

# **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, 10 December, 2012**

12 December 2012

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**Agenda and minutes are available on the Town's website**

**[www.cottesloe.wa.gov.au](http://www.cottesloe.wa.gov.au)**

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

The Presiding Member announced the meeting opened at 7:04 PM.

**2 DISCLAIMER**

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

**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

The Mayor referred to the letter that was circulated to all Councillors from the Town of Claremont in relation to the Metropolitan Local Government Review noting that the Town of Claremont's preference is for a local scale merger between the Towns Claremont, Cottesloe, Mosman Park and Shire of Peppermint Grove and its intention to host a combined meeting of elected members for a unified approach to the matter. He foreshadowed that Council deal with the matter as Urgent business in order to consider a resolution in response to the letter.

The Mayor indicated that, in his personal opinion, regardless of any proposed merger (G4 or G7), the costs of reform must not outweigh the benefits and raised concern that the cost of a G4 will not be significantly less than a G7 and that his preferred outcome is to have a regional council model with individual Council's retaining their identity.

The Mayor also raised concerns about potential "asset stripping" as a consequence of mergers and the loss of identity of the community. He reiterated the importance of community consultation, inclusive of the "right of veto" and self determination by the community (the Dadour provisions). He also stated that as part of any merger outcome the Civic Centre and grounds should be protected for use by the community.

In relation to the Cottesloe Beach Hotel and their application for extended trading hours, whilst the Council is supportive of the physical changes and upgrades to the beer garden area Council should be cautious of supporting an increase in operating hours until the Council and community have an opportunity to monitor the activity and patron behaviour associated with the re-opened facilities. He foreshadowed that this matter also be considered as Urgent Business with a view to notifying the Director of Liquor Licencing of Council's position and the need to extend the community consultation and advertising.

**4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4.2 PUBLIC QUESTIONS****5 PUBLIC STATEMENT TIME**

Mr Chris Wiggins, 50 John Street, Cottesloe – Re. Cottesloe Beach Hotel – Request for Extended Trading Hours

Mr Wiggins stated his support for the Mayor's comments on the importance of the community to have a say in potential mergers and decision making.

He stated in relation to the extended pub hours that this has come as a surprise after he read it in the West Australian. In his opinion it has been handled poorly by the Hotel, including listed advertising and public notice only displayed inside the Hotel.

At the Town's Hotel meeting last Thursday Mr Wiggins asked Mr Garry Gosatti in relation to the opening hours and he responded that there will be no change, i.e closing time at 10:00pm. At the soft opening of the pub to John Street residents he attended there was no mention about the application. Mr Wiggins supported the Council in regards to extending the time for public comments. Mr Wiggins believed that there should also be a probation period as the behaviour of the new clientele cannot be predicted. Mr Wiggins also confirmed he had received support from Cr Jeanes who is on leave of absence, to oppose the application.

## **6 ATTENDANCE**

### **Present**

Mayor Kevin Morgan  
Cr Jack Walsh  
Cr Greg Boland  
Cr Katrina Downes  
Cr Yvonne Hart  
Cr Sally Pyvis  
Cr Vic Strzina  
Cr Rob Rowell

Presiding Member

### **Officers Present**

Mr Carl Askew  
Mr Mat Humfrey  
Mr Geoff Trigg  
Mr Andrew Jackson  
Mrs Lydia Giles

Chief Executive Officer  
Manager Corporate & Community Services  
Manager Engineering Services  
Manager Development Services  
Executive Officer

## **6.1 APOLOGIES**

### **Officer Apologies**

Nil

## **6.2 APPROVED LEAVE OF ABSENCE**

Cr Peter Jeanes

**6.3 APPLICATIONS FOR LEAVE OF ABSENCE**

**Moved Cr Strzina, seconded Mayor Morgan**

**That Cr Strzina request for leave of absence from the February Council meeting be granted.**

**Carried 8/0**

**7 DECLARATION OF INTERESTS**

Cr Strzina declared a proximity interest in item 10.2.1.2, due to owning and residing in a dwelling opposite the subject site.

Cr Boland declared an impartiality interest in item 10.2.1.2, due knowing the objector to the application.

Mayor Morgan declared an impartiality interest in item 10.2.1.2 due knowing the objector to the application.

Cr Walsh declared an impartiality interest in item 10.2.1.2, due knowing the objector to the application.

CEO declared an interest in the item 10.2.1 as it relates to his employment

**8 CONFIRMATION OF MINUTES**

**Moved Cr Strzina, seconded Cr Hart**

[Minutes November 26 2012 Council.DOC](#)

**The Minutes of the Ordinary meeting of Council held on Monday, 26 November, 2012 be confirmed.**

**Carried 8/0**

**9 PRESENTATIONS**

**9.1 PETITIONS**

Nil

**9.2 PRESENTATIONS**

Nil

**9.3 DEPUTATIONS**

Nil



For the benefit of the members of public present, the Mayor determined to consider the following items first:

The following Items from Development Services Committee were withdrawn for consideration.

- 10.2.1.1 No. 48 Forrest Street (Lots 92 & 500) - Two-Storey Alterations and Additions to A Heritage Place Known as Barsden's

The following officer report was held in-camera

- 10.2.1.2 Confidential - No. 2 Deane Street - Two-Storey Dwelling with Undercroft Garage, Roof-Space (Third) Level and Elevated Pool
- 10.1.1 Annual Performance and Remuneration Review for The Ceo 2012

The following Items From Works & Corporate Services Committee were withdrawn for consideration.

- 10.2.2.8 Blackspot Approved Project - Pedestrian Crossing Islands on Curtin Avenue Near Princes Street

The following Items from Officer 's Report were withdrawn for consideration.

- 10.1.3.1 Design for Cottesloe Main Beach Disability Access Path

The Remainder of the Officer Reports were Dealt with 'En Bloc'.

- 10.1.2.1 List of Accounts Paid for the Month of November 2012
- 10.1.2.2 Property and Sundry Debtors Reports as at 30 November 2012
- 10.1.2.3 Schedule of Investments and Loans as at 30 November 2012
- 10.1.2.4 Statutory Financial Reports for the Period 1 July 2012 to 30 November 2012

The Remainder of the Officer Reports from Development Services Committee Were Dealt with

- 10.2.1.3 Delegation of Powers for Determination of Planning Applications During the 2012-2013 Holiday Period Recess of Council

The Remainder of the Officer Reports from Works & Corporate Services Committee Were Dealt with 'En Bloc'.

- 10.2.2.1 Town of Cottesloe Carbon Inventory Report 2011/2012
- 10.2.2.2 Appointment of Deputy Member - Works And Corporate Services Committee
- 10.2.2.3 WMRC Regional Funding Program
- 10.2.2.4 Events Classification Policy
- 10.2.2.5 Standing Orders Amendment Local Law 2012
- 10.2.2.6 Signs, Hoardings and Bill Postings Local Law
- 10.2.2.7 Freedom of Information Statement Review 2012

**10 REPORTS****10.1 REPORTS OF OFFICERS****10.1.1 CHIEF EXECUTIVE OFFICER**

*The CEO declared an interest in this matter as it directly relates to his contract of employment.*

**10.1.1.1 ANNUAL PERFORMANCE AND REMUNERATION REVIEW FOR THE CEO 2012**

<b>File No:</b>	<b>PER/94</b>
<b>Attachments:</b>	<a href="#"><u>CONFIDENTIAL Cottesloe CEO Review 2012 Updated Remuneration Report December 2012</u></a>
<b>Responsible Officer:</b>	<b>Carl Askew Chief Executive Officer</b>
<b>Author:</b>	<b>Carl Askew Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>10 December 2012</b>
<b>Author Disclosure of Interest</b>	<b>The CEO declared an interest in this matter as it directly relates to his contract of employment.</b>

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**SUMMARY**

This report recommends that Council note and endorses the recommendations of the CEO's Contract and Performance Review Panel as per the attached "confidential" report.

**BACKGROUND**

In November 2012 Council considered a report in relation to the CEO's performance and remuneration review. It resolved:

*THAT Council defer consideration of this matter to the December 2012 meeting of Council pending clarification of the consultant's report.*

*Carried 8/0*

In October 2012 Council considered an initial report in relation to the CEO's performance review and Key Result Areas (KRA's) for 2013. Specifically it resolved:

*THAT Council;*

- 1. Receive the attached Performance Review report and endorse the overall rating of "Satisfactory - meeting the performance requirements of the position of Chief Executive Officer of the Town of Cottesloe".*
- 2. Conduct the next review of the CEO's performance by December 2013*

3. *Adopt the attached Key Result Areas for the January to December 2013 appraisal period as drafted by the Panel and Mr Askew.*
4. *Request the facilitator provide a Remuneration Report for consideration by Council at its November 2012 meeting.*
5. *Request the facilitator draft a contract of employment for consideration and discussion of a further contract for the CEO by Council at its November 2012 meeting.*

*Carried 9/0*

This report addresses part 4 of the October resolution and the November deferral.

Council engaged the services of Mr John Phillips (Executive Manager) WALGA Workplace Business Solutions, to facilitate the 2012 CEO performance and remuneration review process. The Review Panel is appointed by Council and is comprised of the Mayor, Deputy Mayor (Cr Walsh), the chairman of the Works & Corporate Services Committee (Cr Rowell) the Deputy Chairman of the Development Services Committee (Cr Jeanes).

The appraisal process included the use of a questionnaire based on the agreed Personal Attributes and Behaviours and the Key Result Areas (KRA's) adopted by Council in December 2011. All Elected members were provided with an assessment questionnaire and an opportunity to meet individually with Mr Phillips as the opportunity to provide feedback on Mr. Askew's performance. Mr. Askew also provided a detailed self assessment report. Ratings and comments were aggregated, summarised and presented in Mr Phillips' 'feedback report' for use at the formal appraisal meeting of the Review Panel on 15 October 2012. A subsequent meeting of the Panel took place on Wednesday 7 November 2012 to consider the Remuneration Report prepared by Mr Phillips (see confidential attachment).

### **STRATEGIC IMPLICATIONS**

The achievement of Council's Future Plan and strategic priorities are directly related to the performance of the CEO.

### **POLICY IMPLICATIONS**

None Known.

### **STATUTORY ENVIRONMENT**

Local Government Act 1995.

The Review is to be conducted in accordance with sections 5.38 and 5.39(3) (b) and Regulation 18D of the Local Government Act 1995, which requires that:

- *The performance of the CEO be reviewed at least once a year;*
- *The CEO will have a written contract of employment, which shall include performance criteria for the purpose of conducting a review. and,*

- *A Local Government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.*

#### 5.23. MEETINGS GENERALLY OPEN TO THE PUBLIC

- (1) Subject to subsection (2), the following are to be open to members of the public —
  - (a) all council meetings; and
  - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
  - (a) a matter affecting an employee or employees;
  - (b) the personal affairs of any person;
  - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
  - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
  - (e) a matter that if disclosed, would reveal —
    - (i) a trade secret;
    - (ii) information that has a commercial value to a person; or
    - (iii) information about the business, professional, commercial or financial affairs of a person,where the trade secret or information is held by, or is about, a person other than the local government;
  - (f) a matter that if disclosed, could be reasonably expected to —
    - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
    - (ii) endanger the security of the local government's property; or
    - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
  - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
  - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

#### FINANCIAL IMPLICATIONS

Any proposed increase in salary will have an impact on Council's budget. Provision has been made in the Council budget for performance related pay increases.

#### SUSTAINABILITY IMPLICATIONS

Nil

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**CONSULTATION**

- CEO's Contract and Performance Review Panel
- Mr John Phillips (Executive Manager) Workplace Business Solutions WALGA
- All Elected Members

**STAFF COMMENT**

Nil

**VOTING**

Simple Majority

**MOTION FOR BEHIND CLOSED DOORS**

Moved Mayor Morgan, seconded Cr Boland

In accordance with local government act s 5.23 Meetings Generally Open to the Public (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:

- (a) a matter affecting an employee or employees;

That council discuss the confidential report behind closed doors.

Carried 8/0

*Members of the public, staff and media were requested to leave the meeting at 7:44 PM.*

**REVIEW PANEL RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

That:

1. The Chief Executive Officer's annual remuneration package be increased to \$184,509 pa (4.8%), effective from 5<sup>th</sup> January 2013.
2. The next review of remuneration be completed by 5<sup>th</sup> January 2014, in accordance with the contract of employment between Council and Mr Askew.

Carried 8/0

**MOTION FOR BEHIND CLOSED DOORS**

Moved Mayor Morgan, seconded Cr Boland

In accordance with LG Act s5.23 the meeting was re-opened to the staff, members of the public and media.

Carried 8/0

*The Public, staff and Media returned to the meeting at 7:50 PM.*

**MAYOR READ ALOUD THE RESOLUTION TO THE PUBLIC**

**That:**

- 1. The Chief Executive Officer's annual remuneration package be increased to \$184,509 pa (4.8%), effective from 5<sup>th</sup> January 2013.**
- 2. The next review of remuneration be completed by 5<sup>th</sup> January 2014, in accordance with the contract of employment between Council and Mr Askew.**

**10.1.2 MANAGER CORPORATE SERVICES****10.1.2.1 LIST OF ACCOUNTS PAID FOR THE MONTH OF NOVEMBER 2012**

**File No:** SUB/137  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
  
**Proposed Meeting Date:** 10 December 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the list of accounts paid for the month of November 2012, as included in the attached Financial Statements, to Council.

**BACKGROUND**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The list of accounts paid in November 2012 is included in the report on pages 12 to 18 of the attached Financial Statements. The following significant payments are brought to Council's attention;

- \$26,820.92 & \$26,820.92 to Surf Life Saving Western Australia for the monthly lifeguard service at Cottesloe Beach.
- \$28,783.32 to Edinger Real Estate for the lease of the new depot site to 31-12-2012.

