

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, 12 December, 2011

20 December 2011

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Mayor announced the meeting opened at 7:02 PM.

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

Elected Members

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

Officers

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

Apologies

Nil

Officer Apologies

Nil

Leave of Absence (previously approved)

Cr Peter Jeanes

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PUBLIC STATEMENT TIME

Mr Brett Endersby - 151 Marina Parade, Cottesloe – Re. 11.1.1 “No. 151 Marine Parade - North Cottesloe Surf Life Saving Club - Modification to Lower Ground Floor to Accommodate Fire Tanks and Pumps - Additional Information

Mr Endersby spoke in regards to the additional requirement requested by FESA in relation to the club’s building licence application. He stated that the impact of the modification is very minimal as the water tanks and pump will be installed underground. There will only be one hydrant box that can be seen from Marine Parade, which will be located near next to where they put the bin and incorporated into the landscaping. Mr Endersby reiterated that this is the most practical way for the club to meet FESA requirement. He requested Council support the Committee recommendation.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Strzina, seconded Mayor Morgan

That Cr Strzina request for leave of absence from the February round of meetings be granted.

Carried 8/0

Moved Cr Walsh, seconded Mayor Morgan

That Cr Walsh request for leave of absence from the February round of meetings be granted.

Carried 8/0

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Strzina, seconded Cr Boland

[Minutes November 28 2011 Council.DOC](#)

The Minutes of the Ordinary meeting of Council held on Monday, 28 November, 2011 be confirmed.

Carried 8/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Mayor opened the meeting and welcomed back Mr Mat Humfrey (Manager Corporate and Community Services) from his leave and congratulated him on the birth of his son. As this was Council's last Meeting for the year the Mayor also wished everyone present a merry Christmas and safe New Year.

In reference to next year the Mayor spoke of the Town of Cottesloe working to "fast track" a cooperative solution and service arrangement with its neighbours of Claremont, Mosman Park and Peppermint Grove, as each Council faces the local government reform process. He reiterated that to wait for the Minister or the Government to make decisions for us was neither positive nor constructive and indeed considered that one option to come out of the latest review may be that "nothing will come of the current process". With both the Town's of Claremont and Mosman Park being of similar sizes to Cottesloe with similar populations and with Claremont about to rebuild its administration Centre and Cottesloe and Mosman Park discussing a shared depot, it made significant sense for the creation of a regional council arrangement to oversight an improved regional service. Whilst Peppermint Grove is significantly smaller in size and population should they also wish to participate in such a regional arrangement this could also be considered based upon an equal representation and equal contribution process i.e. a 25% share. The synergies of cooperation at the administrative level is already open to us if there is sufficient consensus and agreement at a Council level, and to simply "sit still and wait to be told what to do" will do nothing for our community. As Mayor I intend to open a dialogue prior to February 2012 with my neighbouring mayors and shire president to further explore our cooperative strengths and opportunities. With WESROC no longer performing the role it used to there is need for local leadership on this issue and to be proactive within operational aspects of our administrations and services in order to make positive steps in controlling our own destiny.

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

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

Standing Orders 12.1 and 21.5 read as follows:

Members to Rise

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

Suspension of Standing Orders

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

COUNCIL RESOLUTION:

Moved Cr Strzina, seconded Cr Downes

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

Carried 8/0

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

The Mayor advised that the Council process for considering reports was that members would advise him of items that they required to be "withdrawn" for further discussion and that all remaining reports would then be moved "en bloc" as per the Committee recommendation.

For the benefit of the members of public present, the Mayor determined to consider item 11.1.1 "No. 151 Marine Parade - North Cottesloe Surf Life Saving Club - Modification to Lower Ground Floor to Accommodate Fire Tanks and Pumps - Additional Information" first

The following items from Development Services Committee were withdrawn for consideration;

11.1.3 Local Planning Scheme No. 3 - Conclusion of Additional Advertising for Proposed Major Modification 24(B)

The remainder of the officer reports from Development Services Committee were dealt with en bloc

11.1.2 No.104 Marine Parade (Cottesloe Beach Hotel) - Alterations and Additions To Beer Garden - Modification to Previous Approval

11.1.4 TPS 2 Amendment No. 44 - Minister's Final Decision

11.1.5 Delegation of Powers for Determination of Planning Applications During the 2011-2012 Holiday Period Recess of Council

The following items from Works & Corporate Services Committee were withdrawn for consideration;

- 11.2.3 Council Meeting Dates 2012
- 11.2.6 Notice of Motion – Station Street Crime Prevention

The remainder of the officer reports from Works & Corporate Services Committee were dealt with en bloc

- 11.2.1 Cottesloe Climate Change Local Adaptation Action Plan
- 11.2.2 Proposed Amendment to the Western Metropolitan Regional Council Establishment Agreement
- 11.2.4 Seaview Golf Club Management Plan
- 11.2.5 Relocation of Depot Operations

The following item from Reports of Officers were withdrawn for consideration;

- 10.1.1 Metropolitan Local Government Review

The remainder of the Reports of Officers were dealt with en bloc

- 10.2.1 2012 HBF Rottnest Channel Swim
- 10.2.2 List of Accounts Paid for the Month of November 2011
- 10.2.3 Property and Sundry Debtors Reports as at 30 November 2011
- 10.2.4 Schedules of Investments and Loans as at 30 November 2011
- 10.2.5 Statutory Financial Statements for the Period 01 July 2011 to 30 November 2011
- 10.3.1 Indiana Tea House - Sub-Lease of Beach-Level Kiosk

The following item from Reports of Officers was withdrawn for consideration. Due to the nature of its confidentiality, the discussion of the item was left to the end of the meeting;

- 10.1.2 Annual Performance & Remuneration Review and Key Result Areas (KRA's) 2011 for The Chief Executive Officer

10 REPORTS OF OFFICERS

10.1 CHIEF EXECUTIVE OFFICER

10.1.1 METROPOLITAN LOCAL GOVERNMENT REVIEW

File No:	SUB/793
Attachments:	Ministerial Media Statement 24 June 2011 Metropolitan Local Government Review Panel Issue Paper October 2011 Metropolitan Local Government Review Supplementary Questions Summary of Council Resolutions Local Government Reform Structural Reform Submission to the Minister September 2009 (Previously provided)
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Carl Askew Chief Executive Officer
Proposed Meeting Date:	12 December 2011
Author Disclosure of Interest	The author has an interest in the matter as any potential amalgamation would directly relate to his employment

SUMMARY

In June 2011 the Minister for Local Government announced a review of local government boundaries in the Perth metropolitan area and appointed a high level independent panel to examine the social, economic and environmental challenges facing Perth. The panel will be responsible for recommending to the Minister appropriate boundaries and governance models for local government in the Perth metropolitan area.

The Reviews Terms of Reference are:

- *Identify current and anticipated specific regional, social, environmental and economic issues affecting, or likely to affect, the growth of metropolitan Perth in the next 50 years;*
 - *Identify current and anticipated national and international factors likely to impact in the next 50 years;*
 - *Research improved local government structures, and governance models and structures for the Perth metropolitan area, drawing on national and international experience and examining key issues relating to community representation, engagement, accountability and State imperatives among other things the Panel may identify during the course of the review;*
 - *Identify new local government boundaries and a resultant reduction in the overall number of local governments to better meet the needs of the community;*
-

- *Prepare options to establish the most effective local government structures and governance models that take into account matters identified through the review including, but not limited to, community engagement, patterns of demographic change, regional and State growth and international factors which are likely to impact; and*
- *Present a limited list of achievable options together with a recommendation on the preferred option.*

The Panel is required to submit to the Minister its recommendations by June 2012.

BACKGROUND

The Minister for Local Government, the Hon John Castrilli MLA, launched a wide-ranging local government structural reform agenda in February 2009. The three principal strategies in the reform agenda were that each local government:

1. take steps to 'voluntarily' amalgamate and form larger local governments
2. reduce the total number of elected members to between six and nine; and
3. form appropriate regional groupings of councils to assist with the efficient delivery of services.

Council advised the Minister of its intentions by way of a Reform Submission in September 2009.

The assessment of all local government reform submissions was undertaken by the Local Government Reform Steering Committee and, based on those assessments, the Committee provided advice to the Minister on preferred options for reform. Some finalised proposals were referred to the Local Government Advisory Board for consideration and recommendation. As a consequence of the reform submissions made by all local governments the Minister determined that the Town of Cottesloe should be considered as part of a Regional Transition Group (RTG) with other western suburbs local governments, and formally invited Council to become part of an RTG.

