third of the number of offices of Council

Cr Rowell,  
Cr Dawkins  
Cr Cunningham  
Cr Boland

nominated to support the motion.

**Moved Cr Rowell, seconded Cr Dawkins**

**That Council;**

- 1. Rescind part (2) of resolution 11.2.1 from the Council meeting dated 25 August 2008, for the support and one third funding for intersection Black Spot works at the Mann Street/Grant Street intersection, including a ‘seagull’ island on Mann Street, and substitute an alternative Black Spot design.**
- 2. Submit to Main Roads WA an alternative Black Spot design for the Mann Street/Grant Street intersection, which removes the proposed Mann Street ‘seagull’ island and features ‘Stop’ rather than ‘Give Way’ signs in Mann Street, as shown on the submitted drawing, for construction in 2010, subject to proper design drafting to satisfy MRWA requirements, with two thirds MRWA grant contribution and one third funding from the Town of Cottesloe.**

**AMENDMENT**

**Moved Cr Strzina, seconded Cr Carmichael**

That an additional part three be added to the motion which states “Incorporate standard traffic calming devices (speed cushions) on Mann Street as part of the final design for the intersection”

**Carried 6/4**

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**COUNCIL RESOLUTION**

**That Council;**

- 1. Rescind part (2) of resolution 11.2.1 from the Council meeting dated 25 August 2008, for the support and one third funding for intersection Black Spot works at the Mann Street/Grant Street intersection, including a ‘seagull’ island on Mann Street, and substitute an alternative Black Spot design.**

2. **Submit to Main Roads WA an alternative Black Spot design for the Mann Street/Grant Street intersection, which removes the proposed Mann Street 'seagull' island and features 'Stop' rather than 'Give Way' signs in Mann Street, as shown on the submitted drawing, for construction in 2010, subject to proper design drafting to satisfy MRWA requirements, with two thirds MRWA grant contribution and one third funding from the Town of Cottesloe.**
3. **Incorporate standard traffic calming devices (speed cushions) on Mann Street as part of the final design for the intersection**

**Carried 9/1**

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

Nil

**14 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 8:00 PM

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