- \$44,850.23 to Transpacific Cleanaway for the waste collection service for October 2012.
- \$27,178.11 to WMRC for waste disposal fees.
- \$73,355.99 & \$75,914.14 to Town of Cottesloe staff for fortnightly payroll.
- \$200,000.00 to National Australia Bank being transfer of funds to the Business Investment Account.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Strzina**

**THAT Council receive the List of Accounts paid for the month of November 2012 as included in the attached Financial Statements, as submitted to the 10 December 2012 meeting of the Full Council.**

**Carried 8/0**



**10.1.2.2 PROPERTY AND SUNDRY DEBTORS REPORTS AS AT 30  
NOVEMBER 2012**

**File No:** SUB/145  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
  
**Proposed Meeting Date:** 10 December 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the Property and Sundry Debtors Reports as included in the attached Financial Statements, to Council.

**BACKGROUND**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Sundry Debtors report on pages 23 & 24 of the attached Financial Statements shows a total balance outstanding of \$67,881.77 of which \$47,343.30 is less than sixty days old. The balance of aged debtors is \$20,538.47 of which \$16,000 relates to a food act prosecution that has resulted in a payment arrangement.

The Rates and Charges Analysis on page 25 of the attached Financial Statements shows a total balance outstanding of \$2,360,677.68. Of this amount \$202,338.19 and \$465,931.40 are deferred rates and outstanding emergency services levies

respectively. The Statement of Financial Position on page 4 shows rates as a current asset as \$2,403,164 as compared to \$1,773,236.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Strzina**

**THAT Council receive the Property and Sundry Debtors Reports as at 30 November 2012. These reports are included in the attached Financial Statements as submitted to the 10 December 2012 meeting of the Full Council.**

**Carried 8/0**

**10.1.2.3 SCHEDULE OF INVESTMENTS AND LOANS AS AT 30 NOVEMBER 2012**

**File No:** SUB/150 & SUB/151  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
  
**Proposed Meeting Date:** 10 December 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the Schedule of Investments and the Schedule of loans as at 30 November 2012, as included in the attached Financial Statements, to Council.

**BACKGROUND**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Schedule of Investments on page 21 of the attached Financial Statements shows that \$5,067,135.58 was invested as at 30 November 2012. Approximately 39% of the funds are invested with the Westpac Bank, 31% with National Australia Bank, 15% with Bankwest and 15% with the Commonwealth Bank of Australia.

The Schedule of Loans on page 22 of the attached Financial Statements shows a balance of \$6,041,950.58 as at 30 November 2012. Included in this balance is \$359,499.60 that relates to self supporting loans.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Strzina**

**THAT Council receive the Schedule of Investments and the Schedule of Loans as at 30 November 2012. These schedules are included in the attached Financial Statements as submitted to 10 December 2012 meeting of the Full Council.**

**Carried 8/0**

**10.1.2.4 STATUTORY FINANCIAL REPORTS FOR THE PERIOD 1 JULY 2012  
TO 30 NOVEMBER 2012**

**File No:** SUB/137  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
  
**Proposed Meeting Date:** 10 December 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present to Council the Statement of Financial Activity, the Operating Statements by Program and by Nature and Type, the Statement of Financial position, and supporting financial information for the period 1 July 2012 to 30 November 2012 as included in the attached Financial Statements.

**BACKGROUND**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Statement of Financial activity on page 1 of the attached Financial Statements shows a favourable operating revenue of \$383,717, and operating expenditure that is \$16,817 less than year to date budget. Material variances are outlined on the variance analysis report on pages 7 to 10 of the attached Financial Statements. The Capital Expenditure Programme is reported in detail on pages 26 to 29 of the attached Financial Statements.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Strzina**

**THAT Council receive the Statement of Financial Activity, Operating Statements by Program and by Nature and Type, Statement of Financial Position, and other supporting financial information as included in the attached Financial Statements for the period 1 July 2012 to 30 November 2012, and as submitted to the 10 December 2012 meeting of the Full Council.**

**Carried 8/0**

**10.1.3 MANAGER ENGINEERING SERVICES****10.1.3.1 DESIGN FOR COTTESLOE MAIN BEACH DISABILITY ACCESS PATH**

**File No:** SUB/1390  
**Attachments:** [Copy of GHD Consultants Modified Display Plan](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services

**Proposed Meeting Date:** 10 December 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

GHD Consultants were engaged by the Town, in September 2012, to undertake a design for a Disability Access Path to the beach level at the Cottesloe Main Beach. After working through options with staff, a final design concept was put to Council's Disability Services Advisory Committee in October for comment. The design concept and location for the path was supported by the committee.

At it's November meeting, Council resolved:

*THAT Council defer consideration of this matter, for the shortest possible time, for further investigation of the final design outcome for the Disability Access Path.*

GHD Consultants have now modified the design to comply with the more detailed directions of Council. Those plans are presented in this item, with the recommendation:

*That Council adopt the modified GHD Consultant designs for the proposed Cottesloe Main Beach Disability Access Ramp and forward developed copies of those plans to the West Australian Planning Commission and the Heritage Council to request approval for construction.*

**BACKGROUND**

Council received confirmation in July 2012 that its application to LotteryWest for a \$200,000 grant towards a new Disability Access Path at the Cottesloe Main Beach was successful. The 2012/2013 budget includes a project of \$300,000 expenditure, \$200,000 grant income.

In July, a full site survey was undertaken, including levels and the location of all trees and infrastructure. In August, this site survey was the basis of a request to three consultancy firms to provide quotations to initially undertake the design process and, once considered by the Disability Services Advisory Committee, and approved by Council, WAPC and the Heritage Commission, draw up construction plans to be used for a tender to be called for full construction. Construction is proposed to take place commencing April 2013. GHD was the successful consultancy firm engaged to undertake landscape and engineering architectural services for the project.

Site discussions have taken place and a number of draft concept plans have been generated to finalise the concept, including alignment, cross sections, the locations of hand rails, modifications to site retaining walls and the creation of new walls. Senior staff considered these concepts and made comments.

The final concept plan and display views were put to the Disability Services Advisory Committee on the 30<sup>th</sup> October, with full endorsement of the concepts and alignment plus the suggestion of some seating near the path alignment.

After the Disability Services Advisory Committee accepted the proposed design and alignment, a site visit took place with the Manager Engineering Services, Manager Development Services, Dr Linley Lutton and the GHD designer inspecting the application of the design to the site. Another meeting was held after the November Council meeting and directions were given by staff for design changes.

### **STRATEGIC IMPLICATIONS**

Council's 2006-2010 Future Plan, under Objective 1 – "Protect and enhance the lifestyle of residents and visitors", has under Major Strategies, item 1.7 "Develop a Strategy to ensure access and inclusion of aged persons and persons with disabilities".

Under Objective 3 – "Enhance beach access and the foreshore", Major Strategy item 3.5 states "Improve bicycle and disabled access to beach facilities.

The Disability Access Path is a major step towards meeting these objectives.

### **POLICY IMPLICATIONS**

Council's Disability Access and Inclusion policy applies.

### **STATUTORY ENVIRONMENT**

The Disability Services Act (1993) requires a Disability Access and Inclusion Plan to be created by all local government authorities. Obligations under this plan include the construction of access capacity to all of Council's facilities, including the Cottesloe Main Beach for all people including aged and disabled members of the community.

### **FINANCIAL IMPLICATIONS**

Council has a budgeted expenditure of \$300,000 for this project and an income of \$200,000 from the approved Lottery West grant.

### **SUSTAINABILITY IMPLICATIONS**

Nil

### **CONSULTATION**

This path has been included as a component during the development and advertising of the Foreshore Redevelopment Plan. For many years, the community has requested this type of access to meet the needs of the aged, disabled and parents using prams for young children.



**STAFF COMMENT**

GHD Consultants have developed initial concepts with some options in relation to the alignment, cross section design and the location of items such as hand rails, support walls and garden beds. This concept development, after a number of referrals to staff for comment, including all Executive staff, has resulted in the design shown to the Disability Services Advisory Committee, where the presentation was fully endorsed by all members of the committee.

The initial GHD design met all disability access standards, without any tree removals. Dr Linley Lutton had given earlier consideration to such a path and was shown the proposed plans, and a site visit with the MES, MDS and GHD designer took place. Dr Lutton proposed changes to the design, which he further modified when contours and levels at the site were considered. The MDS undertook to liaise with Dr Lutton on how his suggestions and the GHD design findings could be reconciled.

Council considered the initial GHD design concept at its November 2012 meeting, after it had been approved by the Disability Services Advisory Committee. Council requested further investigation of the final design outcome. Senior staff then visited the site to clarify the details Councillors had agreed on at the meeting. This information was then communicated to GHD, who have now supplied these upgraded concepts for Council consideration.

The new path design includes a wall along the entire east side of the path, with a handrail against that wall. A set of access steps cut through that wall. No trees are removed in the design and all disability access standards are met. The need for maximum useful space has been designed for and the path alignment is a gentle 'S' shape.

The Manager Development Services has confirmed that the revised design reflects the alternative approach and details described by Dr Lutton, explored on-site by senior staff and discussed with GHD who have responded accordingly. The Manager Development Services is endeavouring to contact Dr Lutton for confirmation and any additional feedback in time for the Council meeting.

In order to give WAPC and the Heritage Council time for consideration of these plans, plus create sufficient time after approval is received for documentation to be completed and a tender called for construction starting in April 2013, submission to WAPC and the Heritage Council in 2012 is recommended. Once Council has approved the design, a development application with plans will be sent to the WAPC and the State Heritage Office for approval.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rowell, seconded Cr Strzina**

**THAT Council adopt the modified GHD Consultant designs for the proposed Cottesloe Main Beach Disability Access Ramp and forward developed copies of those plans to the Western Australian Planning Commission and the State Heritage Office to request approval for construction.**

**Carried 8/0**

**10.2 REPORTS OF COMMITTEES****10.2.1 DEVELOPMENT SERVICES COMMITTEE MINUTES - 03 DECEMBER 2012****10.2.1.1 NO. 48 FORREST STREET (LOTS 92 & 500) - TWO-STOREY ALTERATIONS AND ADDITIONS TO A HERITAGE PLACE KNOWN AS BARSDEN'S**

<b>File No:</b>	<b>SUB/2539</b>
<b>Attachments:</b>	<a href="#">Aerial 48 Forrest Dec 12.pdf</a> <a href="#">Plans 48 Forrest Dec 12.pdf</a> <a href="#">Consultant Report Heritage Dec 12.pdf</a> <a href="#">Architectural Report 48 Forrest Dec 12.pdf</a> <a href="#">Consultant Report 48 Forrest Dec 12.pdf</a>
<b>Responsible Officer:</b>	<b>Carl Askew</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Andrew Jackson</b> <b>Manager Development Services</b>
<b>Proposed Meeting Date:</b>	<b>03 December 2012</b>
<b>Author Disclosure of Interest</b>	<b>Nil</b>
<b>Property Owner:</b>	<b>Angela Nasuti</b>
<b>Applicant:</b>	<b>Rodrigues Bodycoat Architects</b>
<b>Date of Application:</b>	<b>23 October 2012</b>
<b>Zoning:</b>	<b>Residential R20</b>
<b>Use:</b>	<b>'P' – permitted under the Scheme</b>
<b>Lot Area:</b>	<b>1275m<sup>2</sup></b>
<b>MRS Reservation:</b>	<b>N/A</b>

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**SUMMARY**

The property is a prominent single-storey heritage residence and grounds on the north-eastern corner of Broome and Forrest Streets. There is a right-of-way (ROW – Doscas Lane) to the northern boundary, which is 2.7m wide, paved and well-used by properties along it, while the site has garage access off Broome Street.

The property comprises two lots: Lot 92 on the corner is larger and Lot 500 on Forrest Street is smaller. The development application proposes that the lots be amalgamated.

The main, historical, dwelling is located on Lot 92, with a more recent "apartment" building (granny flat) located in the north-eastern rear portion and straddling the lots. The apartment was built in the mid 1970s and mimics the period architecture of the dwelling, but is not in itself of heritage significance.

Over the decades the original dwelling has undergone modernisation and extension at its northern end abutting the ROW. In 2008 Council approved complete redevelopment of this northern end in a single-storey form with a similar aesthetic, demolition of the apartment and the addition of a lap pool. This was implemented, although retaining most of the apartment and without the pool. Subsequently new fencing to the street frontages has been approved and constructed.

The current application on behalf of a prospective purchaser is for further evolution of the dwelling by substantial redevelopment of the northern end as a new two-storey element, together with other works as described below.

This report presents the normal assessment of applicable development requirements as well as evaluation of the heritage dimension. The recommendation is to approve the application subject to conditions.

## **BACKGROUND**

*Barsden's* is one of the grandest historical properties in Cottesloe and a local landmark given its commanding position, exposure to view, generous proportions and architectural treatments. This heritage significance is augmented by the setting of the place in the heart of the district, being an area characterised by a number of other well-known heritage properties, a general collection of period dwellings, the heritage-listed Norfolk Island Pine trees and the heritage-listed Sea View Golf Course.

In recent times other heritage properties in the area have undergone change and Council has aimed to ensure that the opportunity is taken to manage the heritage values of the places and to achieve development compatible with the properties and precinct.

The subject property has experienced previous alternations and additions, which have been relatively low-key and sympathetic, and adopted a design ethos to reflect the historical architecture and detailing of the main dwelling. Much of the original dwelling has been retained intact and been well maintained both internally and externally. In relation to the external presentation of the place, it is emphasised that due to the two street frontages and wide-open grounds, the form and fabric of the dwelling can be seen and enjoyed as a major contribution to the streetscape and public realm. The dwelling is known for its verandah columns and rooftop balustrade.

In this context it is somewhat surprising that no conservation plan or heritage assessment has been undertaken in the past. In this respect it is positive that a heritage rationale for the current proposal has been provided, and bearing in mind the heritage dimension to the property, the Architects have liaised with officers in formulating the proposal. Beyond that, the Heritage Considerations section of this report provides the necessary guidance to make a proper assessment of the proposal.

## **PROPOSAL**

The present proposal entails:

- Excavation of the northern portion of the site to create a large basement comprising a four-car garage and several ancillary rooms, with vehicular access via the existing crossover from Broome Street. It is noted that Council approved the addition of a basement to *Le Fanu* in a similar fashion.
- Retention of the original dwelling and partial retention of the previous northern addition, with minor alterations to the original dwelling (a few internal and one external).