Council's resolution from September 2009, and reaffirmed in March 2010, was to support the amalgamation and RTG processes, with conditions, as summarised in the supporting attachments. Specifically it recommended that Council *participate in the Regional Transition Group (RTG) process with a preference to have RTG partners from within the Western Suburbs, including the Towns of Claremont, Mosman Park and Shire of Peppermint Grove, and to use the Business Plan process to explore options and opportunities that will result in increased efficiency, value and service provision for its community, as well as preserving those matters that are important to Cottesloe.*

As a consequence of decisions made by other Councils in relation to the Ministers request, in May 2010 Council resolved to notify the Minister that, in light of the positions adopted by The Town of Mosman Park and the Shire of Peppermint Grove, the Town of Cottesloe was unable to participate in a Regional Transition Group with suitable partners. It therefore resolved to form the West Coast Regional Council with one or more of the Town of Mosman Park, the Town of Claremont and the Shire of Peppermint Grove insofar as they agree to participate and to specifically invite the Towns of Mosman Park and Claremont and the Shire of Peppermint Grove to participate in such a regional council, on the basis that if one or more of them agree

to participate, then collectively apply to the Minister for the participating councils to form a Regional Collaborative Group with pre-determined State funding to prepare a Regional Business Plan. This position was subsequently not endorsed by the Minister.

Council's position was also formally communicated to the Premier by the Mayor who advised him that "*...he had independently liaised with my fellow Mayors and Shire President in the Western Suburbs and more specifically Claremont, Mosman Park and Peppermint Grove. My view, as recently expressed to Council, is that Cottesloe has taken this matter as far as it can at present and that future local amalgamations were now contingent upon the Town of Mosman Park and Shire of Peppermint Grove voluntarily or otherwise joining the process. My recommendation to you as both Premier and local member is to unite with the Minister for Local Government and take such matters up directly with the residents and ratepayers of the relevant districts, particularly in Mosman Park and Peppermint Grove, to clearly explain the benefits to them of such a reform proposal. With a groundswell of resident support it would then be incumbent upon the elected members to respond to that community position. In my view it would also be important that any such proposal is not forced upon Councils or ratepayers.*

At our most recent Council meeting the opportunity was provided to elected members to more formally discuss this further as a matter of urgent business at the end of the last Council meeting; however none chose to do so at that time or since. Having already consulted with our community, discussed the issues at length, participated in various studies and resolved a Council position on this matter I am of the view that it is now in your hands to take advantage of the emerging appetite to re-engage that you have detected and personally lead this issue to bring about the changes and benefits you have identified within local government in the western suburbs. As always you can be assured of my support on the basis that we have always maintained that any significant change must be explained to, and have the support of, our local community".

In August 2010, after further requests to reconsider the RTG process, Council again reaffirmed its conditional support and resolved as follows;

That Council:

- 1. Note the letter from the Minister for Local Government inviting Cottesloe, Claremont, Mosman Park and Peppermint Grove councils to reconsider participating in a Regional Transition Group ("RTG")*
- 2. Reaffirm Council's willingness to join an RTG on terms as follow:*
 - (a) Council's preference remains to join with the Towns of Claremont and Mosman Park and Shire of Peppermint Grove to form an RTG*
 - (b) In the event that any one of the Council's does not wish to participate then the RTG be with remaining two local governments*

- (c). *The Town not formally entering into the RTG until the Council has undertaken prior community consultation confirming support for Cottesloe to enter into the RTG.*
- (d). *The participants in the RTG being entitled (if they so choose after stage 1) to not proceed to amalgamate and to instead adapt the Business Plan for use by a regional council.*
- (e). *The business plan being prepared on the basis that:*
 - (i). *The Cottesloe Civic Centre, grounds and the War Memorial Town Hall, will be preserved as a community asset accessible to the general community; and*
 - (ii). *An amalgamation will not cause any forced redundancies of Council's staff.*
- (f). *That the Minister notify the Town of Cottesloe of the quantum of state funding for any Regional Transition Group development of a Regional Business Plan prior to entering into any agreement.*
- (g). *Request that the Minister for Local Government support and approve the boundary adjustments as resolved by Council in September 2009 as part of the RTG, to include the communities of Swanbourne in the north and North Fremantle in the south.*
- (h). *That the Regional Transition Group agreement incorporate the scope to include a Regional Business Plan with boundary adjustments.*
- (i). *That the Regional Transition Group agreement incorporate that election for any new local government take place prior to the commencement of the new Local Government.*

In December 2010, in response to one of the Minister's original three principal strategies in the reform agenda i.e. to reduce the total number of elected members to between six and nine; and after a significant review of its ward boundaries and numbers of elected members, Council resolved to;

1. *Note that no submissions from the public have been received in relation to its local public notice that a ward review is to be carried out.*
2. *Endorse the reduction from ten (10) to eight (8) elected members across four (4) wards retaining a directly elected Mayor, from October 2011, as per map option one (1) attached, with associated changes to its ward boundaries and representation.*
3. *Declare all Councillor positions vacant at the next election (October 2011) and conduct elections for eight (8) members, with four (4) to serve a four (4) year term and four (4) to serve a two (2) year term, recognising that some current members will not serve their full term.*

4. *In accordance with Schedule 2.2 (9) of the Local Government Act 1995 (the Act), recommend to the Local Government Advisory Board that;*
- a. *An order be made under s 2.2 (1) to amend the existing ward boundaries as detailed in the map (ref: CEO's report to Council dated 22 November 2010).*
 - b. *An order be made under s 2.3 to retain the existing ward names*
 - c. *An order be made under s 2.18 to designate the following number of offices of councillor for each ward: North - Two (2), South - Two (2), East - Two (2) and Central - Two (2).*
 - d. *The local government to undertake another review of wards and representation in eight years time (2019).*

In June 2011 the Mayor again wrote to both the Minister for Local Government and the Premier advising thatas you are aware the reform of local government has been a focus for some time. Whilst Cottesloe Council has formally resolved to explore a Regional Transition Group (RTG) process with its immediate neighbours there has been reluctance by some Councils to participate. On that basis Cottesloe Council has continued to explore opportunities for other forms of regional partnerships and resource sharing. One such opportunity recently considered by Council was the Local Government Amendment (Regional Subsidies) Bill 2010 introduced to Parliament by the Hon. Max Trenorden MLC. After considering the Bill and its potential benefits for Cottesloe, Council determined, at its June 2011 meeting, as follows;

THAT Council

1. *Support the Local Government Amendment (Regional Subsidiaries) Bill 2010.*
2. *Advise both the Minister for Local Government and Member for Cottesloe of that support.*

STRATEGIC IMPLICATIONS

The potential strategic implications of local government reform for Council are significant. Council has a Future Plan for the period 2006 – 2010 and has endorsed the development of a new Community Plan in line with the recently released Framework from the Department of Local Government. Any future strategic planning and subsequent action plans will need to address the issue of local government reform.

The prior announcement by the Minister for Local Government in relation to reform strategies and the recent appointment of a Panel to undertake a metropolitan local government review has brought into sharp focus the need for the Town to consider its position. Any significant change to existing boundaries or an amalgamation will require a complete review of all strategic and financial plans and priorities and this could be achieved, in part, through an RTG Business Plan or similar process.

POLICY IMPLICATIONS

None Known

STATUTORY ENVIRONMENT

RTG Agreements or other reviews/reports do not over-ride the current requirements of the Local Government Act 1995 – particularly Section 2.1, Schedule 2.1 and Section 3.1 (2).

*Division 1 — Districts and wards***2.1. State divided into districts**

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

Schedule 2.1 — Provisions about creating, changing the boundaries of, and abolishing districts

[Section 2.1(2)]

1. Interpretation

In this Schedule, unless the contrary intention appears —

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

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

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

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

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

2. Making a proposal

- (1) *A proposal may be made to the Advisory Board by —*
 - (a) *the Minister;*
 - (b) *an affected local government;*

- I 2 or more affected local governments, jointly; or*
- (d) affected electors who —*
 - (i) are at least 250 in number; or*
 - (ii) are at least 10% of the total number of affected electors.*
- (2) A proposal is to —*
 - (a) set out clearly the nature of the proposal and the effects of the proposal on local governments;*
 - (b) be accompanied by a plan illustrating any proposed changes to the boundaries of a district; and*
- I comply with any regulations about proposals.*

3. Dealing with proposals

- (1) The Advisory Board is to consider any proposal.*
- (2) The Advisory Board may, in a written report to the Minister, recommend* that the Minister reject a proposal if, in the Board's opinion —*
 - (a) the proposal is substantially similar in effect to a proposal on which the Board has made a recommendation to the Minister within the period of 2 years immediately before the proposal is made; or*
 - (b) the proposal is frivolous or otherwise not in the interests of good government.*

** Absolute majority required.*

- (3) If, in the Advisory Board's opinion, the proposal is —*
 - (a) one of a minor nature; and*
 - (b) not one about which public submissions need be invited,*