- Demolition of the remainder of the northern addition and redevelopment at a significantly smaller footprint, with increased setbacks and reduced boundary walls.
- Demolition of the apartment building.
- Introduction of a large second storey occupying the north-eastern quadrant, setback from all boundaries and partially set into the original roof.
- Complete re-roofing and new roofing, removing the existing tiles and introducing high quality (most likely zinc) metal sheeting.
- A large in-ground swimming pool in the north-eastern corner, with an associated retaining wall and terrace/deck areas.
- New retaining boundary walls to the north and east.
- Retention of the new fencing to the street frontages, with relocated gates as well as extension eastward on Forrest Street.
- New landscaping.

### **DOCUMENTATION SUBMITTED**

In support of the proposal the applicant has submitted the following documents.

#### **Heritage Assessment report**

This is a heritage architect's study of the property's history and evaluation of its heritage worth. This research document provides an understanding of the heritage qualities and classifications ascribed to the property, as a basis for conservation works, designing any change proposed to the place and assessing its impact. It serves as an ongoing heritage reference and informs future proposals and assessments.

It finds that the cultural heritage significance of the place is of considerable value for a range of collective reasons, whereby the original dwelling should be conserved. The mid-1970s apartment, 2008 extension, boundary fences and landscaping are assessed as having no heritage value – although the setbacks from the streets to the original dwelling and how that curtilage is landscaped is assessed as contributing to the cultural heritage significance of the place.

Note that section 7.0 understates the TPS2-related heritage provisions, which are elaborated upon further below in this officer report.

#### **Comprehensive plans**

These include elevations, before-and-after streetscape perspectives, a north-eastern panorama and a northward cones-of-vision diagram. The plans are thorough and detailed, including colours and annotations to aid interpretation and assist technical assessment. They depict the proposal and demonstrate the design details plus technical compliance as described in the accompanying report.

#### **DA Submission Architectural Report**

This is the justification for the proposal, comprising an Architectural Statement, Site Development Criteria commentary and Heritage Impact Statement.

This document provides the rationale for the proposal (ie design approach), a self-assessment of the relevant development requirements (ie TPS2 and RDC controls), and assesses the impact of the proposal against its heritage values. It is a basis for assessment by the Town in appreciating the proposal and considering the degree of heritage suitability and planning acceptability.

The Architectural Statement explains the response to the client brief in terms of the layout, style, materials and landscaping proposed in relation to the heritage dwelling; ie integrating the new with the old.

The Site Development Criteria are assessed in the Application Assessment: Development Requirements section of this officer report.

The Heritage Impact Statement is a key tool to evaluate the development proposal against the Heritage Assessment of the characterisation and worth of the place. It adopts the methodology of the State Heritage Office guide for this purpose. It concludes that the proposal would have no negative impact on the heritage significance of the place. This finding rests on retention and restoration of the original dwelling, removal of non-heritage elements, heritage benefits to be gained and assessment of the compatibility of the new architectural design with the heritage values of the original dwelling.

The last point above is influenced by a wide framework of heritage and architectural discourse and guidance, which allows for debate, interpretation, judgement and opinion in reconciling heritage and development. It is here that the Heritage Impact Statement is noticeably favourable towards the proposal. The proposal is certainly an opportunity to evolve and conserve the heritage of the place.

The officer's comment is that the design of the proposal is large, complex and novel, displaying a dichotomy of architectural logic and aesthetic challenge. This is not necessarily to say that the conception does not succeed or would not be visually rewarding, but there is no doubt that it would be a transformation of the place from its current traditional vernacular to a bold and heavily embellished aggregation. How well that composition of form, function, legibility, scale, pattern, texture and beauty works is pivotal to the question of heritage integrity. It must be remembered that there are also ordinary planning, development and building requirements to be satisfied or assessed in weighing-up the proposal for overall determination.

The advice of the independent heritage architect will have a bearing in this regard.

### **Consultation Report**

This records the Architect's liaison with neighbours and Councillors. It consolidates preliminary comments to facilitate consideration of the application. The plans were made available to the owners/residents of ten surrounding properties in order to inform them and identify any concerns.

This has led to some expressions of no objection and agreement to consider some design refinements, as well as minimised formal submissions made to the Town. It has also flagged some potential conditions or advice notes to reflect the commitments given, covering the eastern boundary wall (fence), privacy to the north,

dilapidation reports and construction management (including lane access and worker parking).

### **STATUTORY ENVIRONMENT**

Town Planning Scheme No. 2  
Residential Design Codes  
Various heritage listings and policies  
Fencing Local Law

### **POLICY IMPLICATIONS**

TPS2 Policy No. 12 Places of Cultural Heritage Significance  
WAPC SPP 3.5 Historic Heritage Conservation

### **HERITAGE LISTING**

Register of National Estate	Listed
State Register of Heritage Places	identified to consider
TPS2	Schedule 1
TPS2 Policy 12	N/A
Municipal Inventory	Category 2
National Trust	Listed

### **STRATEGIC IMPLICATIONS**

Heritage is recognised as a cornerstone of the character and amenity of Cottesloe, which Council aims to foster through the planning approvals process and related measures.

### **FINANCIAL IMPLICATIONS**

N/A

### **CONSULTATION**

#### **Internal**

#### Building

The Principal Building Surveyor has advised that compliance with a pool isolation barrier will be required. The pool is to be at a raised terrace level whereby the retaining wall will be non-scalable and of a height to meet this requirement, together with a pool gate.

The building permit will need to manage how works adjacent to the lane, are to be carried out in relation to the proposed retaining and screen walls along the boundary and any associated stabilisation.

#### Engineering

The Manager Engineering Services has viewed the plans and identified no particular concerns, noting that the existing crossover parallel to the lane is to be utilised for the basement.

**External**

State Heritage Office (for HCWA)

National Trust (previously)

Independent heritage architect

The Heritage Considerations section of this report outlines this input to assessment of the proposal.

**Liaison by Architects**

The Architects liaised with the Manager Development Services to discuss the initial concept and explore the considerations involved, including heritage, design, development requirements and process. Meetings have been ongoing as the design was finalised, the application was prepared and lodged, then assessment and consultation commenced.

The Architects undertook direct neighbour liaison of owners/residents surrounding the property, to explain the proposal, address any comments or concerns, refine the design and obtain indications of support. The Architects also contacted Councillors to preview the proposal.

All of this dialogue is recorded in the Consultation Report submitted (summary table attached) and has tended to satisfy neighbours ahead of being contacted by the Town.

**Advertising and Liaison by Town**

The Town as a matter of course sent advertising letters to the abutting landowners, inviting viewing of the plans and written submissions. The Town also liaised with landowners opposite who showed interest in the proposal. Two submissions have been received.

One, from Michael O'Connor of 46 Broome Street (Bramber House) opposite on the north-west corner of Forrest Street, comments that:

- The proposed second storey would overlook their courtyard, denying privacy.
- Its mass would be objectionable.
- A second storey and new metal roof would be contrary to heritage.

Officer comment

- The submitter's property being across the street is removed from direct overlooking well in excess of the separation distances prescribed by the RDC.
- Only one major window is proposed to the second storey facing Broome Street, which being to a walk-in robe and ensuite would not be a main outlook.
- The proposal would increase the mass of the current single-storey dwelling, yet on a large site and within the height limit, in the form of a two-storey extension and adjacent to Pine Court which is two-storey.

- The proposed second storey and reroofing are relevant heritage considerations.

The other, from Adrian Fini regarding his two-storey dwelling in Pine Court on the northern side of the lane, reiterates comment in the Consultation Report, being:

- A preference for privacy treatment to the proposed windows of bedrooms 2 and 3 on the second storey, ie obscure glazed to 1.6m from the floor.
- A request for a dilapidation report on Pine Court in relation to construction of the basement.

#### Officer comment

- The proposal complies with the privacy provisions of the RDC; however, the Architects have undertaken to address the northward privacy interrelationship with Pine Court and this could be conditioned.
- An advice note in the recommendation refers to the requirement for dilapidation reports as appropriate as part of the building phase.

### **APPLICATION ASSESSMENT – DEVELOPMENT REQUIREMENTS**

Overall, the proposal is predominantly compliant with the development requirements of TPS2, the RDC and the Fencing Local Law, with some variations sought. Due to the site being large, bounded by two streets and a lane and having spacious grounds, the existing dwelling and proposed extension are generally well-separated from surrounding properties, whereby direct impacts are minimised. Hence the design and amenity requirements of the RDC are essentially satisfied; eg density, access/parking, open space, shadow and privacy standards are all readily met. This outcome is described in the DA Submission Architectural Report, together with other aspects, and is reflected in the small number of submissions received.

At the same time, given that the proposal is for extension to an older dwelling, and that this is concentrated at one end of the site in order to retain the heritage building, the proposal does involve variation to particular development requirements, as explained and assessed below.

#### **Building height**

The proposal achieves compliance with the TPS2 building height standard of 8.5m for a two-storey dwelling by respecting the ridge height of the existing single storey dwelling, which although single-storey as a period dwelling has high foundations, high ceilings and a high, steep roof pitch, hence equates to a two-storey building at its highest point.

The two-storey extension adopts the existing ridge height in order to be compliant as well as in basic balance with the existing dwelling; ie containing the extension within the roof envelope and not striving for views.

#### **Basement**

Under TPS2 basements are defined in relation to building height and non-habitable usage of that space, in order to not be regarded as a storey. Compliance with the height standard relative to natural ground (NGL) can be a design challenge in terms of topography, ramp gradient, vehicle headroom and other factors.

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The proposed basement is premised on the existing floor height of the original and extended dwelling above. It is also constrained by excavation along the lane and in proximity to the original dwelling, as well as by the profile of the verge which as a rule and because of the heritage-listed pine trees cannot be altered. For these reasons it does not satisfy the height standard measured against the NGL at the centre of the site or the centre of the Broome Street frontage, having 0.7m extra height.

While most basements are able to meet the height requirement, occasionally it can be difficult to comply and Council is asked to exercise discretion to allow a variation, to which Council has agreed as a rare exception where warranted. Although the Scheme does not provide express discretion in this regard, arguably there is broad discretion available to consider individual instances taking into account circumstances, merits and amenity. Moreover, the Scheme contains scope for flexibility taking into account natural ground form and extension of an existing building, which are applicable in this case. In addition, Part 6 of TPS2 provides discretion to vary development requirements having regard to heritage.

In distinguishing that such special discretion is justified, the design should contribute to, rather than detract from, amenity or associated matters. In this respect the proposed basement represents an improvement upon the existing double garage, assisting in producing a dwelling better setback from the north-western corner of the site. Heritage-wise neither a modern basement nor double garage is true to the original dwelling, but the basement does offer the benefit of removing and not expanding the ground-level garaging, in the interest of the site's open space and the streetscape.

Whilst technically the height of the basement equates to a storey, in terms of design and visual appearance it is a sunken, recessive element effectively disguised by the rest of the extension. In particular, at its entrance and along the northern boundary the basement has only one storey above (for a small portion) then the terrace with pergola, whereby it presents as a two-storey component, with the bulk of the basement being buried under the dwelling out of sight.

The basement comprises car parking and several service or ancillary rooms compatible with the definition of non-habitable. The intended gym (approx. 30sqm) is not an activity mentioned in the definition and in essence is a habitable private recreational space, albeit used part-time by the occupants, so is perhaps a hybrid use. As a gym is not an entertainment room and would be used by for temporary periods solely for that purpose, it could be permitted with a condition preventing conversion to a habitable space (eg a study or guest room).

Therefore the basement as proposed is supported on this proviso.

### **Wall height**

The proposed extension occupies the northern and eastern flanks of the dwelling within the existing maximum roof height envelope and sitting just below the TPS2 maximum building height standard of 8.5m. The design of the extension is based on an asymmetrical zig-zag roofline and a cantilevered section, with mixed, dispersed window shapes and sizes and clad to differentiate it from the street frontages and

original dwelling. The visual result of this architectural treatment is to ameliorate the bulk and scale of the new walls, which while contained within the roof-scape exceed the two-storey 6m wall height standard under TPS2.

This unusual design means that the walls have a variety of calculated heights relative to natural ground level. Using the technique of a median point for each gable to measure wall height, the average is approximately 7m, which is one metre more than the standard and equal to the two-storey flat roof building height standard of the RDC. In practice, due to their gabled design the walls would perform as lower at the start of each gable and taller towards its apex, evening-out the effect of mass. As these walls are located away from the public realm they would not be highly visible, although the northern elevation could be viewed down the lane from Broome Street.

There is discretion in TPS2 to vary wall and roof heights for extensions to existing buildings. This recognises the design, construction and scale of existing buildings, and the common desire for extensions to have the same floor level, ceiling height or roof height as an often older building. Extensions to heritage buildings are obvious candidates to maintain existing levels and heights when integrating the old and new, and as observed the original single-storey dwelling is characteristically tall. The Architects have requested that this discretion be applied and it is assessed as appropriate to the proposal.

### **Setbacks**

The proposal satisfies almost all setback requirements, including for the new second storey, with two first storey variations that are not an issue to adjacent properties.

The first is the entry porch referred to below, which would be setback 0.8m from the Broome Street boundary in lieu of the 1.5m standard under the RDC for a side street. Although the porch is a terrace (ie not a full-height wall and roof structure) the reduced setback would be intrusive to the streetscape and at odds with the original dwelling and existing extension. From discussion with the Architects this could be quite easily modified to still perform the entrance function whilst complying with the setback. Therefore this proposed element is conditioned to be redesigned.

The second is the pergola structure to the ground level terrace along the northern boundary behind a boundary wall. Under the RDC this constitutes a wall as a continuation of the wall built on the boundary for the powder room and study, although its physical and visual effect is not an issue. The normal setback for this overall wall size would be 1.6m, whereas 1.35m is proposed taking into account half the width of the ROW as permitted by the RDC. It is assessed that this technical setback variation of 0.25m is of no consequence in terms of the performance criteria of the RDC (ie sunlight, ventilation, bulk and privacy). The pergola structure is not a true wall so would not present a solid or massive surface to the lane.

### **Site levels**

The proposal respects the existing site levels as important to the original dwelling and the basis for the replacement northern extension and basement. There are two areas of different levels for consideration.

The first is fill of 1.1m to form steps and an entry porch to the dwelling at the northern end on Broome Street, including a solid screen wall immediately behind the boundary fence to provide retaining and a balustrade. This is at the same level as the existing verandah to the original dwelling. It exceeds the 0.5m fill standard under the RDC in relation to site works and would appear as an unusual, fairly massive and added-on feature. This should be reduced and simplified to a set of steps and landing adjacent to the house, which would also enable free passage at ground level around the building. This is conditioned for redesign.

The second is retaining, terracing and boundary walls to create the pool podium to the north-eastern portion of the site. This is designed to utilise the existing raised ground level of the apartment, to maintain retaining to the lane and to ameliorate the mass of the boundary walls whilst ensuring mutual privacy. This entails some alteration of the ground level, yet respects the flow of the curtilage to the original dwelling, assists privacy and would not be highly visible from the street or neighbouring properties. It also avoids a modern pool fence which would be visually divisive at odds with the setting of the original dwelling.

Beside the above variations, the following matters are assessed.

### **Privacy**

The only privacy interrelationship between the proposed extension and a neighbouring property occurs along the lane opposite Pine Court to the north. As the second storey setbacks from the lane exceed the minimum cone of vision requirements there is no technical overlooking. As advised above, there has been dialogue between the Architect and the nearest owner in Pine Court to consider privacy treatment to two windows, which is supported by a condition.

Also, the submission regarding overlooking of a property across Broome Street cannot be sustained.

### **Fencing**

The proposed boundary fencing to the two streets preserves that constructed as part of the previous improvements, extends that new fencing at the eastern end of the Forrest Street frontage, relocates the pedestrian gates, and modifies the pedestrian entry at the northern end of the Broome Street frontage. This enhances the open-aspect fencing to Forrest Street and is sympathetic to the dwelling and streetscapes in keeping with the Fencing Local Law. The detailed treatment of the gates is not entirely clear at this stage.

A condition covers that the Forrest Street front fence extension conforms to the 0.9m maximum height solid plinth standard and that the gates be open-aspect.

### **Summary**

Comparatively few variations are requested.

While building and wall height are fundamental considerations, in this case these specific variations are of no or little consequence to the proposal itself, neighbouring

properties or the streetscapes, and are not perceptible when read as an extension to the proportions of the existing dwelling. Importantly, both the existing and proposed building (crown of roof) comply with the TPS2 standard of 8.5m by being slightly less. The basement variation is seen to be supportable.

Setbacks and site levels are assessed as suitable, subject to revision of the Broome street porch. Privacy and fencing are also acceptable, again with conditions for certain details.

## **APPLICATION ASSESSMENT – HERITAGE CONSIDERATIONS**

### **Introduction**

- A range of heritage considerations relate to the property and proposal, as set out below.
- There is an established framework for assessment of planning proposals from a heritage perspective, which is important in general and in this instance.
- Together with the ordinary planning technical assessment involved (ie development requirements or standards), the heritage values and classifications of a property have a significant bearing on the consideration of a proposal and the extent to which it is acceptable or may warrant some design modifications or conditions of approval.
- This is an expected part of the development assessment process in the case of heritage-listed properties and those within recognised character or heritage areas.
- It is through this process that a balanced outcome can be achieved between the objectives of the proposal, the normal planning parameters and the heritage layer of consideration.
- It can be seen that a strong collection of heritage instruments and classifications relating to the place apply and that they provide clear guidance on how the assessment of proposals should be approached and the values of the place to take into account.

### **Town Planning Scheme No. 2**

Clause 5.1.2 of TPS2 requires Council in considering a proposed development in relation to heritage to have regard to:

- *The need for preservation of existing trees or areas or buildings of architectural or historical interest.*
- *The choice of building materials and finishes where these relate to the preservation of local character and the amenity of the area generally.*
- The property is also included in Schedule 1 of TPS2, which is the highest listing available in terms of local government heritage control, as a scheme has the force and effect of law, ie affording statutory heritage protection.
- The Schedule lists the property as follows:
  - *House No. 48, Lot 92 Forrest Street, Cottesloe, Brick and tile single-storey house constructed circa 1910.*
  - *Classified by the National Trust.*
- This invokes Part 6 of the Scheme: *Conservation and Preservation of Places of Natural Beauty and Historic Buildings and Objects of Historic or Scientific*

*Interest, requiring Council's written consent to proposals in addition to a planning approval under Part 7.*

- Broadly, Part 6 requires virtually any change to such a place to receive Council's consent, and in practice the making of a development application enables that step to be addressed.
- Part 6 states that:  
*The Council considers that the places of natural beauty, and historic buildings, and objects of historic or scientific interest listed in Schedule 1 should be conserved and preserved.*
- The matters covered requiring Council's consent include:  
*clear, excavate or fill any land; fell, remove, kill or irreparably damage any tree; erect any fence; commence or carry out any renovation, modification, refitting, decoration or demolition of any building; alter or remove any building or object or any part thereof.*

### **TPS2 Policy 12: Places of Cultural Heritage Significance**

- This planning policy made under the Scheme elaborates on the assessment process for properties falling within its ambit.
- It provides that the places identified in Schedule 1 of the Scheme and in Categories 1 and 2 of the Municipal Heritage Inventory as of cultural and heritage importance contribute significantly to the character of Cottesloe and Council is conscious that they form an integral part of the character, amenity and sense of place of the suburb.
- The Policy Objectives are to:
  - *Protect existing places of cultural heritage significance and to maintain the character, amenity and sense of place of the suburb.*
  - *Ensure that any additions or alterations to existing places are sympathetic to the cultural heritage significance of the building.*
- The Policy Statements include:
  - *Demolition of places covered by this policy will not be supported by Council, unless it is demonstrated to Council's satisfaction that the listed building is not of local cultural heritage significance.*
  - *Where discretion exists in relation to the provisions of the Town Planning Scheme and Residential Planning Codes, Council may be sympathetic to a request for the exercise of that discretion, if the conservation of heritage places covered by this policy are deemed to be sympathetic to the original place by Council or the Heritage Council of Western Australia.*

### **Municipal Heritage Inventory**

- The property was originally classified in the MHI as Category 1 in 1995. The 2003 McDougall and Vines MHI Review recommended that it remain as such, however, in 2004 staff recommended a reclassification to Category 2, which Council adopted and is defined as:  
*High level of protection appropriate: provide maximum encouragement to the owner under the Town Planning Scheme to conserve the significance of the place. Photographically record the place prior to any major redevelopment or demolition.*
- The MHI description of the place is:

*Of great historic and architectural interest in prominent heritage streetscape/precinct.*

- Its significance is stated as:  
*An unusual house in the Cottesloe context, in a prominent position and having associations with a prominent person after whom a nearby street was named.*
- The property is described as:  
*A large house on a prominent corner in Cottesloe flanked by avenues of Norfolk Island Pines. It was built in 1924 for Joseph Henry Barsden, a solicitor of some note in Cottesloe in the early days. The house of white rendered brick has a romanticised Ionic colonnade supporting an unusual entablature and balustrade to three sides. The splayed windows have bay windows within projecting bays of the verandah formed by the colonnade. Large windows and French doors lead onto the verandah. In the bay window the glass is stained to the six upper lights with plain below. The roof is gabled to the south with two small louvred sections for air. There is a porthole window by the front door. The door itself is panelled and glazed with a half light to the upper section, three small lights above and half length side lights all stained.*

### **Register of National Estate (Australian Heritage Council)**

- This national heritage listing is of note and provides the following information:

#### **Barsdens House, 48 Forrest St, Cottesloe, WA, Australia**

#### **Photographs:**



**List:** Register of the National Estate

**Class:** Historic

**Legal Status:** [Registered](#) (28/09/1982)

**Place ID:** 10269

**Place File No:** 5/11/008/0006

#### **Statement of Significance:**

*This is significant as a large house built post 1910 / post World War One by a Mr Barsden. Barsden was a solicitor of note in Cottesloe, after whom the nearby Barsden Street was named. The house is of white rendered brick, with Doric columns and balustrading around the wide verandahs. The verandahs on the western side are shaded by latticed infills.*

**Official Values:** Not Available

#### **Description:**

*This large house was built circa 1910 / Post World War I for a Mr Barsden. Barsden was a solicitor of note in the early days of Cottesloe, and nearby Barsden Street is named after him. The house is of white-rendered brick with Doric columns and balustrading surrounding its verandah roofline. It has large windows and French doors lead out onto the wide verandahs. The verandahs are shaded by latticed infills on the western side. The house is bounded on two sides by pine trees. It is now being enlarged by its present owners. It stands next to 52 Forrest Street, a Federation bungalow built before 1905.*

**History:** Not Available

**Condition and Integrity:**

*The house is being enlarged by its present owners. One room has been enlarged by the construction of a bay window underneath the verandah. There is also a modern addition at the rear.*

**Location:**

*48 Forrest Street, corner Broome Street, Cottesloe.*

**Bibliography:**

*Ruth Marchant James, 'A Heritage of Pines', Town of Cottesloe, 1977.  
'The Heritage of Western Australia: the Illustrated National Estate',  
Sun McMillan, Melbourne, 1989.*

**National Trust**

- The National Trust was previously consulted and advised that it classified this residence in 1979 for its aesthetic value:  
*The building's use of Doric columns and balustrading is of architectural significance and is unmatched in the Town of Cottesloe. It's setting on high ground overlooking the ocean is of further significance.*
- The Trust supports the retention of these features in any works to the building.

**State Heritage Office (for HCWA)**

- The HCWA has identified *Barsden's* as worthy of assessment for consideration of being classified on the State Heritage Register, which acknowledges the number of other heritage listings already assigned to the place. That task remains to be done, however, which means that the property is not officially classified at State level at this juncture.
- Notwithstanding, the proposal was referred to the State Heritage Office (SHO) for information and any feedback, thereby providing the Heritage Assessment report and other material to the SHO as a resource.
- The SHO declined to provide advice given that the place is not a priority for its assessment, and suggested that the Town could engage an independent heritage architect to comment on the proposal (see below).

**WAPC Heritage Policy**

- The WAPC *State Planning Policy (SPP) 3.5 Historic Heritage Conservation* provides broad guidance to the consideration of heritage-based planning proposals.
- Its objectives are:
  - *To conserve places and areas of historic heritage significance.*
  - *To ensure that development does not adversely affect the significance of heritage places and areas.*
  - *To ensure that heritage significance at both the State and local levels is given due weight in planning decision-making.*
  - *To provide improved certainty to landowners and the community about the planning processes for heritage identification, conservation and protection.*
- The Policy describes the existing statutory framework for heritage conservation and the relationship and responsibilities of the Heritage Council of WA (HCWA), the WAPC and local governments.
- It specifies policy measures and the means for their implementation.

- The policy requires local governments to have regard to specific matters relating to heritage in considering applications for planning approval.
- Those matters relevant to the subject proposal include:
  - *The conservation and protection of any place or area that is included in the heritage list under a scheme.*
  - *Whether the proposed development will adversely affect the significance of any heritage place including any adverse effect resulting from the location, bulk, form or appearance of the proposed development.*
  - *The level of heritage significance of the place, based on a relevant heritage assessment.*
  - *Measures proposed to conserve the heritage significance of the place and its setting.*
  - *The structural condition of the place, and whether the place is reasonably capable of conservation.*
- The Policy requires that: *the following development control principles should be applied in considering planning applications in relation to a place entered in a heritage list, a place or area entered in the state register, or a heritage area designated pursuant to a local planning scheme.*
  - Alterations, extensions or change of use affecting a heritage place:*
    - *Development should conserve and protect the cultural significance of a heritage place based on respect for the existing building or structure, and should involve the least possible change to the significant fabric.*
    - *Alterations and additions to a heritage place should not detract from its significance and should be compatible with the siting, scale, architectural style and form, materials and external finishes of the place. Compatibility requires additions or alterations to sit well with the original fabric rather than simply copying or mimicking it.*
    - *In some cases, the conservation and protection of a heritage place may require a change of use to ensure a reasonable beneficial use or return. Sympathetic adaptation and change of use should be supported in such cases.*
    - *Development should be in accordance with any local planning policies relating to heritage.*
- Implementation of the SPP is expected by local governments as follows:  
*Local government has a role in support of the policy through ensuring that due regard is given to heritage significance in development assessment, planning schemes and planning strategies.*

### **Independent Heritage Architect**

The Town engaged Bernard Seeber Architects to provide an expert opinion on the proposal. This firm is experienced and respected in heritage architecture including in Cottesloe (eg Wanslea project, for the National Trust), Fremantle and around the state. Familiarity with the local built environment, character/heritage attributes and planning regime was seen as important.

This consultant's report once completed is to be circulated and commented upon in advance of the Development Services Committee meeting.



**Summary**

- A suite of heritage instruments and classifications apply to the *Barsden's* heritage-listed property.
- Collectively they provide direction, principles and criteria for the consideration of proposals from a heritage perspective and the basis for decision-making.
- Against this framework it is assessed that:
  - The heritage significance and contribution of the property should not be underestimated.
  - The proposal is supportable in terms of normal development requirements and essentially supportable in relation to heritage considerations, subject to some conditions.

**CONCLUSION**

The heritage significance of the place, which embodies the particular architectural elements of the original dwelling, is recognised by a range of heritage classifications. This framework supports carefully-designed additions/alterations, retention of heritage fabric, conservation/restoration works and documentation for the long term use and care of the place.

The application is assessed as an acceptable proposal for two-storey plus basement alterations and additions to a heritage dwelling entailing important considerations.