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

** Absolute majority required.*

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

4. Notice of inquiry

- (1) Where a formal inquiry is required the Advisory Board is to give —*
 - (a) notice to affected local governments, affected electors and the other electors of districts directly affected by the proposal; and*
 - (b) a report to the Minister.*
- (2) The notice and report under subclause (1) are to —*
 - (a) advise that there will be a formal inquiry into the proposal;*
 - (b) set out details of the inquiry and its proposed scope; and*
- I advise that submissions may be made to the Board not later than 6 weeks after the date the notice is first given about —*

- (i) *the proposal; or*
 - (ii) *the scope of the inquiry.*
- (3) *If, after considering submissions made under subclause (2)I, the Advisory Board decides* that the scope of the formal inquiry is to be significantly different from that set out in the notice and report under subclause (1), it is to give —*
 - (a) *another notice to affected local governments, affected electors and the other electors of districts directly affected by the proposal; and*
 - (b) *another report to the Minister.*
- (4) *The notice and report under subclause (3) are to —*
 - (a) *set out the revised scope of the inquiry; and*
 - (b) *advise that further submissions about the proposal, or submissions about matters relevant to the revised scope of the inquiry, may be made to the Board within the time set out in the notice.*

** Absolute majority required.*

5. Conduct of inquiry

- (1) *A formal inquiry is to be carried out, and any hearing for the purposes of the inquiry is to be conducted, in a way that makes it as easy as possible for interested parties to participate fully.*
- (2) *In carrying out a formal inquiry the Advisory Board is to consider submissions made to it under clause 4(2)I and (4)(b) and have regard, where applicable, to —*
 - (a) *community of interests;*
 - (b) *physical and topographic features;*
 - I demographic trends;*
 - (d) *economic factors;*
 - (e) *the history of the area;*
 - (f) *transport and communication;*
 - (g) *matters affecting the viability of local governments; and*
 - (h) *the effective delivery of local government services,*

but this does not limit the matters that it may take into consideration.

6. Recommendation by Advisory Board

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

** Absolute majority required.*

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

7. Minister may require a poll of electors

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

8. Electors may demand a poll on a recommended amalgamation

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

9. Procedure for holding poll

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

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

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

10. Minister may accept or reject recommendation

- (1) *Subject to subclause (2), the Minister may accept or reject a recommendation of the Advisory Board made under clause 3 or 6.*
- (2) *If at a poll held as required by clause 8 —*
 - (a) *at least 50% of the electors of one of the districts vote; and*
 - (b) *of those electors of that district who vote, a majority vote against the recommendation,**the Minister is to reject the recommendation.*
- (3) *If the recommendation is that an order be made and it is accepted, the Minister can make an appropriate recommendation to the Governor under section 2.1.*

10A. Recommendations regarding names, wards and representation

- (1) *The Advisory Board may —*
 - (a) *when it makes its recommendations under clause 3 or 6; or*
 - (b) *after the Minister has accepted its recommendations under clause 10,**in a written report to the Minister, recommend the making of an order to do any of the things referred to in section 2.2(1), 2.3(1) or (2) or 2.18(1) or (3) that the Board considers appropriate.*
- (2) *In making its recommendations under subclause (1) the Advisory Board —*
 - (a) *may consult with the public and interested parties to such extent as it considers appropriate; and*
 - (b) *is to take into account the matters referred to in clause 8(c) to (g) of Schedule 2.2 so far as they are applicable.*

11. Transitional arrangements for orders about districts

- (1) *Regulations may provide for matters to give effect to orders made under section 2.1 including —*
 - (a) *the vesting, transfer, assumption or adjustment of property, rights and liabilities of a local government;*
 - (b) *the extinguishment of rights of a local government;*
 - I* *the winding up of the affairs of a local government;*
 - (d) *the continuation of actions and other proceedings brought by or against a local government before the taking effect of an order under section 2.1;*
 - (e) *the bringing of actions and other proceedings that could have been brought by or against a local government before the taking effect of an order under section 2.1;*
 - (f) *if the effect of an order under section 2.1 is to unite 2 or more districts, the determination of the persons who are to be the first mayor or president, and deputy mayor or deputy president, of the new local government;*
-

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

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

DIVISION 1 — GENERAL

3.1. General function

- (1) *The general function of a local government is to provide for the good government of persons in its district.*
- (2) *The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.*

- (3) *A liberal approach is to be taken to the construction of the scope of the general function of a local government.*

FINANCIAL IMPLICATIONS

The potential cost of any future amalgamation, boundary change or shared services arrangement has been considered in a general sense within previously commissioned reports but would require more detailed analysis and will be dependent upon specific decisions of Council and/or the Minister.

The previously commissioned report by PWC identified potential recurrent net annual amalgamation savings (after allowing for transition costs in the first few years) however the report also noted that there are many external factors which may prevent the realisation of the predicted amalgamation benefits. These include;

- actual amalgamation costs exceeding forecast costs,
- cost synergies not being realised,
- residents resisting amalgamation,
- staff integration issues,
- other employee issues (such as staff being unfamiliar with new and expanded roles), and
- regulatory issues deriving from State government amalgamation legislation.

There will clearly be a cost to participate in any reform process and this will be in both time [officer resource] and direct funding.

The previous RTG agreement proposed by the Minister provided for members to accept 50% of the cost of *administration of the RTG* with the State funding the remaining 50%. The member's contribution could be *in cash or in kind*, e.g. this may include time allocated by officers who undertake work for the RTG, provision of meeting secretariat and venues etc. The Minister also indicated that State funding would be injected into an RTG, including for the creation of a regional Business Plan. Whilst the quantum of funding is unknown it was expected that the direct financial impact should be substantially covered by the State funding as was evident from the Subiaco/Nedlands RTG.

Overall, the financial implications of change associated with local government reform have the potential to be significant however the State has been prepared to negotiate and/or contribute to or meet some of these costs. In the immediate term there will continue to be ongoing human resource costs (officer time) to Council in responding to the Minister's reform agenda.

SUSTAINABILITY IMPLICATIONS

The final outcome in regard to the implementation of the recommendations of the WALGA SSS report, the Dollery and Anne Banks-McAllister reports, plus the information contained within the PriceWaterhouseCoopers (PwC) report, as well as the Minister's reform agenda all indicate a potential impact upon Council's future sustainability objectives and plans however until decisions are made the exact impacts and implications are unknown.

CONSULTATION

Consultation has previously occurred with;

- Town of Claremont
- Town of Mosman Park
- City of Nedlands
- Shire of Peppermint Grove
- City of Subiaco
- WESROC
- Elected Members

COMMUNITY CONSULTATION

Significant community consultation occurred as part of the Reform Submission stage (September 2009) including questionnaires to all residential homes and business premises throughout the Town of Cottesloe. Overall, in relation to the question of supporting or opposing amalgamation, 55% were in favour and the primary reasons included; more effective use of resources, economies of scale, more efficient and logical, value for money, reduce admin costs/overheads, reduce duplication, increased quality of staff and elected members, and more strategic.

In relation to the question of if the State Government decided to create an amalgamation, which of the following local governments would they most prefer Cottesloe to amalgamate with, the overall response was Mosman Park and Peppermint Grove combined (46% - 314 responses), Peppermint Grove alone (20% - 134 responses) and Mosman Park alone (9% - 60 responses) – an overall total of 75%. In relation to the Price Waterhouse Coopers report and the referred to combined “G6” model (Cities of Subiaco and Nedlands, Towns of Claremont and Mosman Park and Shire of Peppermint Grove) only 15% (104 responses) favoured this option. Feedback in relation to the Town of Claremont was not specifically sought during the initial consultation however a number of comments were received from residents which did make reference to Claremont as being a potential partner in any future amalgamation and this has since been formally endorsed by Council.

The Metropolitan Local Government Review Panel has established a website containing their terms of reference, all their research materials and supporting information. There have been two public forums and one local government forum held during November 2011. The Panel has also prepared an “*Issues Paper*” and is currently requesting submissions on it from the Perth metropolitan community, specifically local government.

Given the importance of community consultation and ownership of the process and the need to have support from the community it is recommended that, as part of the review process and before the Panel makes its final recommendations to the Minister, that there be an opportunity for the Town to engage with its community and to reaffirm the community’s support for Council’s position. Unfortunately the timeframes in place by the Panel are unlikely to allow for such consultation other than is a relatively superficial way.

STAFF COMMENT

Speaking at the Local Government Managers Australia (WA) Conference in October 2011, the Minister for Local Government made it clear to delegates that he expects *meaningful and significant reform* of the local government sector and he reaffirmed his previous statements that each local government should consider *voluntarily* amalgamations, reducing the total number of elected members to between six and nine and forming appropriate regional groupings of councils to assist with the efficient delivery of services.