In terms of development requirements, the proposal is assessed as suitably compliant with TPS2, the RDC and the Fencing Local law, and the overall streetscape and amenity outcomes are considered to be appropriate from a planning point of view.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

Committee expressed support for the proposal and noted improvements such as the removal of the existing garage, as well as ongoing conservation of the original dwelling. Committee noted that the State Heritage Office had declined to provide comment, but based on the officer report and input from Bernard Seeber Architects for the Town was satisfied that the proposal is acceptable, including variations to planning requirements, in the context of heritage.

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Cr Walsh, seconded Cr Downes**

**That Council GRANT its Written Consent and Approval to Commence Development for two-storey alterations and additions to the existing residence, including basement, re-roofing, pergola, pool, landscaping, retaining walls, fencing and demolition of the non-heritage apartment building, at No. 48 (Lots 92 and 500) Forrest Street, Cottesloe, in accordance with the revised plans submitted on 8 November 2012, subject to the following conditions, all to the satisfaction of the Manager Development Services:**

1. Prior to any demolition, whether to parts of the original dwelling, to later additions or alternations, or to the apartment building, a full photographic and documented record, both internally and externally, of the existing buildings or portions thereof, features and fabric to be demolished shall be compiled and submitted to the Town as a heritage record.
2. All of the existing verandah columns and entablature to the verandah roof shall be retained in perpetuity and restored as required.
3. The application for a Building Permit shall include a comprehensive schedule of all conservation works and of all materials, finishes and colours to be used in the development and conservation works.
4. The conservation works shall include rectification of the deterioration of the concrete beams to the southern verandah, as identified in the applicant's Heritage Assessment report.
5. All restoration works proposed or required to the existing fabric of this heritage-listed building as detailed in the planning and building applications and approvals shall be carried out as part of the overall development approval and completed prior to occupation of the completed development.
6. The external profile of the proposed 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 the Council and any approvals as required under the relevant heritage classifications.
7. At Building Permit stage the plans submitted shall address the following development and heritage requirements by way of design details and revisions:
  - a. The entry porch near the northern end of the Broome Street frontage shall be setback, reduced in size and simplified to a set of steps and landing adjacent to the dwelling with an open-aspect balustrade, which also provides passage at ground level around the building.
  - b. The windows to bedrooms 2 and 3 on the second storey northern elevation shall be treated to provide a sense of privacy to the bedrooms on the second storey of 96 Broome Street (Pine Court) on the other side of Doscas Lane, in consultation with that owner and the Town.
  - c. The new boundary fencing to Forrest Street shall comply with the Fencing Local Law specifications for maximum height of the solid plinth and for open-aspect infill panels.
  - d. The gates to the boundary fence to Broome Street shall be of open-aspect design.
  - e. Detailed design of the eastern boundary wall (dividing fence) in terms of its height in relation to the existing ground levels of 52

- Forrest Street to the east and the interface with the Forrest Street front fences of both properties, in consultation with that owner.
- f. The design of the dividing wall between the basement ramp and the right-of-way having regard to the need for a physical barrier and visibility for vehicles, cyclists and pedestrians.
  - g. Clarification/confirmation of the cladding material, its colour and low reflectivity to be used for all new roofing or re-roofing as approved.
8. The Building Permit plans shall include a comprehensive landscaping plan for the entire site, taking into account the contribution of landscaping to the cultural heritage significance of the place, especially in the setbacks from the streets to the original dwelling, as well as the setting created by the grounds as a whole in relation to heritage, architectural design and streetscape.
9. The gymnasium in the basement shall not be used as or converted to a habitable space or room at any time.
10. All boundary walls facing the eastern abutting lot and the northern right-of-way shall be properly finished-off.
11. Adequate storage disposal shall be provided to contain all stormwater on site in accordance with Council's Local Law. Stormwater runoff from the driveway or any other paved portion of the site shall not be discharged onto the street reserves, right-of-way or adjoining properties, and the gutters, downpipes and soakwells used for disposal of the stormwater runoff from roofed areas shall be included within the Building Permit plans.
12. Wastewater or backwash water from the swimming pool filtration system shall be contained within the property and disposed of into adequate soakwells. A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary. Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.
13. The pool pump and filter shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
14. Any air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.

15. The Building Permit plans shall include details of all external plant, equipment or infrastructure, including all proposed installations to the roof, and shall demonstrate how those fixtures are to be located, housed, screened or treated to achieve visual and acoustic amenity and to respect heritage.
16. Comprehensive dilapidation reports for the northern and eastern adjacent properties in relation to the development works shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit.
17. A comprehensive Demolition and Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit, and shall address (amongst other things): maintaining lane access for residents; traffic management and safety for the streets, lane and site; worker parking, including off-site, through consultation with and approval by the Town; and verge and tree protection.
18. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
19. All street trees (which comprise heritage-listed Norfolk Island Pine trees) shall be protected at all times from the demolition and construction activities and any stockpiled materials shall be kept clear of the trees and not built up around or leant against their trunks.
20. Any works to the existing crossover or visitor parking bays affecting the Broome Street verge shall be to the specification and satisfaction of the Town and prior-approved as required.
21. Any damage within the road reserve occasioned by the demolition and construction activities shall be rehabilitated to the specification and satisfaction of the Town at the cost of the owner.
22. The two lots shall be amalgamated into one lot on one certificate of title prior to occupation of the completed development and conservation works to the property.

**Advice Notes:**

1. The owner is encouraged to retain as much of any trees or significant vegetation on site as possible in relation to the demolition and development, in the interests of the heritage value of the place and the amenity of property for the residents as well as to the streetscape and locality.
2. This approval is to the proposed demolition, development and restoration works as required only. All future proposals for the property are subject to further applications, approvals and consents as required

by the Town of Cottesloe town planning scheme and any heritage classifications of the property.

3. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development occurs entirely within the owner's property.

#### **AMENDMENT**

Moved Cr Walsh, seconded Cr Downes

That in condition 7(f) the words 'be kept at a 1 metre height' be added after the word "way"

EQUALITY 4/4  
MAYOR CASTING VOTE AGAINST 4/5  
LOST – STATUS QUO REMAIN

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

That Council GRANT its Written Consent and Approval to Commence Development for two-storey alterations and additions to the existing residence, including basement, re-roofing, pergola, pool, landscaping, retaining walls, fencing and demolition of the non-heritage apartment building, at No. 48 (Lots 92 and 500) Forrest Street, Cottesloe, in accordance with the revised plans submitted on 8 November 2012, subject to the following conditions, all to the satisfaction of the Manager Development Services:

1. Prior to any demolition, whether to parts of the original dwelling, to later additions or alternations, or to the apartment building, a full photographic and documented record, both internally and externally, of the existing buildings or portions thereof, features and fabric to be demolished shall be compiled and submitted to the Town as a heritage record.
2. All of the existing verandah columns and entablature to the verandah roof shall be retained in perpetuity and restored as required.
3. The application for a Building Permit shall include a comprehensive schedule of all conservation works and of all materials, finishes and colours to be used in the development and conservation works.
4. The conservation works shall include rectification of the deterioration of the concrete beams to the southern verandah, as identified in the applicant's Heritage Assessment report.
5. All restoration works proposed or required to the existing fabric of this heritage-listed building as detailed in the planning and building applications and approvals shall be carried out as part of the overall development approval and completed prior to occupation of the completed development.

6. The external profile of the proposed 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 the Council and any approvals as required under the relevant heritage classifications.
7. At Building Permit stage the plans submitted shall address the following development and heritage requirements by way of design details and revisions:
  - a. The entry porch near the northern end of the Broome Street frontage shall be setback, reduced in size and simplified to a set of steps and landing adjacent to the dwelling with an open-aspect balustrade, which also provides passage at ground level around the building.
  - b. The windows to bedrooms 2 and 3 on the second storey northern elevation shall be treated to provide a sense of privacy to the bedrooms on the second storey of 96 Broome Street (Pine Court) on the other side of Doscas Lane, in consultation with that owner and the Town.
  - c. The new boundary fencing to Forrest Street shall comply with the Fencing Local Law specifications for maximum height of the solid plinth and for open-aspect infill panels.
  - d. The gates to the boundary fence to Broome Street shall be of open-aspect design.
  - e. Detailed design of the eastern boundary wall (dividing fence) in terms of its height in relation to the existing ground levels of 52 Forrest Street to the east and the interface with the Forrest Street front fences of both properties, in consultation with that owner.
  - f. The design of the dividing wall between the basement ramp and the right-of-way having regard to the need for a physical barrier and visibility for vehicles, cyclists and pedestrians.
  - g. Clarification/confirmation of the cladding material, its colour and low reflectivity to be used for all new roofing or re-roofing as approved.
8. The Building Permit plans shall include a comprehensive landscaping plan for the entire site, taking into account the contribution of landscaping to the cultural heritage significance of the place, especially in the setbacks from the streets to the original dwelling, as well as the setting created by the grounds as a whole in relation to heritage, architectural design and streetscape.
9. The gymnasium in the basement shall not be used as or converted to a habitable space or room at any time.
10. All boundary walls facing the eastern abutting lot and the northern right-of-way shall be properly finished-off.
11. Adequate storage disposal shall be provided to contain all stormwater on site in accordance with Council's Local Law. Stormwater runoff from the

driveway or any other paved portion of the site shall not be discharged onto the street reserves, right-of-way or adjoining properties, and the gutters, downpipes and soakwells used for disposal of the stormwater runoff from roofed areas shall be included within the Building Permit plans.

12. Wastewater or backwash water from the swimming pool filtration system shall be contained within the property and disposed of into adequate soakwells. A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary. Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.
13. The pool pump and filter shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
14. Any air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
15. The Building Permit plans shall include details of all external plant, equipment or infrastructure, including all proposed installations to the roof, and shall demonstrate how those fixtures are to be located, housed, screened or treated to achieve visual and acoustic amenity and to respect heritage.
16. Comprehensive dilapidation reports for the northern and eastern adjacent properties in relation to the development works shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit.
17. A comprehensive Demolition and Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit, and shall address (amongst other things): maintaining lane access for residents; traffic management and safety for the streets, lane and site; worker parking, including off-site, through consultation with and approval by the Town; and verge and tree protection.
18. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
19. All street trees (which comprise heritage-listed Norfolk Island Pine trees) shall be protected at all times from the demolition and construction

activities and any stockpiled materials shall be kept clear of the trees and not built up around or leant against their trunks.

20. Any works to the existing crossover or visitor parking bays affecting the Broome Street verge shall be to the specification and satisfaction of the Town and prior-approved as required.
21. Any damage within the road reserve occasioned by the demolition and construction activities shall be rehabilitated to the specification and satisfaction of the Town at the cost of the owner.
22. The two lots shall be amalgamated into one lot on one certificate of title prior to occupation of the completed development and conservation works to the property.

**Advice Notes:**

1. The owner is encouraged to retain as much of any trees or significant vegetation on site as possible in relation to the demolition and development, in the interests of the heritage value of the place and the amenity of property for the residents as well as to the streetscape and locality.
2. This approval is to the proposed demolition, development and restoration works as required only. All future proposals for the property are subject to further applications, approvals and consents as required by the Town of Cottesloe town planning scheme and any heritage classifications of the property.
3. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development occurs entirely within the owner's property.

**THE SUBSTANTIVE MOTION WAS PUT**

**Carried 8/0**



Cr Strzina declared a proximity interest in item 10.2.1.2, due to owning and residing in a dwelling opposite the subject site, and left the meeting at 7:28pm for the duration of the item.

Cr Boland declared an impartiality interest in item 10.2.1.2, due knowing the objector to the application, and declared that as a consequence there may be a perception that his impartiality on the matter may be affected. He declared that he will consider the matter on its merits and vote accordingly.

Mayor Morgan declared an impartiality interest in item 10.2.1.2 due knowing the objector to the application, and declared that as a consequence there may be a perception that his impartiality on the matter may be affected. He declared that he will consider the matter on its merits and vote accordingly.

Cr Walsh declared an impartiality interest in item 10.2.1.2, due knowing the objector to the application, and declared that as a consequence there may be a perception that his impartiality on the matter may be affected. He declared that he will consider the matter on its merits and vote accordingly.

**10.2.1.2 CONFIDENTIAL - NO. 2 DEANE STREET - TWO-STOREY DWELLING WITH UNDERCROFT GARAGE, ROOF-SPACE (THIRD) LEVEL AND ELEVATED POOL**

<b>File No:</b>	<b>SUB/2437</b>
<b>Responsible Officer:</b>	<b>Carl Askew</b>
	<b>Chief Executive Officer</b>
<b>Author:</b>	<b>Andrew Jackson</b>
	<b>Manager Development Services</b>
<b>Proposed Meeting Date:</b>	<b>03 December 2012</b>

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**PURPOSE**

This report recommends that Council note the information contained in the confidential officer report in relation to No 2 Deane Street – Two Storey Dwelling with Undercroft Garage, Roof Space (Third) level and Elevated Pool and endorses the officer recommendation.

**BACKGROUND**

Refer to the confidential report attached.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

Local Government Act 1995 – s5.23 – Closing a meeting to the public.

## 5.23. MEETINGS GENERALLY OPEN TO THE PUBLIC

- (1) Subject to subsection (2), the following are to be open to members of the public —
- (a) all council meetings; and
  - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
- (a) a matter affecting an employee or employees;
  - (b) the personal affairs of any person;
  - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
  - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
  - (e) a matter that if disclosed, would reveal —
    - (i) a trade secret;
    - (ii) information that has a commercial value to a person; or
    - (iii) information about the business, professional, commercial or financial affairs of a person,where the trade secret or information is held by, or is about, a person other than the local government;
  - (f) a matter that if disclosed, could be reasonably expected to —
    - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
    - (ii) endanger the security of the local government's property; or
    - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
  - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
  - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

- Town Planning Scheme No. 2
- Residential Design Codes
- Fencing Local Law
- *Planning and Development Act 2005*
- *State Administrative Tribunal Act 2004*

**FINANCIAL IMPLICATIONS**

Nil

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**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Refer to the confidential report attached.