Whilst some rural Council's have taken the opportunity to consider amalgamation and resource sharing opportunities the only metropolitan example of the RTG process was between the Cities of Subiaco and Nedlands, which most recently and publicly ended with neither Council proceeding with any form of amalgamation or resource sharing.

The metropolitan Local Government review introduced by the Minister in June 2011 has clearly articulated the Ministers continued desire for reform and, as part of the Panel's terms of reference they have been clearly directed to;

- *Identify new local government boundaries and a resultant reduction in the overall number of local governments to better meet the needs of the community;*
- *Prepare options to establish the most effective local government structures and governance models that take into account matters identified through the review including, but not limited to, community engagement, patterns of demographic change, regional and State growth and international factors which are likely to impact; and*
- *Present a limited list of achievable options together with a recommendation on the preferred option.*

This reinforces the Ministers consistent viewpoint that he wants to see a reduction in the overall number of local governments *including metropolitan Councils*.

The 2009 reform submissions from each local government had indicated to the Minister that there was significant scope for reform within the sector and that there were opportunities for Councils to self determine their future with meaningful change, including the capacity to plan and act regionally, and with elected members who are prepared to act strategically. His desired outcome of structural reform remains a strong sustainable local government. However of the potential disadvantages which have been identified within the various consultant and Council reports which have not been satisfactorily addressed by the Minister to date include:

- Potential loss of local identity;
- Communities of interest may be significantly different;
- Loss of local representation and decision making;
- Loss of service levels and/or standards.

In addition, there will often be potential short term *transitional* costs when amalgamations occur, and these are issues that will also need to be resolved in any recommendations by the Panel to the Minister, for Cottesloe and potentially many others, and these are likely to include the following;

- Locating suitable sites and accommodating a larger workforce in new or upgraded facilities such as a new “Civic & Administration Centre” and/or works depot;
- Rationalisation of major systems such as, Information Technology systems, Town Planning Schemes and Human Resource Management Practices i.e. workplace agreements etc; and
- Current partnerships may need to be disassembled and new Regional Council relationships formed which would require a significant amount of human and financial resources.

It is the officer’s advice that Council should continue to indicate in its submission to the Metropolitan Review Panel that it would be prepared to consider the RTG or similar process subject to the interests of the Town of Cottesloe community not being adversely affected and there being sound, demonstrated economic and social justification for any such reform. The previously suggested proposal of a Regional Transition Group appears to offer an opportunity that will allow the Town to examine the potential for structural reform in a manner that should address the issues flagged previously by the Minister however if they cannot be addressed to the satisfaction of Council then it must always remain open for the Town to withdraw from any negotiation/investigation process.

The alternative of a Regional Council which retains political autonomy and decision making as supported through the Regional Subsidiaries legislation currently before parliament also represents an opportunity for metropolitan Councils to explore the opportunities of regional resource sharing, service delivery and partnerships without sacrificing local identity, representation and decision making.

A further important point is that the Council’s concern that the poll provisions of the Act should continue to apply and that they should not be altered or removed.

OPTIONS

Council has a number of options in considering its response to the initial Issues Paper from the Metropolitan Local Government Review Panel including;

1. *“Do nothing”* and advise the Review Panel that the Town does not wish to make a submission at this time and will reserve its right to provide comment once the second Issues Paper is produced in March 2012; **or**
2. Maintain its resolved positions from September 2009, August 2010 and June 2011 and advise the Review Panel that the Town is willing to join with the Towns of Claremont and Mosman Park and the Shire of Peppermint Grove (G4), inclusive of associated boundary changes; through an RTG or similar process; **or**
3. Advise the Review Panel that the Town is willing to join a Regional Council with Towns of Claremont and Mosman Park and the Shire of Peppermint Grove (G4), inclusive of associated boundary changes; **and**
4. Advise that Review Panel that the Town wishes to assess the outcome of a fully costed Business Plan prior to endorsing any further advancement of an RTG or Regional Council; **and**

5. Advise the Review Panel that should any of the proposed G4 members not wish to participate, that Council will support joining with the remaining identified members; **and**
6. Ensure, as part of any reform process and before Council confirms its final intentions, that the Town reaffirm the community's support for Council's preferred position.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Mayor Morgan, seconded Cr Downes

THAT COUNCIL:

1. **Advise the Metropolitan Local Government Review Panel of its previously resolved position in relation to Local Government reform as it impacts upon the Town of Cottesloe, and provide the following documents/reports as support for this position and for consideration by the Panel in their review;**
 - a) **Town of Cottesloe Report and Reform Submission – September 2009**
 - b) **Report to Council - September 2009**
 - c) **Report to Council - August 2010**
 - d) **Report to Council - June 2011**
 - e) **Town of Cottesloe Local Government Reform – Summary Resolutions – 2009 ~ 2011**
2. **Further advise the Metropolitan Local Government Review Panel that Council also supports the current Local Government Amendment (Regional Subsidiaries) Bill introduced to parliament by the Hon Max Trenorden MLC and currently before parliament as a preferred option for local governments to pursue models for regional resource sharing, service delivery and partnerships without sacrificing local identity, representation and decision making.**

AMENDMENT

Moved Mayor Morgan, seconded Cr Strzina

That in item 1 of the recommendation the following words be added before the word 'and' "specifically the investigation of a Regional Transition Group type process to establish a regional council involving the Town of Cottesloe and at least two of its neighbouring councils of the Towns of Claremont and Mosman Park and Shire of Peppermint Grove".

Carried 7/1

COUNCIL RESOLUTION**THAT COUNCIL:**

1. Advise the Metropolitan Local Government Review Panel of its previously resolved position in relation to Local Government reform as it impacts upon the Town of Cottesloe, specifically the investigation of a Regional Transition Group type process to establish a regional council involving the Town of Cottesloe and at least two of its neighbouring councils of the Towns of Claremont and Mosman Park and Shire of Peppermint Grove and provide the following documents/reports as support for this position and for consideration by the Panel in their review;
 - a) Town of Cottesloe Report and Reform Submission – September 2009
 - b) Report to Council - September 2009
 - c) Report to Council - August 2010
 - d) Report to Council - June 2011
 - e) Town of Cottesloe Local Government Reform – Summary Resolutions – 2009 ~ 2011
2. Further advise the Metropolitan Local Government Review Panel that Council also supports the current Local Government Amendment (Regional Subsidiaries) Bill introduced to parliament by the Hon Max Trenorden MLC and currently before parliament as a preferred option for local governments to pursue models for regional resource sharing, service delivery and partnerships without sacrificing local identity, representation and decision making.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 7/1

The CEO declared a financial interest in Item 10.1.2 as this matter directly relates to his contract of employment and left the meeting at 7.50PM.

MOTION TO MEET BEHIND CLOSED DOORS

Moved Mayor Morgan, seconded Cr Strzina

In accordance with Standing Order 15.10 “That the Council meets behind closed doors – Effect of Motion” (LG Act s5.23) that Council discuss item 10.1.2: Annual Performance & Remuneration Review and Key Result Areas (KRA’s) 2011 for The Chief Executive Officer, and that it be dealt with behind closed doors

In accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting is closed to members of the public, with the following aspect(s) of the Act being applicable to this matter:

(a) a matter affecting an employee or employees.

Carried 8/0

Mat Humfrey left the Chambers at 7:50 PM

Geoff Trigg left the Chambers at 7:50 PM

Andrew Jackson left the Chambers at 7:50 PM

Lydia Giles left the Chambers at 7:50 PM

10.1.2 ANNUAL PERFORMANCE & REMUNERATION REVIEW AND KEY RESULT AREAS (KRA’S) 2011 FOR THE CHIEF EXECUTIVE OFFICER

File No:	PER/94
Attachments:	<u>CONFIDENTIAL - CEO Annual Performance Review 2011 – Report</u>
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Carl Askew Chief Executive Officer
Proposed Meeting Date:	12 December 2011
Author Disclosure of Interest	The CEO declared an interest in this matter as it directly relates to his contract of employment.

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

Council engaged the services of Mr John Phillips (Executive Manager) WALGA Workplace Business Solutions, to facilitate the 2011 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) and Cr Boland.

The appraisal process included the use of a questionnaire based on the 'Principal Accountabilities' contained in the CEO's Position Description (clause 7) and the Key Result Areas adopted by Council in December 2010. All Elected members were provided with the questionnaire 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 28 November 2011.

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 has an impact on Council's budget. Provision has been made in the Council budget for performance related pay increases.