**VOTING**

Simple Majority

**MOTION FOR BEHIND CLOSED DOORS**

**Moved Mayor Morgan, seconded Cr Boland**

In accordance with local government act s 5.23 Meetings Generally Open to the Public (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:

- (d) Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;

**That council discuss the confidential report behind closed doors.**

**Carried 8/0**

*Members of the public and media were requested to leave the meeting at 7:28 PM.*

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rowell, seconded Cr Downes**

**THAT COUNCIL grant its approval to commence development for the proposed two-storey dwelling with undercroft garage, roof-top space and elevated pool at No. 2 (Lot 25) Deane Street, Cottesloe, in accordance with the amended plans received on 20 November 2012 (Drawing Nos 1-9 inclusive) subject to the following conditions:**

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13: Construction sites.
- (2) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (3) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the building permit plans.

- (4) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted do not exceed those specified in the Environment Protection (Noise) Regulations 1997.
- (5) The applicant applying to the Town of Cottesloe for approval to construct the two new crossovers, in accordance with the Town's specifications, as approved by the Manager Engineering Services or an authorised officer.
- (6) The existing redundant crossover is to be removed and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Manager Engineering Services.
- (7) The proposed pool pump and filter shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
- (8) Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property on which the swimming pools are located and disposed of into adequate soakwells.
- (9) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum of 1.8metres away from any building or boundary.
- (10) Wastewater or backwash water shall not be disposed of into the Town's street drainage system or the Water Corporation's sewer.
- (11) The proposed first-floor, south-facing window to the bar shall be fixed and obscure-glazed to a minimum height of 1.6m above floor level to the satisfaction of the Manager Development Services.
- (12) The existing street tree shall be removed and replaced with a Norfolk Island Pine tree to the satisfaction of the Town's Works Supervisor, at the applicant's cost.

**Advice Note:**

The applicant/owner is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.

Carried 4/3

For the motion: Crs Downes, Rowell, Walsh & Mayor Morgan  
Against the motion: Crs Hart, Boland, and Pyvis

*Cr Strzina returned to the meeting at 7:42pm*

**10.2.1.3 DELEGATION OF POWERS FOR DETERMINATION OF PLANNING APPLICATIONS DURING THE 2012-2013 HOLIDAY PERIOD RECESS OF COUNCIL**

**File No:** SUB/39  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Ed Drewett  
Senior Planning Officer  
  
**Proposed Meeting Date:** 03 December 2012  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

A recommendation is made to delegate authority to the Manager Development Services (MDS), or the Senior Planning Officer in his absence, and the Chief Executive Officer to make determinations on those applications for planning consent that are assessed during the period from Tuesday 11 December 2012 to Friday 15 February 2013 while the Council is in recess. This arrangement is presented in a report to Council each December for ratification.

**BACKGROUND**

The following resolution was passed by Council at its December 2011 meeting:

*That Council:*

- (1) *In addition to the existing delegated authority for determination of applications for Planning Consent and subject to (2) below, hereby further delegates to the Manager Development Services, the Senior Planning Officer in the absence of the Manager Development Services and the Chief Executive Officer, under Clause 7.10.1 of Town Planning Scheme No. 2, authority to determine those applications for Planning Consent that are beyond their current delegated powers, for the period from Tuesday 13 December 2011 to Friday 17 February 2012.*
  - (2) *The exercise of those powers referred to in (1) is granted subject to:*
    - (a) *The relevant officer discussing those applications that fall within the extended powers of delegated authority with the Chairperson of the Development Services Committee or the Deputy, prior to a decision being made on the applications; and*
    - (b) *A list of items to be dealt with under this delegation being identified and included in the weekly list of Delegated Authority Items that is:*
      - (i) *circulated on a weekly basis to all Councillors; and*
      - (ii) *subject to the current call-in arrangements for Delegated Authority Items.*
-

**STAFF COMMENT**

It is requested that the Manager Development Services, Senior Planning Officer and Chief Executive Officer be granted additional delegated authority to determine applications beyond their current delegation powers in consultation with the Development Services Chairperson or Deputy during the 2012-2013 Christmas and New Year recess (ie, until the cycle for referral to the February round of meetings commences).

In practice this arrangement works well and ensures that the processing of applications is not unduly delayed (as there is a right of appeal after 60 days). Also, during the holiday period there are usually fewer applications and any significant or problematic ones can be identified for referral to Council from February onwards – the trend is that usually due to the industry also being in recess the delegation is either not called upon or if so for no more than a few applications.

This special delegation is only useful if the Chair and/or Deputy are available during the holiday period.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Walsh, seconded Cr Strzina

**THAT Council:**

- (1) In addition to the existing delegated authority for determination of applications for Planning Consent and subject to (2) below, hereby further delegates to the Manager Development Services, the Senior Planning Officer in the absence of the Manager Development Services, and the Chief Executive Officer under Clause 7.10.1 of Town Planning Scheme No. 2, authority to determine those applications for Planning Consent that are beyond their current delegated powers, for the period from Tuesday 11 December 2012 to Friday 15 February 2013.
- (2) Stipulates that the exercise of those powers referred to in (1) is granted subject to:
  - (a) The relevant officer discussing those applications that fall within the extended powers of delegated authority with the Chairperson of the Development Services Committee or the Deputy, prior to a decision being made on the applications; and
  - (b) A list of items to be dealt with under this delegation being identified and included in the weekly list of Delegated Authority that is:
    - (i) circulated on a weekly basis to all Councillors; and
    - (ii) subject to the current call-in arrangements for Delegated Authority Items.

Carried 8/0

**10.2.2 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 04  
DECEMBER 2012****10.2.2.1 TOWN OF COTTESLOE CARBON INVENTORY REPORT 2011/2012**

**File No:** SUB/1161  
**Attachments:** [Carbon Inventory Report 2011 2012](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Nikki Pursell  
Sustainability Officer  
**Proposed Meeting Date:** 04 December 2012

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**SUMMARY**

The 2011/2012 Carbon Inventory Report summarises the findings from the 2011/2012 greenhouse gas (GHG) Inventory recently completed for the Town of Cottesloe. The Report and Inventory provides the third consecutive year of carbon accounting for the Town. As the Town aims to become Carbon Neutral by 2015, annual data collection and reporting is necessary to track progress and highlight areas for improvements. The 2011/2012 Inventory calculated 478 tonnes of Carbon Dioxide equivalent (CO<sub>2-e</sub>) emissions from the Town's operations for the period 1 July 2011 to 30 June 2012. This compares to a baseline GHG footprint of 806 tonnes of CO<sub>2-e</sub> in 2009/2010.

The large reduction in Council emissions was largely a result of changes in reporting of streetlights emissions.

**BACKGROUND**

The Town produces an annual Carbon Inventory in order to document GHG emissions resulting from the Town's activities. This informs the process of becoming Carbon Neutral, which Council committed to achieve by 2015.

On 21 June 2011, Council was presented with the baseline measurements of the Town's carbon footprint along with a report entitled *Town of Cottesloe's Carbon Inventory Report (June 2011)*. The document summarised the Town's GHG profile for the 2009/2010 financial year (the baseline year), concluding that the Town had a carbon footprint of 806 tonnes of CO<sub>2-e</sub>. The development of this inventory marked the completion of Step 1 in the process to become Carbon Neutral.

In March 2012, Council was presented with a second annual inventory report, presenting a carbon footprint of 724 tonnes of CO<sub>2-e</sub>. This was a reduction of 82 tonnes compared to the baseline year.

**Discussion of the 2011/12 inventory**

The 2011/2012 Inventory calculated 478 tonnes of CO<sub>2-e</sub> emissions from the Town's operations for the period 1 July 2011 to 30 June 2012. Primary emissions-generating activities were:

1. Petrol combustion from fleet vehicles for transportation (includes work and private use of vehicles);
2. Purchased electricity for Council buildings and infrastructure;
3. Purchased electricity for Western Power-owned streetlights; and
4. Construction and demolition waste to landfill.

Most activities either demonstrated a slight increase in emissions or remained static between 2010/2011 and 2011/2012. Fleet emissions increased marginally between 2010/2011 and 2011/2012, as did waste emissions, whilst emissions from business travel decreased over the same period. The most significant change related to streetlight emissions. Whilst the consumption data remained virtually the same, reporting of streetlight emissions has changed for 2011/2012. In previous years emissions relating to purchased electricity for streetlights were reported as Scope 2 emissions. Recent changes in the way Western Power reports emissions, as well as advice from WALGA, means that Local Governments can now report streetlights as Scope 3 emissions. As emissions relating to purchased electricity for street lighting were the Town's greatest source of emissions, this change has led to a significant reduction in the Town's overall carbon footprint and better reflects the emissions that Council has operational control over.

### **FINANCIAL IMPLICATIONS**

One of the goals of annual carbon reporting is to highlight areas that require attention and focus abatement actions. This report, along with the recently developed *Town of Cottesloe GHG Reduction Plan*, highlights potential measures to reduce emissions. These actions are not currently within the Sustainability budget allocation. As measures are investigated, further budget requests may be made. Many actions will result in both emissions and financial savings due to improved energy and resource efficiency.

### **SUSTAINABILITY IMPLICATIONS**

Measuring and publishing the Town's emissions profile is an important step in taking responsibility for the Town's impact on the environment. Shifting the Town's reliance away from emissions-intensive resources and suppliers puts the Town in a better position to respond to the Federal Government's Carbon Price as well as respond to the growing threat of climate change.

Measuring our emissions and therefore our resource use highlights opportunities to use resources more efficiently.

### **CONSULTATION**

In developing the attached report, the Sustainability Officer consulted with management, contractors and utility providers. The Sustainability Officer also undertook training in carbon management at the West Coast Institute of Training to gain adequate expertise in this technical and dynamic field.



**STAFF COMMENT**

The 2011/2012 Inventory illustrated a significant decrease in Council related emissions. Since the baseline year, the total carbon footprint has decreased from 806 to 478 tonnes of CO<sub>2</sub>-e. This significant reduction in total emissions is indicative that the Town is on track for its goal of reaching Carbon Neutral status by 2015. However, while emissions have demonstrated a very positive downward trend, it should be noted that some activity areas have recorded an increase in emissions since last year. With the recent completion of the *Town of Cottesloe Greenhouse Gas Reduction Plan*, a number of target areas for abatement have been highlighted and these will be addressed over the next year.

*The Town of Cottesloe's Carbon Inventory Report 2011/2012* demonstrates the Town's ongoing commitment to becoming Carbon Neutral. For the purposes of transparency and improved community awareness it is recommended that this report be published on the Town's website.

**VOTING**

Simple Majority

**COMMITTEE DISCUSSION**

Committee discussed the Carbon Inventory Report for 2011/2012 and commented that the report accurately reflected the changes made by WALGA with regard to accounting for the Town's street lighting. Cr Rowell commented that the Council previously had a policy to undertake community education regarding recycling and queried whether this is something that the Sustainability Officer could be involved in. Cr Boland agreed that the improvements cited in the report came about in part as a result of an accounting practice, rather than an improved process and stated that the Town needs to work harder to reduce emissions and reach the targets set.

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Rowell, seconded Cr Strzina

**THAT Council:**

1. **Note the completion of the Carbon Inventory Report for 2011/2012 and the progress made in reducing the Town's emissions.**
2. **Publish the Report on the Town's website.**

**Carried 8/0**

**10.2.2.2 APPOINTMENT OF DEPUTY MEMBER - WORKS AND CORPORATE SERVICES COMMITTEE**

**File No:** SUB/1261  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Christy Watterson  
Administration and Governance Officer  
**Proposed Meeting Date:** 04 December 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

This report recommends the appointment of Cr Hart, in a deputy capacity, in addition to the existing members of the Works and Corporate Services Committee.

**BACKGROUND**

At the Special Council Meeting on 17 October 2011 (the first meeting of the new Council) the membership of the Works and Corporate Services Committee was endorsed as the Mayor, Cr's Rowell, Strzina, Walsh and Boland, with Cr's Downes and Jeanes endorsed as deputy members.

At its meeting on 31 October 2011, Council rescinded the decision to appoint Cr Walsh as a member of the Works and Corporate Services Committee and appointed Cr Pyvis as a member of the Committee.

**STRATEGIC IMPLICATIONS**

The Works and Corporate Services Committee is a standing committee which meets monthly and reports to Council on a range of matters as outlined in Council's Policy for Standing Committee Roles.

**POLICY IMPLICATIONS**

Standing Committee Roles Policy

**STATUTORY ENVIRONMENT**

Local Government Act 1995, Part 5, Division 2

**FINANCIAL IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Consultation took place with Cr Hart.

**STAFF COMMENT**

As part of the appointment process for each Standing Committee some elected members are appointed as “deputy” members, so that in the event that a member cannot attend, a deputy can take his/her place and assist with maintaining meeting quorums. Two such appointments were made for the Works and Corporate Services Committee. This report recommends that a third deputy member be appointed to the Committee and has been made after discussion with and agreement of Cr Hart.

**VOTING**

Simple Majority

**COMMITTEE DISCUSSION**

Cr Rowell asked Cr Hart if she was prepared to be nominated as a deputy to the Works and Corporate Services Committee. Cr Hart confirmed she was happy to be nominated.

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rowell, seconded Cr Strzina**

**THAT Council appoint Cr Hart to be a deputy for the Works and Corporate Services Committee.**

**Carried 8/0**

**10.2.2.3 WMRC REGIONAL FUNDING PROGRAM**

**File No:** SUB/378  
**Attachments:** [WMRC Regional Investment Plan Bulky Waste Sorting](#)  
**Responsible Officer:** Andrew Jackson  
Manager Development Services  
**Author:** Darrell Monteiro  
Principal Environmental Health Officer  
**Proposed Meeting Date:** 04 December 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

Council is being asked to consider and endorse the Western Metropolitan Regional Council's Regional Investment Plan, titled "Bulky Waste Sorting", and authorise the Chief Executive Officer to sign the Regional Investment Plan, presented as an attachment to this report.

**BACKGROUND**

In May 2007, a funding program for local governments to deliver waste management initiatives was announced through the development of the Zero Waste Plan Development Scheme. The scheme involved the establishment of Regional Council Groups (RCG) and allocated funding for the development and implementation of Strategic Waste Management Plans (SWMP). Following the endorsement of SWMPs by the Department of Environment and Conservation (DEC), RCG were eligible to apply for funding between 2008 and 2010 to implement projects identified in the SWMP.

The Town of Cottesloe formed a RCG with the Town of Claremont, Town of Mosman Park, City of Nedlands, Shire of Peppermint Grove and City of Subiaco. The Western Metropolitan Regional Council (WMRC) was the lead authority for administering the RCG's SWMP grant funding.

The WMRC's SWMP was finalised in 2009 and includes the following regional priorities:

- Minimise the direct and indirect environmental impacts of waste and its management in the region over the next five years.
- Manage waste in a sustainable manner.
- Increase community awareness of the impact of waste issues on the environment.

The Plan includes 36 key actions; four of which were completed with \$135,754 SWMP funding:

1. Appointment of a Waste Officer to implement the SWMP (a consultant was engaged)
2. Upgrade the recycling area at the Waste Transfer Station.

3. Install signage in the recycling area at the Waste Transfer Station.
4. Development of a Waste Management Sustainability Policy.

Many of the other actions identified in the SWMP have been completed since its development. This includes investigating the potential for joint tendering of waste and recycling services, establishment of a permanent household hazardous waste facility in the region, construction of the DiCOM system, introduction of Living Smart courses, adoption of a waste wise schools program, establishment of e-waste recycling at the Waste Transfer Station and a study into improvements in verge waste collections.

In May 2011, the Minister for Environment and Water announced the establishment of the Regional Funding Program (RFP) as the preferred method to support the ongoing implementation of SWMPs. In 2011 all RCG members approved the WMRC to manage the RFP, as it was the entity that managed the SWMP process.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

Nil

**FINANCIAL IMPLICATIONS**

The RFP funding will contribute towards one third of the total project cost. The remaining works will be funded by the WMRC and have been included in WMRC's 2012/13 Annual Budget.

**SUSTAINABILITY IMPLICATIONS**

The proposed project will increase the quantity of waste recovered for recycling and reuse at the Brockway Waste Transfer Station.

**CONSULTATION**

Nil

**STAFF COMMENT**

Applications for RFP funding must be submitted in the form of a Regional Investment Plan (RIP) and be approved by all members of the RCG. The funding program is structured as follows:

- 1 July 2011 – 28 June 2013: Fixed funding stream.
- 2014 – 2016: Competitive bid funding stream.

A fixed funding allocation of \$208,708 (ex GST) is available to the WMRC led group, to implement projects that are identified in the SWMP and will contribute towards

achieving one or more of the Waste Strategy targets (identified in 'Western Australian Waste Strategy: Creating the Right Environment', 2012).

Outstanding actions in the WMRC's SWMP include:

- Resource sharing feasibility study (joint infrastructure)
- Encourage builders to recycle investigation
- Commercial recycling promotion
- Event recycling strategy development
- Charitable partnerships investigation (home bulky waste collections)
- Land acquisition (followed by):
  - Greenwaste processing expansion
  - Wood waste recycling
  - Construction and demolition (C&D) recycling
- Public place recycling
- Biodegradable workplace study

It is proposed that the SWMP funding be utilised for civil works at the Brockway Waste Transfer Station to:

- Expand the residential / self-haul recycling drop-off area; and
- Construct a hardstand to receive and sort bulky hard waste.

The proposed project aligns with the SWMP actions identified for after additional land is acquired, without the need to acquire additional land. The project will also contribute towards achieving the Waste Strategy targets for municipal solid waste and commercial waste.

Advice from the Department of Environment and Conservation on 3 September 2012 states:

*"RIPs are required to be endorsed by all RCG members to ensure that all member LGAs have had an appropriate level of input into the process of determining regional priorities, proposed activities and expected outcomes. RIPs submitted by RCGs that fall under the governance of a formal regional council or an incorporated group may be signed by the Chief Executive Officer (CEO), subject to provision of evidence of delegation of decision making powers to the regional council or incorporated entity for the current RFP. If this is not available, RIPs must be signed by all member LGA CEOs. For those RCGs without a formal governance arrangement, RIPs must be signed by all member LGA CEOs."*

It is proposed that all RGC members delegate authority to their CEO to sign the WMRC's RIP application. The RIP application is attached.

Another outstanding SWMP action that was considered suitable for RIP funding was 'public place recycling'. It was proposed that receptacles be developed for residents to drop off batteries, fluorescent lights and mobile phones. Discussions with the DEC

suggested this project would be unlikely to be approved as it is something they would prefer to see done on a metropolitan-wide scale with a DEC developed standard.

**VOTING**

Simple Majority

**COMMITTEE DISCUSSION**

Cr Rowell commented that Cottesloe was one of the first metropolitan Councils to recycle. Cr Boland advised Committee that in the 1990's Mayor John Hammond and himself were involved in the creation of a video that promoted recycling and this kind of education could be employed again. Cr Boland acknowledged the sustainability Calender and its efforts to promote sustainability initiatives, and suggested that further education regarding the kinds of materials that can be recycled be conducted in the Town. The CEO advised that administration would take on the comments and discuss with the WMRC as a potential issue that could be collectively tackled by the member Councils. Committee discussed the possibility of producing educational stickers for rubbish bins. Committee concluded by highlighting a concern that e-waste is a growing issue and the community needs to be educated on the appropriate ways and places to recycle this waste.

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rowell, seconded Cr Strzina**

**THAT Council:**

- 1. Endorse the Western Metropolitan Regional Council's Regional Investment Plan titled "Bulky Waste Sorting".**
- 2. Authorises the Chief Executive Officer to sign the Regional Investment Plan, presented as an attachment to this report.**

**Carried 8/0**

**10.2.2.4 EVENTS CLASSIFICATION POLICY**

**File No:** POL/84  
**Attachments:** [Event Classification Policy December 2012](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Mat Humfrey  
Manager Corporate & Community Services  
  
**Proposed Meeting Date:** 04 December 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

A new policy to classify events for the raising of fees is being presented for Council's consideration.

**BACKGROUND**

At the November meeting, Council deferred consideration of the Events Classification Policy, to allow more time for Councillors to consider the workings of the policy. Administration have made several changes following feedback from elected members and the amended policy is now being presented for consideration.

The aim of this policy is to give event organisers and administration staff guidance on the likely decision that Council is going to make with regard to how an event will be classified and the likely fees that will be charged. This policy does not provide guidance on whether or not an event will be approved or what types of events are acceptable to Council, as this guidance is already available in other policies.

The need for this new policy has become apparent in recent times due to several events having their fees changed from community events to commercial events. When Council was being asked to consider these events, there was no clear guidance as to what was and wasn't a charitable or community event, or even what this status meant.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

A new policy would be created – called the Events Classification Policy.

**STATUTORY ENVIRONMENT**

Beaches and Beach Reserves Local Law 2012  
Local Government Property Law 2001

Both of these local laws contain provisions that allow Council at its discretion, to allow events at facilities controlled by the Town, and to charge fees as appropriate.



**FINANCIAL IMPLICATIONS**

Ensuring that events are classified consistently and correctly will ensure that the correct fees are raised.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

This policy was presented to the September 2012 Public Events Committee meeting. Committee members commented that it is now common for community and charity groups to employ specialist event organisation companies to organise their events instead of volunteers and agreed that this should not solely be a reason to classify an event as being “commercial”.

Committee commented that in some instances, if Council were to take a fee, they may be taking directly from the charity, not the event organisers, and as such, as a public gesture on Councils behalf, a minimal fee could be considered in such instances.

**STAFF COMMENT**

Council basically has four levels of events (for fees purposes) at its venues. The first is charitable events, which are events that are for a benevolent purpose. Council has traditionally waived the fees for such events as it was felt that any fees charged would be done so from the charity that the event was seeking to support.

The second category is that of community event. These are events that have some direct benefit to the community and as such usually attract a reduced fee. This is probably the event category that has the most events in it, and the one that causes the most confusion. The aim of the policy is to clarify what is meant by events that have some benefit to the local community.

Commercial events are the third category and possibly the rarest type of event that the Town hosts. As we don't have many venues that can be secured and entry fees charged, most commercial event organisers stay away from the Town. The exception is large scale promotional events, which seek to take advantage of the beach. There have been several small scale promotional events within the Civic Centre in the past, but they have not occurred in recent times.

Lastly, the policy lists an event category named “standard or private events”. These events are events that have a specific charge in Council's fees and charges schedule adopted by Council each year. This includes things such as weddings, or events that are by invitation only in venues such as the War Memorial Hall. As these events are covered in the fees and charges schedule, they are not considered further in the policy document.

While the Chief Executive Officer has the ability under the Beach Policy to approve one large event each month, this ability is rarely used. Instead events are presented to the Events Committee and where approval is required, a report is forwarded through the Works and Corporate Services Committee to Council. The purpose of the policy is to provide guidance to staff as to what the likely fee will be, which can be

conveyed to the applicant at the start of the process, rather than the applicant having to wait until final approval to know what they will be charged. If the applicant requests a reduction in fees, this will be noted in the report for an individual event, however any recommendation would be based purely on the policy.

## **VOTING**

Simple Majority

## **COMMITTEE DISCUSSION**

Cr Hart presented Committee with a *marked up* version of her suggested changes to the Events Classification policy, and stated she felt the policy needed more work. Cr Hart suggested that her policy could be adopted with the view that after a 12 month trial, a cost benefit analysis of holding events could be undertaken by Administration. Cr Hart suggested that the consideration and approval of events could be part of the Town's long term Strategic Plan.

Cr Hart commented that the expense of maintaining public facilities where events are held, should not be borne by residents and ratepayers alone. Cr Rowell commented that whilst Council manages the beach, events held in Cottesloe benefit the community on many levels, citing the financial benefit to local businesses.

Committee discussed the various event categories, comparing the officer policy with Cr Hart's suggested policy. Cr Rowell advised Cr Hart that the Public Events Committee undertake an analysis of all events presented to them and consider the benefit to residents and the community at large. The Manager Corporate and Community Services advised that one of the key criteria in approving events is the principle of "zero impact", whereby depending on the size of an event, organisers of events are required to ensure all litter is disposed of, additional toilet facilities are provided if required and additional ranger requirements are funded. Cr Rowell encouraged Cr Hart to attend a future Public Events Committee meeting to gain insight into the process.

Committee suggested that any requests for fee reductions after an event, not be approved and the CEO advised that any requests for fee reductions are presented to Council for their consideration.

Cr Hart queried whether the item could be deferred to allow more time to consider and work on the existing policy. Committee discussed the possibility of adopting the officer's Events Classification Policy, to ensure that a guide was in place, and continue to refine the policy with the assistance of Cr Hart.

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

**Moved Cr Rowell, seconded Cr Strzina**

**THAT Council adopt the Events Classification Policy as attached.**

**Carried 8/0**

**10.2.2.5 STANDING ORDERS AMENDMENT LOCAL LAW 2012**

**File No:** CLL/5  
**Attachments:** [Standing orders amendment local law](#)  
**Responsible Officer:** Carl Askew  
**Chief Executive Officer**  
**Author:** Mat Humfrey  
**Manager Corporate & Community Services**  
  
**Proposed Meeting Date:** 04 December 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The Standing Orders Amendment Local Law 2013 is being presented for Council's consideration.

**BACKGROUND**

At its meeting on 24 September 2012, Council gave an undertaking to the Joint Standing Committee on Delegated Legislation (JSCDL) that it would amend its Standing Orders Local Law 2012. Based on this undertaking, the JSCDL allowed the local law to pass. However the undertaking must be published at every location that the local law is published.

**Purpose:** To amend the Town of Cottesloe Standing Orders Local Law 2012 to comply with an undertaking provided to the Joint Standing Committee on Delegated Legislation.

**Effect:** The undertaking required the deletion of a clause that contained provisions that are covered within the Local Government (Administration) Regulations 1996. The clause has been replaced by the words "The disclosure of interests by other persons is covered in the Regulations".

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

Local Government Act 1995 – s3.5 contains the provisions for making a local law.

**FINANCIAL IMPLICATIONS**

This local law will be required to be advertised, as all Local Laws are. The costs can be met within operational budgets and will be placed alongside similar advertisements where possible to reduced costs.

**SUSTAINABILITY IMPLICATIONS**

Nil

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**CONSULTATION**

The amendment local law will be subject to the placement of notices of the undertaking at every location that the local law is published and will have a submission period, as is required for any local law. It is likely that the Standing Orders Amendment Local Law 2013, and any submissions received will be presented to the March 2013 Council meeting for final adoption.

**STAFF COMMENT**

The changes required by the Joint Standing Committee will have little to no operational impact on the Town. The Regulations do provide a mechanism for relevant interests to be disclosed.

While this local law simply amends one clause of the principle local law, it is subject to all of the requirements of local laws, as far as advertising and the calling for submissions. If the recommendation below is adopted, the Council will need to consider the local law again in March 2013, where it will be presented for final adoption.

It is recommended that the local law be adopted for advertising to allow the submission period to begin.

**VOTING**

Simple Majority

**COMMITTEE DISCUSSION**

Cr Boland queried the spelling of the word “principle” in the Standing Orders Amendment Local Law, suggesting that it should be spelt “principal”. Cr Boland proposed an amendment to have the spelling changed. The CEO advised that administration will investigate the spelling and report back prior to Council.

**OFFICER RECOMMENDATION**

Moved Cr Pyvis, seconded Cr Rowell

THAT Council:

1. Endorse the Town of Cottesloe Standing Orders Amendment Local Law 2013 and authorise the Chief Executive Officer to advertise the local law for public comment;
2. Endorse the purpose and effect of the local law as being;

Purpose: To amend the Town of Cottesloe Standing Orders Local Law 2012, to comply with an undertaking provided to the Joint Standing Committee on Delegated Legislation.

Effect: The undertaking required the deletion of a clause that contained provisions that are covered within the Local Government (Administration) Regulations 1996. The clause has been replaced by the words “The disclosure of interests by other persons is covered in the Regulations”.