SUSTAINABILITY IMPLICATIONS

Nil

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

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Rowell

THAT COUNCIL:

- (1) Receive the confidential Annual Performance and Remuneration Review report and recommendations from the CEO's Contract and Performance Review Panel**

- (2) Endorse the overall rating of “Satisfactory - meeting the performance requirements of the position of Chief Executive Officer of the Town of Cottesloe”.
- (3) Increase the Chief Executive Officer’s annual remuneration package to \$172,806 pa (4%), effective from 5th January 2012 and inclusive of one week’s additional annual leave (noting the increase to the remuneration package remains within Band 3 of the SAT recommended structure).
- (4) Adopt the following Key Result Areas for the 2012 appraisal period
 - (a) Report to Council in February 2012 on concepts for the Town’s Foreshore Development Plan.
 - (b) Finalise and adopt the Town's new Beaches and Beach Reserves Local Law.
 - (c) Subject to WAPC & Ministerial determination, finalise the gazettal of the Local Planning Scheme No. 3.
 - (d) Progress and finalise the preferred solution for Council's Depot services and redevelopment/sale of the current site.
 - (e) Advise Council, and manage the Local Government Reform Agenda as it relates to the Town.
 - (f) Assist Council with the development of a Community Plan (Strategic Plan) as part of the Integrated Strategic Planning Framework.
 - (g) Finalise and adopt the Town's new Standing Orders Local Law.
 - (h) Assist and support the ongoing redevelopment of the WANSLEA and Eric Street (Scouts) sites for community use.
 - (i) Develop a Town Centre Parking Plan.
 - (j) Finalise and adopt a plan for the Town Centre and Station Street.
- (5) Conduct the next review of the CEO’s performance by December 2012, in accordance with the contract of employment between Council and Mr Askew, with the process to include the opportunity for elected members to meet with the facilitator to provide feedback.

Carried 8/0

MOTION TO PROCEED WITH OPEN DOORS

Moved Mayor Morgan, seconded Cr Strzina

In accordance with Standing Order 15.10 “*That the Council meets behind closed doors – Effect of Motion*” (LG Act s5.23) that Council re-open the meeting to the public.

Carried 8/0

Door open 7:58pm

The public were invited back into the room in order for the Presiding Member to read aloud the Council Resolution.

Carl Askew returned to the Chambers at 7:58 PM

Mat Humfrey returned to the Chambers at 7:58 PM

Andrew Jackson returned to the Chambers at 7:58 PM

Lydia Giles returned to the Chambers at 7:58 PM

10.2 MANAGER CORPORATE SERVICES**10.2.1 2012 HBF ROTTNEST CHANNEL SWIM**

File No: SUB/550-02
Attachments: [HBF Event Application](#)
[HBF Event Map](#)
[HBF Rottnest Swim Insurance Certificate](#)

Responsible Officer: Carl Askew
Chief Executive Officer

Author: Meagan Hodgson
Community Development Officer

Proposed Meeting Date: 12 December 2011

Author Disclosure of Interest Nil

SUMMARY

The Rottnest Channel Swim Association Inc is seeking Council's approval to host the 2012 HBF Rottnest Channel Swim from Cottesloe Beach on Saturday 15th February 2012.

This report recommends that the committee support the event.

BACKGROUND

An annual swim from Cottesloe Beach to Rottnest Island with approximately 900 swimmers departing at 5.45am.

In 2010, the Rottnest Channel Swim celebrated its 20th anniversary and record numbers of solo swimmers competed in the successful event.

The 2012 Rottnest Channel Swim will be held on Saturday, 25th February. The first wave of solo swimmers leaves Cottesloe Beach at 5.45am and the last wave of team swimmers leaves the beach at 7.30am. The event categories for competitors are: Solo, Duo, Team (of 4), Lavan Legal Charity Challenge (teams of 4) with entries open on the 1st of November.

The race departs from Cottesloe Beach and finishes at Thomson Bay, Rottnest Island. The distance of the race is 19.7km.

The age requirement for the 2012 Rottnest Channel Swim is a minimum of 14 years of age on the day of the swim in accordance with the FINA rules for open water swimming (OWS 1.2).

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

Due to the history of this event and the success of the organisers in previous years the officer recommendation is to approve this application.

VOTING

Simple Majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Walsh

THAT Council approve the application to hold the Rottnest Channel Swim on Saturday the 25th February from 5.45am to 7.30am, subject to the following conditions:

- (1) Adequate arrangements for rubbish collection and removal, including the provision for recycling;**
- (2) Compliance with noise regulations;**
- (3) Compliance with relevant health and safety;**
- (4) Appropriate public liability insurance no less than 10 million; and**
- (5) Compliance with additional relevant sections of the beach policy.**

Carried 8/0

10.2.2 LIST OF ACCOUNTS PAID FOR THE MONTH OF NOVEMBER 2011

File No: SUB/137
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 6 December 2011
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the List of Accounts paid for the month of November 2011, 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 for the month of November 2011 are included on pages 9 to 13 of the attached Financial Statements. The following significant payments are brought to Council's attention;

- \$13,093.40 to Synergy for electricity charges
 - \$10,335.60 to Kerb Doctors for kerbing installation
 - \$17,349.70 to Data#3 Ltd for software licensing charges
 - \$13,663.44 to Red 11 for the supply of new computers
 - \$25,789.35 to Surf Life Saving WA for the life guard contract for November
 - \$11,719.60 to WMRC for waste collection services
-

- \$164,603.81 to Transpacific Cleanaway for waste collection services from July to October 2011
- \$98,683.88 to Roads 2000 for road works at various locations.
- \$100,000.00 & \$300,000.00 being transfers to Council's Business Investment Account held at the National Australia Bank
- \$70,920.36 & \$73,851.61 to Town of Cottesloe staff for fortnightly payroll.

VOTING

Simple Majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Walsh

THAT Council receive the List of Accounts paid for the month of November 2011 as included in the attached Financial Statements, as submitted to the 6 December 2011 meeting of the Works and Corporate Services Committee.

Carried 8/0

10.2.3 PROPERTY AND SUNDRY DEBTORS REPORTS AS AT 30 NOVEMBER 2011

File No: SUB/145
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager

Proposed Meeting Date: 6 December 2011
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports as at 30 November 2011, 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 page 18 of the attached Financial Statements shows a balance of \$57,791.88, of which \$26,342.27 relates to the current month. The balance of aged debtors stood at \$31,449.61.

Property Debtors are shown in the Rates and Charges Analysis on page 19 of the attached Financial Statements and shows a balance of \$1,975,124.96. Of this amount \$199,454.16 and \$400,010.29 are deferred rates and outstanding emergency service levies respectively. As can be seen on the Statement of Financial

Position on page 4 of the attached Financial Statements, rates as a current asset are \$1,980,511 as at 30 November 2011 as compared to \$1,818,747.

VOTING

Simple Majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Walsh

THAT Council receive the Property and Sundry Debtors Reports as at 30 November 2011, as included in the attached Financial Statements, at the meeting of the Works and Corporate Services Committee on 6 December 2011.

Carried 8/0

10.2.4 SCHEDULES OF INVESTMENTS AND LOANS AS AT 30 NOVEMBER 2011

File No: SUB/150 & SUB/151
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 6 December 2011
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Schedule of Investments and the Schedule of Loans as at 30 November 2011, 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 16 of the attached Financial Statements shows that \$4,878,165.13 was invested as at 30 November 2011. Approximately 30% of the funds invested are with the Commonwealth Bank of Australia, 28% with Westpac Banking Corporation, 25% with the National Australia Bank and 17% with Bankwest.

The Schedule of Loans on page 17 of the attached Financial Statements shows a balance of \$6,369,750.98 as at 30 November 2011. Included in this balance is \$401,392.76 that relates to self supporting loans.

VOTING

Simple Majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Walsh

THAT Council receive the Schedule of Investments and the Schedule of Loans as at 30 November 2011. These schedules are included in the attached Financial Statements as submitted to the 6 December 2011 meeting of the Works and Corporate Services Committee.

Carried 8/0

**10.2.5 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD 01 JULY 2011
TO 30 NOVEMBER 2011**

File No: SUB/137
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 6 December 2011
Author Disclosure of Interest Nil

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 1st July 2011 to 30th November 2011 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 Financial Statements shows favourable operating revenue of \$113,908. Operating expenditure is \$1,317,246 or 30% less than year to date budget, and of this amount, \$744,074 relates to depreciation charges that have not been run on Council's assets. Other material variances are outlined on the Variance analysis Report on pages 7 and 8 of the attached Financial Statements. Capital expenditure is reported in detail on pages 20

to 24 of the attached Financial Statements. Overall, capital expenditure is \$234,994 or 28% less than year to date budget, most of this is due to timing variances.

VOTING

Simple Majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Walsh

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 01 July 2011 to 30 November 2011, and as submitted to the 6 December 2011 meeting of the Works and Corporate Services Committee.