3. Set the final date for submissions as being Friday 22 February 2013.

**AMENDMENT**

Moved Cr Boland, seconded \_\_\_\_\_

That the word "principle" in the attached amendment local law be replaced with "principal".

Motion lapsed for want of a seconder

**NOTE:**

The CEO advised Council prior to the meeting via email of his intention to administratively amend the word "principle" in the amendment local law with "principal"

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Rowell, seconded Cr Strzina

**THAT Council:**

1. **Endorse the Town of Cottesloe Standing Orders Amendment Local Law 2013 and authorise the Chief Executive Officer to advertise the local law for public comment;**
2. **Endorse the purpose and effect of the local law as being;**

**Purpose:** To amend the Town of Cottesloe Standing Orders Local Law 2012, to comply with an undertaking provided to the Joint Standing Committee on Delegated Legislation.

**Effect:** The undertaking required the deletion of a clause that contained provisions that are covered within the Local Government (Administration) Regulations 1996. The clause has been replaced by the words "The disclosure of interests by other persons is covered in the Regulations".

3. **Set the final date for submissions as being Friday 22 February 2013.**

Carried 8/0

**10.2.2.6 SIGNS, HOARDINGS AND BILL POSTINGS LOCAL LAW**

**File No:** CLL/1  
**Attachments:** [Signs Hoarding and Billposting Local Law](#)  
**Responsible Officer:** Carl Askew  
**Chief Executive Officer**  
**Author:** Mat Humfrey  
**Manager Corporate & Community Services**  
  
**Proposed Meeting Date:** 04 December 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

It is recommended that Council begin the review of the Signs, Hoardings and Bill Postings Local Law, with a view to adopting any changes in March 2013.

**BACKGROUND**

The Signs, Hoardings and Bill Postings Local Law was initially adopted by Council in 1964. It was adopted under the provisions of the Local Government Act 1960 and pre-dates the current Act, all of its regulations, the Planning and Development Act 2005 and Town Planning Scheme No. 2.

The Local Law was last amended in 1988, and there is no evidence to suggest that it has been reviewed since this time.

**STRATEGIC IMPLICATIONS**

The placement of signage, particularly promotional signage, can have a great influence on the amenity of any place. As such, the rules and regulations that control the placement of these signs will have an impact on any effort to improve an amenity.

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

The Local Government Act 1995, at s3.5 provides the ability for a local government to create and adopt local laws.

Section 3.16 of the Local Government Act provides the mechanism under which local laws are to be reviewed and provides that this is to be done at least every 8 years, for each local law.

**FINANCIAL IMPLICATIONS**

There will be costs associated with reviewing the local law, particularly the cost of advertising and the use of staff resources in formulating the review. These costs can be met with current operational budgets.

**SUSTAINABILITY IMPLICATIONS**

Nil

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**CONSULTATION**

The Act requires that the review of the local law be subject to state-wide public notice, with a submission period not less than 6 weeks. In order for the review to be compliant, this will need to be undertaken.

On top of the requirements to seek public comment, staff will liaise with local businesses and business groups, to ensure the views of business with relation to the placement of signs are considered.

Consultation with staff from Planning and Development Services will also be undertaken to ensure that the provisions of the local law do not contradict or crossover the provisions of the relevant planning laws and schemes.

**STAFF COMMENT**

The Signs, Hoardings and Billpostings Local Law was adopted from the model local laws written in 1963. It contains provisions for the placement of signs for “roster service stations” and makes no mention of electronic signs or variable message boards. No provisions are made for mobile (or trailer mounted signs) or the placement of sign written vehicles for advertising purposes, all of which are now issues faced by the Town on a regular basis.

It is anticipated that the review will show the Local Law (actually referred to as a By-law) is out of date and in need of significant redrafting. With this in mind the main aim of the submission period will be to determine what modern requirements for signage are and how this can be accommodated within the local law. Little focus will be placed on the language of the local law, as administration accepts this will need numerous changes.

In addition to the required advertising, the administration also proposes to undertake targeted consultation with businesses and business groups to ascertain what signage issues are relevant to businesses today.

Council members may also wish to consider making submissions to their own review, particularly for issues such as areas where signage may be additionally restricted or where signage is prohibited absolutely. While Council will have the opportunity to review all of the submissions and make changes appropriately, making a submission to the review process will allow time for the administration to make drafting changes as required, and have relevant parts ready to consider with the remainder of the submissions.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rowell, seconded Cr Strzina**

**THAT Council:**

- 1. Authorise the Chief Executive Officer to commence a review of the Signs, Hoardings and Bill Postings Local Law, and place the notices required for this process; and**

2. Set the last date for submissions as being Friday 22 February 2013, with the review to be presented to the March 2013 Council meeting for consideration.

Carried 8/0



**10.2.2.7 FREEDOM OF INFORMATION STATEMENT REVIEW 2012**

**File No:** SUB/161  
**Attachments:** [Freedom of Information Statement 2012](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Mat Humfrey  
Manager Corporate & Community Services  
  
**Proposed Meeting Date:** 04 December 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The Town is required to publish an information statement under the Freedom of Information Act 1992. A revised statement is being presented to Council for consideration.

**BACKGROUND**

The Freedom of Information Act 1992, places a number of requirements on local governments and State Government authorities. Most of these requirements have to do with releasing documents where there is a requirement to do so. However another requirement of this Act is to publish an information statement to the public which satisfies a number of criteria. These statements assist people when they are making freedom of information applications.

The Town receives on average, less than 1 freedom of information application per month. This is mainly because most of the information the Town holds is public information. The applications that the Town does receive usually relate to controversial issues of the day. In most cases the requested documents are released, however there have been occasions when access is denied.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

Freedom of Information Act 1992.

**FINANCIAL IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

Administration have undertaken a desktop review of the statement and have only made minor changes. These changes have to do with changes in staff, changes made in external legislation and policy changes by the Council.

As the Information Statement has been reviewed in the past and found to comply, it is not seen as beneficial at this time to make whole sale changes. This document will again be reviewed during the 2013 calendar year.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rowell, seconded Cr Strzina**

**THAT Council endorse the amended Information Statement as presented in attachment 1.**

**Carried 8/0**

**10.2.2.8 BLACKSPOT APPROVED PROJECT - PEDESTRIAN CROSSING ISLANDS ON CURTIN AVENUE NEAR PRINCES STREET**

**File No:** SUB/573  
**Attachments:** [Copy of received comments](#)  
[Copy of Council letter and plan sent to residents](#)  
[Copy of plan of affected area](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
**Proposed Meeting Date:** 04 December 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

At it's August 2012 meeting, Council resolved:

*That Council:*

1. *Agrees to accept the \$90,000 State Blackspot grant from Main Roads WA and to provide its requested \$45,000 contribution to the work through a budget amendment for the construction and lighting of crossing islands on Curtin Avenue, opposite the Mosman Park railway station, near Princes Street, Cottesloe.*
2. *Agrees to undertake these works during the 2012/2013 financial year.*

Letters and a plan of the proposed pedestrian crossing islands work and associated construction were sent to affected properties, fronting Curtin Avenue, for comment. Three letters have been received regarding this proposed work, from affected residents.

The recommendation is that Council:

1. Arrange a formal design for Main Roads WA to approve plans covering the installation of two pedestrian crossing islands opposite the Mosman Park railway station, including a new connection footpath on the Curtin Avenue west side road verge centred on the projected shared boundary line between #79 and #81 Curtin Avenue.
2. Inform property owners who have commented on this project of Council's decision.

**BACKGROUND**

A safer pedestrian crossing facility at this location on Curtin Avenue has been considered by Council and requested by various residents a number of times in the past. There are no crash statistics for this site, however Council funded a safety audit in 2011, which was used to justify the submission. The safety audit was agreed to

after this site was one of several mentioned in a petition, at the time, requesting safer pedestrian crossings.

The approved design (by Main Roads WA) is for two pedestrian crossing islands, a widening of Curtin Avenue on the east side, extra street lighting and a new footpath connection on the west side verge of Curtin Avenue to connect the northern pedestrian crossing island to the existing west side footpath. Letters were sent to property owners, with a plan, to explain the proposal and requested comments.

### **STRATEGIC IMPLICATIONS**

The most applicable provision within the Cottesloe Future Plan 2006/2010 is under *Objective 1 – Protect and enhance the lifestyle of residents and visitors*.

Strategy 1.1 states “Develop an integrated transport strategy that includes park and ride, Cot Cat, Travel Smart, limited parking and the needs of pedestrians, cyclists and other non-vehicular traffic”. Blackspot and similar safety improvements would be part of this objective.

### **POLICY IMPLICATIONS**

The only associated policy is the Traffic Management policy, adopted in 2002. The policy deals with road hierarchy, general overall objectives, the need to foster cycling, pedestrian activity and the use of public transport plus an elaborate series of intervention guidelines when complaints are received regarding potential dangerous sites.

### **STATUTORY ENVIRONMENT**

Main Roads WA (MRWA) is responsible for all traffic control signs and line marking, including ‘Stop’, ‘Give Way’ and speed control signs. The Police Department enforces the law in relation to these lines and signs as well as driver compliance with all posted speed limits. Apart from West Coast Highway and Stirling Highway, all road reserves within the town are vested in the Town of Cottesloe. Therefore responsibility for all road surfaces, kerbing, installation and maintenance of traffic control devices and warning signs rests with the Town of Cottesloe, other than intersection traffic lights.

Blackspot funding is available to assist local governments to install properly designed traffic treatments which will improve the safety of the built road system – particularly at proven accident sites.

### **FINANCIAL IMPLICATIONS**

The project has a budget of \$135,000, with a \$90,000 Blackspot grant plus a contribution from Council of \$45,000 agreed to at the August 2012 meeting.

### **SUSTAINABILITY IMPLICATIONS**

Nil

### **CONSULTATION**

Letters and a plan were sent to affected property owners fronting Curtin Avenue. This report covers comments received from three property owners.

**STAFF COMMENT**

Of the three comments received, the comment from 26 Princes Street relates to the parking needs of Princes Street between Curtin Avenue and Broome Street. This has been passed on to be assessed by Council's Rangers for comment or action. The letter also expressed support for an improved pedestrian crossing capacity at that corner.

The other two letters comment on the proposed connection path on the Curtin Avenue west side verge, between No's 79 and 81 Curtin Avenue, to service the northern pedestrian crossing island.

The proposed path is 1.5m wide, concrete, and it would be installed on the projected boundary between 79 and 81 Curtin Avenue, to connect to the kerb line opposite the pedestrian crossing island.

The proposal has been discussed with property owners from both affected properties. There is no vehicle movement on the verge across the projected boundary line. Both verge areas are used for vehicle parking.

The owner of #79 has indicated this path should be moved onto the verge fronting #81, but this has been rejected by the owners of #81.

Currently, train passengers leave the Mosman Park station and cross Curtin Avenue at two locations – close to the northern side of Princes Street and in a general area north of the train station, often using one of the private vehicle crossovers, in a diagonal but generally north direction.

The approved project requires two crossing islands, lit and properly connected to footpaths. The west side connection footpath required for the northern crossing island was positioned to minimise impact on verge parking.

With regards to increased pedestrian traffic and anti-social behaviour, including criminal activity, greater visibility by more people normally means greater security, compared with substantial vegetation screening and minimal pedestrians using the fronting footpath.

**VOTING**

Simple Majority

Mr and Mrs D'Sousa (owner of No. 81 Curtin Avenue, Cottesloe) arrived at the meeting late and after public statement time, however with the approval of the Mayor they were allowed to address Council and spoke of their concerns with increased pedestrian traffic and anti-social behaviour that this footpath may cause.

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rowell, seconded Mayor Morgan**

**THAT Council:**

- 1. Arrange a formal design for Main Roads WA to approve plans covering the installation of two pedestrian crossing islands opposite the Mosman**

**Park railway station, including a new connection footpath on the Curtin Avenue west side road verge centred on the projected shared boundary line between #79 and #81 Curtin Avenue.**

- 2. Inform property owners who have commented on this project of Council's decision.**

**Carried 8/0**

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

Nil

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

**12.1 ELECTED MEMBERS**

**Moved Mayor Morgan, seconded Cr Downes**

**That the matter of Town of Claremont correspondence to Cottesloe Council in relation to the Metropolitan Local Government Review be considered as urgent business.**

**Carried 8/0**

**12.1.1 METROPOLITAN LOCAL GOVERNMENT REVIEW – CORRESPONDENCE FROM TOWN OF CLAREMONT**

**Moved Mayor Morgan, seconded Cr Downes**

**That Council:**

- 1. Reply to the Town of Claremont, advising that individual Elected Members may attend the proposed meeting and that Cottesloe Council is supportive of merger discussions, subject to Cottesloe voters being entitled to a right to veto of any decisions;**
- 2. Request staff report back to Council in February 2013 on ways to lock into place in perpetuity the community's entitlement to access the Civic Centre and ground for public use**

**Carried 8/0**

**Moved Mayor Morgan, seconded Cr Downes**

**That the matter of the Cottesloe Beach Hotel Extended Trading Hours, be considered as urgent business.**

**Carried 8/0**

**12.1.2 COTTESLOE BEACH HOTEL – APPLICATION OF THE EXTENDED HOURS OF TRADING**

**Moved Mayor Morgan, seconded Cr Hart**

**That Council:**

- 1. Inform the Director of Liquor Licencing that no change in hours is warranted at this time;**

2. Notify the surrounding residents of the application being made and to alert Council of any incidents if anti-social behaviour accordingly; and
3. Monitor complaints emanating from the re-opened premises.

Carried 7/1

## 12.2 OFFICERS

Nil

## 13 MEETING CLOSED TO PUBLIC

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

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

The following officer report was held in-camera

10.2.1.2 Confidential - No. 2 Deane Street - Two-Storey Dwelling with Undercroft Garage, Roof-Space (Third) Level and Elevated Pool

10.1.1 Annual Performance and Remuneration Review for the Ceo 2012

## 14 MEETING CLOSURE

The Mayor announced the closure of the meeting at 8:35 PM

CONFIRMED MINUTES OF 10 December 2012 PAGES 1 – 75 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

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