Carried 8/0

10.3 MANAGER DEVELOPMENT SERVICES**10.3.1 INDIANA TEA HOUSE - SUB-LEASE OF BEACH-LEVEL KIOSK**

File No: PR50348-02
Attachments: [Indiana Tea House Beach Level Kiosk](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services

Proposed Meeting Date: 12 December 2011

INTRODUCTION

The Town has been approached to permit a takeaway crepes business to operate from an existing kiosk facility within the Indiana Tea House building. Due to the January recess this item has been prepared direct to Council in December to expedite consideration. The report presents the proposal to Council for support subject to the various administrative requirements being met.

PROPOSAL

The facility is the small external kiosk at the beach level next to the bottom of the steps on the NW corner of the building – not the main kiosk on the middle level where the public toilets are. This small secondary kiosk was previously created from the original tea house development and used as such by the initial tea house operator, but less so by the current operator who has concentrated on the restaurant and main kiosk.

The current Indiana operator wishes to assist an independent operator to use the facility for cooking and selling takeaway crepes (plus probably selling cold drinks). The kiosk is sufficiently set-up to be used by this type of food vendor.

The business is to be open every day between 8am-8pm during the warm months and would most likely close during winter. There would be two staff, which is insignificant regarding parking. Signage would re-brand the existing under-counter and canopy signs, and possibly add a gable sign.

At present no plan of any additional fit-out or signage detail has been supplied, as the premises and kitchen facilities exist; however, this information can be provided where any health or signage approvals are required.

SUITABILITY

From a land use point of view the proposal is acceptable, being consistent with the purpose of a kiosk, suitable for the premises and compatible with beach activities. Specifically, it is in accordance with the parent lease, which in controlling uses permits kiosk use for the sale of takeaway food, drinks and ice-creams.

In terms of leasing, the tea house is leased by the Town to the Indiana operator, with power to sub-lease subject to the Town's consent. The Lessee bears all

responsibilities in relation to the sub-lessee, whereby sub-lease documentation and administration requirements apply.

Planning approval to the use is not required; however, health or signage approvals may be necessary under separate processes.

LEASE PARTICULARS

Whilst the proposal itself is quite straightforward, the provisions of the parent lease and associated instruments manage sub-letting as follows:

- The primary Lessor (Town) cannot unreasonably withhold consent to sub-letting provided the proposal is in keeping with the parent lease and the sub-lessee is of good character and financial standing; with the onus on the primary Lessee to satisfy the Lessor of such.
- The rent for the sub-lease must be (proportionally) equal to the primary rent.
- The form of the sub-lease also requires Lessor approval and is to provide for: (i) rent increases in accordance with the primary lease, (ii) a protective covenant, (iii) reversion to the primary Lessee, and (iv) certain restrictions on rights.
- Administrative costs of the primary Lessor being paid by the primary Lessee.

In addition, under commercial tenancy law, the primary Lessee is required to provide a *Tenant Guide and Disclosure Statement* to the sub-lessee, as a matter apart from the lease with the Town.

Given the relative complexity of the accumulated lease documentation for the Indiana Tea House over time, including changing lessees, it is anticipated that the current Lessee may not be fully appreciative of the requirements and procedures outlined above. Further, the intending sub-lessee would be unaware. The effect of the primary Lease is to involve not insignificant documentation, costs, procedures and time to enable a sub-lease, which may be a discouragement in this instance of a proposed minor operation, but cannot be avoided. This situation needs to be brought to the attention of the Lessee and intending sub-lessee before continuing.

VOTING

Simple majority.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Walsh

THAT COUNCIL:

- 1. As Lessor of the Indiana Tea House, grant its consent for the Lessee to sub-lease the NW beach-level kiosk of the premises as a takeaway crepes business, subject to all relevant requirements of the primary lease and associated instruments being met to the satisfaction of the Chief Executive Officer.**
- 2. Advise the Lessee to liaise with the Town regarding the particulars of the main lease requirements and administrative procedures that must be met in order for the proposed sub-lease to occur.**

3. Advise the Lessee and intending sub-lessee that separate health and signage approvals from the Town may be required to be applied for and obtained prior to commencement of the proposed takeaway crepes business, depending on the details. The intending sub-lessee should liaise with the Town in this regard.

Carried 8/0

11 REPORTS OF COMMITTEES**11.1 DEVELOPMENT SERVICES COMMITTEE MINUTES - 05 DECEMBER 2011****11.1.1 NO. 151 MARINE PARADE - NORTH COTTESLOE SURF LIFE SAVING CLUB - MODIFICATION TO LOWER GROUND FLOOR TO ACCOMMODATE FIRE TANKS AND PUMPS - ADDITIONAL INFORMATION**

File No: 2313
Attachments: [NCSLSC Nov 2011.pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Authors: Ed Drewett/Andrew Jackson
Proposed Meeting Date: 5 December 2011
Author Disclosure of Interest: Nil
Property Owner: Crown
Applicant: NCSLSC
Date of Application: 27 October 2011
Zoning: N/A
M.R.S. Reservation: Parks & Recreation

SUMMARY

This application for fire tanks and pumps is required to be determined by the Western Australian Planning Commission (WAPC) as it is proposed on Crown land that is reserved under the Metropolitan Region Scheme for 'Parks and Recreation', rather than on land zoned under Town Planning Scheme No.2. A recommendation from Council is therefore sought which will be forwarded to the Commission for consideration. A change to the previously approved lease boundary for the North Cottesloe Surf Life Saving Club (NCSLSC) is also sought to accommodate the new facilities and this will increase the lease area by 149m² thereby bringing the total lease area to 1857m² (an overall increase of 748m² over and above the existing lease area).

Given the apparent necessity for the proposed tanks and pumps to satisfy Fire and Emergency Services Authority (FESA) and BCA requirements, the recommendation is to support the application.

Upon consideration at DSC and Council last month this item was deferred pending additional information to clarify particular aspects. Council resolved that officers seek more detail regarding elevations and any affect on the dual-use path or public domain. The feedback on these matters appears at the end of this report, to facilitate conditional approval as previously recommended.

PROPOSAL

The NCSLSC is proposing to extend the previously approved lower ground floor area to their Clubrooms and lease area by 149m² to accommodate two water tanks and a pump room required to satisfy FESA and BCA requirements.

BACKGROUND

On 14 December 2009 Council supported an application for ground and lower ground floor alterations and additions (including an extension to the lease boundary) to the NCSLSC. This was subsequently approved by the WAPC on 3 May 2010, subject to conditions and advice notes.

On 13 December 2010 Council supported revised plans for the proposed ground and lower ground floor alterations and additions (including further modification to the lease boundary) for the NCSLSC.

At the December meeting Council also supported an application submitted by the NCSLSC for landscaping and a new dual-use pathway to the north and west of the proposed works and an application for a partial road closure of Marine Parade to facilitate the approved alterations and additions. The latter is currently with the State Lands Department for approval.

On 28 February 2011 Council rescinded its resolution of 13 December 2010 with respect to the proposed landscaping and new dual-use pathway at the request of the NCSLSC and replaced it with a resolution to advertise a revised plan received from the Club on 1 February 2011, which showed landscaping and a concrete dual-use pathway, rather than a proposed boardwalk to the west of the proposed extensions.

On 27 April 2011 Council resolved to support the revised plans for the landscaping and concrete dual-use pathway following advertising and the application was subsequently approved by the WAPC on 7 July 2011.

Building licence applications were received from the NCSLSC in June and July this year for the alterations and additions as well as for the landscaping and dual-use pathway. However, further documentation is required by the Principal Building Surveyor to satisfy the WAPC conditions, Building Regulations and the Town's requirements before they can be issued.

The current application submitted by the NCSLSC on 27 October 2011 is for another modification to the approved additions and lease boundary and is, according to the applicant, necessary to accommodate fire tanks and pumps and satisfy FESA and BCA requirements.

CONSULTATION

There is no requirement to advertise this application as it is not on zoned land. Furthermore, as the proposed works are entirely below the Marine Parade road level they will not be visible from neighbouring properties or from Marine Parade.

PLANNING COMMENT

The proposed tanks and pump room will be located on the northern side of the previously approved Board and Ski Trailer storage area below the existing reserve.

The western elevation of the trailer storage area will be recessed 1m and an additional panel lift door will replace a previously approved glass block wall to provide increased vehicle access for the Club from the new dual-use pathway.

No documentation has yet been received from the applicant confirming that FESA supports the location of the proposed water tanks and pump room or that it will adequately satisfy BCA requirements, although this was requested by the Town in an email to the applicant on 5 October 2011.

The Club has verbally advised that this proposal is one of a number of options that it is exploring to satisfy fire control requirements and it may not be the final choice the Club proceeds with but they want to keep their options open and keep the application process moving in terms of obtaining necessary approvals.

Prior to issue of a building licence, the Town's Principal Building Surveyor has requested full structural engineering drawings, signed by an engineer, and revised hydraulics drawings confirming that the required flow rate will be achieved from the new tanks.

The Manager Engineering Services (MES) has advised that the new water tanks will require existing pollution traps to be moved further to the north, which will complicate drainage pipe connections to those tanks and so a full detailed design will need to be submitted at building licence stage. The MES has also queried the emergency power source for the pumps if the power goes off due to a fire, plus has raised concern regarding possible changes required to the pathway gradient due to the access requirements to the proposed additional access doors to the pump room and trailer storage area.

With respect to the access and pathway, the previously approved concrete paving on the western side of the proposed trailer storage area and male toilets was approved at a level of RL: 7.50 (flat) which matched the level of the pathway. The pathway has to be designed to satisfy access and facilities for people for disabilities in accordance with the BCA and therefore will have a 1:14 rise northwards from this flat level paving. As the new pump room requires the flat concrete paving to be extended an additional 3m northwards, it is important to ensure that this can still be achieved without necessitating further relocation of the pathway westwards. This again may require further details to be submitted at building licence stage to ensure vehicle access and FESA requirements are satisfied and the necessary pathway gradient is achieved in the existing approved location.

CONCLUSION

Council has consistently supported the proposed expansion of the NCSLSC, including the realignment of the dual-use pathway, the extension to the existing lease area and partial closure of Marine Parade, having due regard to its strategic policies (Beach Policy, Future Plan, Beachfront Objectives) and weighing up the risks of supporting the construction of a new building and pathway in an area potentially

vulnerable to coastal erosion and flooding. The WAPC has subsequently approved each of the development proposals.

The applicant has now advised that to enable the proposed extensions to satisfy FESA requirements and BCA Regulations the fire tanks and pumps and changes to lease area are necessary.

The proposed new development will be entirely below the level of the existing reserve to the north of the Club and will not have any visual impact to nearby residences, being only partly visible from the new dual-use path to the west of the proposed additions. As such, although it represents a further expansion of new development outside the existing footprint of the Club it is not of a scale that was previously supported by Council and is necessary to enable the development to go ahead, unless an alternative is later considered possible by the applicant and FESA. On this basis, it is recommended that it be supported.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee expressed some concern that the background information has highlighted a number of requests to expand the development and occupy public foreshore land, but overall was supportive of the proposal given the need for fire control facilities and the community purpose of the surf life-saving club. Officers elaborated that while there are optional ways to satisfy FESA requirements, the Club had identified the proposal as feasible and additional details would be addressed at building licence stage.

ADDITIONAL INFORMATION

Officers have liaised with the Club regarding the points raised by Council and it is now advised as follows.

In terms of elevations, because the proposed extension is predominantly underground the main new elevation would be facing west to the dual-use path, setback in line with the previously-approved extension and comprising louvred wall and door panels in-keeping with the remainder. A section of structural wall on the northern elevation would be substantially concealed by landscaping. This design outcome is supported.

The fire hydrants are to be located on the Marine Parade frontage of the existing building, whereby there will be no such infrastructure affecting the landscaped public open space at that level, and no need for fire-fighting vehicles to use the dual use path to access hydrants. It is also considered unlikely that fire-fighting vehicles would use the dual-use path in the event of a fire due to the risk of being trapped in that confined space.

The Club has provided a supplementary landscape plan to show the approximate location of the proposed hydrants.

COMMITTEE COMMENT

Committee sought clarification regarding the plans and expressed some concern still about extending the premises. The Manager Development Services advised it is understood FESA has guided the proposal so far and would consider the detail for endorsement at building licence stage. He also emphasised that with the proposed hydrants being installed to become part of the existing building at the Marine Parade road level it was not intended to nor necessary for fire-fighting vehicles to access the dual-use path.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Strzina

That Council:

With respect to the proposed modification to the lower ground floor to accommodate two fire tanks and a pump room for the North Cottesloe Surf Life Saving Club at 151 Marine Parade, Cottesloe, as shown on plans date stamped 27 October 2011 (drawing No. A14 - Rev A) and 2 December 2011 (drawing No. DD01 - Rev G) advise the WAPC that the application, incorporating an extension to the lease boundary, is **SUPPORTED**, subject to the following conditions:

- (i) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
- (ii) The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written approval of Council and the WAPC.
- (iii) The proposed amendment to the existing lease boundary is required to be approved by the Crown prior to commencement of development within the affected area.
- (iv) The grassed area to the north of the existing Club above the proposed additions shall be reinstated/planted, reticulated and mulched as required, and maintained in good condition thereafter, to the specification and satisfaction of the Town.
- (v) Any works affecting the dual-use path shall be done to the specification and satisfaction of the Town, and completed prior to occupancy of the new development, at the cost of the Club, including any repair or upgrading of the dual-use path generally as a result of the proposed development. In addition, any necessary dune reinstatement or rehabilitation shall be undertaken at the cost of the Club to the specification and satisfaction of the Town.
- (vi) All stormwater drainage arising from the proposed development shall be captured and disposed of on-site to the specification and satisfaction of

the Town of Cottesloe. Details to be submitted for approval prior to issue of a building licence.

- (vii) The Club shall bear the cost of all changes required to existing drainage, services, infrastructure, street furniture and signage caused by the proposed development, to the specification and satisfaction of the Town. Details to be submitted for approval prior to issue of a building licence.
- (viii) A revised structural engineer's report and hydraulic consultant's report addressing the flow rate from the new tanks shall be submitted for approval by the Town prior to issue of a building licence.
- (ix) The Crown Reserve land at the Marine Parade level to the north of the existing Club premises and above the proposed extended lease area at the below-ground level shall remain as Crown Reserve land vested in the Town for the purpose of foreshore management and recreation.
- (x) The applicant shall submit a comprehensive Construction Management Plan to the satisfaction of the Manager Development Services prior to the issue of a building licence by the Town. This shall address the impact of construction on the public domain and nearby properties, including but not limited to: public access and safety, the beach (including dunes and vegetation), footpath, dual-use path, lawn, road reserve, construction vehicle parking, rubbish stockpiling and removal, materials and equipment storage and security, windblown dust/debris, noise and hours/days of construction activity.

Advice note:

The Club is informed that the proposed development may be affected by coastal processes, including erosion, accretion, storm surge, tides, wave conditions and sea-level changes, due to its close proximity to the shoreline, and that the Town takes no responsibility for any such impacts on the Club premises.

Carried 7/1

11.1.2 NO.104 MARINE PARADE (COTTESLOE BEACH HOTEL) - ALTERATIONS AND ADDITIONS TO BEER GARDEN - MODIFICATION TO PREVIOUS APPROVAL

File No: 2337
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Ed Drewett
Senior Planning Officer

Proposed Meeting Date: 05 December 2011

Author Disclosure of Interest: Nil
Property Owner: Garrett Hotels 2010 Pty Ltd ATF Cottesloe Hotel Trust & Richmond Equity Fund

Applicant: Prendiville Group
Date of Application: 29 November 2011
Zoning: Hotel
Use: P - A use that is permitted under this Scheme
Lot Area: 3337.9m²
M.R.S. Reservation: Not applicable.

SUMMARY

This is a preliminary report to advise Council of a new application that has been received for alterations and additions to the beer garden area of the Cottesloe Beach Hotel. It supersedes a similar application that was approved by Council on 22 August 2011.

The new owners are currently completing repainting of the heritage-listed existing hotel building as a first stage upgrade. The beer garden has been demolished and is being prepared for redevelopment, with the aim of completion towards the end of this summer (ideally coinciding with Sculpture by the Sea). The owners and architects have devised an improved concept for the beer garden to provide a superior and more durable design and facility. It is important to the site and precinct that this upgrade can proceed as soon as possible, rather than be deferred, hence the revised proposal is being reported to the December round of meetings in order to facilitate the project while following the previous consultation process and applying the requisite approval conditions.

The application has been referred to the Heritage Council of WA (HCWA) and is currently being advertised to adjoining landowners.

Given the requirement for Council to obtain approval from the HCWA prior to determining the application, and for consideration of any submissions received during the public consultation period, the recommendation is for Council's *in-principle* support at this stage. Subject to subsequent support from the HCWA and assessing any submissions, it is anticipated that the Manager Development Services shall issue formal approval of the application during the holiday period recess of Council, with Council's and the HCWA's conditions imposed as required.

PROPOSAL

The applicant has detailed the proposed changes to the previous approval in a covering letter dated 25 November 2011 (see attached). This is summarised as follows:

- The sail-shade roof to the north and function area is replaced with a standard roof and ceiling to accommodate services, and a painted timber 'ventilated' fascia has been included;
- The toilet/bar has been turned 90 degrees with its back facing the building to the east. This will reduce noise to the east, open up the existing trees on Warnham Road and give a large, soft landscaped area internally (see landscaping plan);
- The bar kiosk (previously to remain) is to be replaced with a new building. The re-planned area integrates with the existing kitchen acting as the 'central hub' for food delivery Stage 1 and future Stage 2;
- The new bar, food servery and toilet building have been designed as an 'outbuilding' with painted weatherboard cladding to give a more permanent feel to the courtyard;
- The existing trees, new landscaping and umbrellas would be dispersed within the upgraded courtyard to provide a soft edge to the buildings;
- All paving shall be replaced with a mixture of materials including timber decking, exposed aggregate concrete and smaller brick paved panels all in accordance with the landscape plan;
- The existing higher rear level will be reduced by up to 0.8m to allow better integration with the food and service area; and
- All other aspects of the previous application relating to deliveries, street parking, servicing etc will remain as previously approved.

FINANCIAL IMPLICATIONS

No financial resource impact.

STATUTORY ENVIRONMENT

- Town Planning Scheme No. 2.
- Proposed Local Planning Scheme No. 3.
- Heritage Act of WA.

PROPOSED LOCAL PLANNING SCHEME NO. 3

This lot is proposed as a 'Special Control Area'. The objectives of this area are to:

- (a) ensure that development is compatible with the beachfront location, surrounding development and amenity of the locality; and

- (b) ensure that Building Design Controls are formulated to guide and manage built form, bulk and scale, streetscape character, amenity impacts and other considerations accordingly.

The proposed upgrade of the existing beer garden will facilitate Council's proposed objectives being satisfactorily addressed for the rear of this site.

HERITAGE LISTING

- State Register of Heritage Places.
- TPS 2 - Schedule 1.
- Municipal Inventory (façade only) - Category 1.

ADVERTISING

The application is currently being advertised to adjoining landowners, as before. This is considered important in view of the changes proposed to the original application. As no submissions were received previously it is anticipated the new proposal is unlikely to attract any adverse comment, given that the proposal will improve the amenity of the locality.

PLANNING COMMENT

A copy of the report relating to the original proposal for the beer garden area at the Cottesloe Beach Hotel that was submitted to Council on 22 August 2011 is attached for background information. The planning considerations previously addressed in respect to Council's strategic planning documents and the Town Planning Scheme remain relevant considerations and therefore are not repeated at length in this report. However, the following additional comments are made which are specific to the new proposal (which is essentially a variation on a theme):

- The current application for alterations and additions to the beer garden has been assessed with regard to Council's strategic documents and is considered to satisfy the intent of these policies. The changes made since the previous submission represent a more sophisticated, permanent and attractive upgrade to the beer garden area which should provide a visually-enhanced interface with the side streets as well as give an enhanced leisure facility as part of the beachfront precinct;
- The existing bar in the courtyard (previously to be extended) is now proposed to be demolished and replaced with a single-storey, rectangular-shaped, open-sided structure of approximately 155m² comprising a bar, kitchen, servery and coolroom. This will be centrally located and setback at the rear of the hotel and should provide for better access to patrons accessing the rear dining area from the existing front bar. It will also appear visually more attractive than the previous proposal which kept the original bar;
- The proposed covered function area adjoining John Street will be approximately 180m² and is of similar dimension and in a similar location to the previous proposal. However, its height will be approximately 5.56m above the existing ground level which is about 0.76m higher than the top of the skillion roof previously approved and it will therefore be more visible from John Street, but still within the 6m single-storey roof height standard.

Notwithstanding this, it will have a modern, contemporary appearance comprising of a painted upper weatherboard fascia with a mixture of white and dark-grey horizontal aluminium louvres below, in contrast with the heritage hotel. A part-covered pergola structure is also proposed on the northern side of the function area (not visible from the street);

- A similar, contemporary-designed, structure is proposed adjoining Warnham Road at the rear of the hotel for the main outdoor covered dining area. The maximum overall height of this structure is approximately 6m above the raised ground level - RL: 13.5 (7m above pavement level) and this is approximately 1.2m higher than that previously proposed. However, it will be setback approximately 4m from the northern boundary which is further than the original proposal, while a retractable awning is proposed to extend to within 1m of the boundary. A portion of the existing boundary wall will be removed and replaced with a lower solid wall up to 1.1m in height above the pavement level with a balustrade above which will provide a visually more open and attractive streetscape than that existing;
- A 180m² single-storey, partially enclosed and painted structure is proposed at the rear of the beer garden on the eastern side which will be for the main outdoor bar area, toilets and coolroom. This was originally proposed adjoining Warnham Road but has been reorientated to provide better accessibility to the green landscaped central courtyard area. The existing northern boundary wall adjoining this section will be retained and rendered; and
- The existing boundary wall adjoining John Street will be rendered and painted (to match the hotel) and it will have windows inserted to provide better surveillance into the premises.

CONCLUSION

The proposed revised design from the previous approval for the redevelopment of the former beer garden area at the rear of the hotel have merit and will appear as a modern, contemporary design that should visually enhance the adjoining streetscapes. The proposal should also assist in addressing noise and amenity issues that have been associated with hotel use in the past.

Subject to approval from the HCWA and no concerns from adjoining owners, the latest proposal is supported from a planning viewpoint and the recommended conditions are similar to those previously proposed. With the previous design HCWA had no particular concern or requirement, whereby support for the current design is anticipated.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee touched-on the new design and the development parameters in discussing desirable improvements to the premises and supported moving forward to facilitate approval of the revised proposal. The Manager Development Services

elaborated on how the design was appropriate to the site, heritage context and surrounds.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Strzina

THAT Council:

NOTE and support in-principle the revised application for alterations and additions to the former beer garden of the Cottesloe Beach Hotel at No. 104 (Lot 39) Marine Parade, Cottesloe, as shown on the plans received on 29 November 2011, and AUTHORISE the Manager Development Services to issue formal approval of the application during the holiday period recess of Council following receipt of written approval from the HCWA and consideration of any submissions upon the completion of advertising; with the inclusion of the following conditions:

- (1) 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 classification.**
- (2) The Building Licence plans and supporting documentation shall be formulated to the satisfaction of the Manager Development Services and referred by the Town to the HCWA, if required, for review and advice prior to issue, in order to ensure that all works proposed are in accordance with the heritage requirements.**
- (3) At building licence stage full details of all proposed external materials, finishes and colours shall be formulated to the satisfaction of the Manager Development Services, and the HCWA if required.**
- (4) Any works affecting the public domain, including the proposed new crossover, shall be to the specification and satisfaction of the Town and prior-approved as required, and provided at the applicant's cost.**
- (5) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction sites.**

Advice Notes:

- (1) The applicant/owner 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.**
- (2) The applicant/owner is reminded of their obligation under the Liquor Licensing Act to have a current Liquor Licence for the premises, including the rear courtyard, and to adhere to all conditions thereto. This is separate from the planning approval process.**

Carried 8/0

11.1.3 LOCAL PLANNING SCHEME NO. 3 - CONCLUSION OF ADDITIONAL ADVERTISING FOR PROPOSED MAJOR MODIFICATION 24(B)

File No: SUB443
Attachments: [LPS3.pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services

Proposed Meeting Date: 05 December 2011
Author Disclosure of Interest Nil

INTRODUCTION

Council in previously considering submissions on the major modifications proposed by the Minister for Planning to Local Planning Scheme No. 3 identified that item 24(b) lacked information. The Minister subsequently required additional advertising of that modification for public inspection and submissions. In summary, the proposed modification is:

"24(b). Insert details for remaining development zones 'B' to 'E' including modifications as detailed below:"

That is, in Schedule 14 modify the provisions for Development Zones 'B' to 'E', being the Depot, Wearne Hostel, WAIDE and railway lands (west of the Town Centre) sites, by deleting the prescribed height limits and some other development requirements, including:

- *Development Zone 'B' - Delete the 4th, 5th and 6th dot-points.*
- *Development Zone 'C' - the 3rd dot-point is to be modified by the addition of the following words at the end of the paragraph - "The structure plan may also provide for additional aged care dwellings and any associated ancillary buildings that may be required.". The 5th, 6th and 7th dot-points are to be deleted.*
- *Development Zone 'D' - Delete the 5th, 6th and 7th dot-points.*
- *Development Zone 'E' - Delete the 4th and 5th dot-points.*

The additional advertising occurred for six weeks from 17 October to 28 November 2011 and comprised a Public Notice and promotion in the Post newspaper, documents available for inspection at the Civic Centre, The Grove Library and on the Town's website.

PURPOSE

The purpose of the additional advertising was to clarify this particular proposed major modification, to overcome a degree of deficiency in the initial advertising. The Minister required that both the content and intent of modification 24(b) be advertised, which was conveyed by the guide document prepared (Attachment).

This report to Council completes the process for advice back to the Western Australian Planning Commission (WAPC) and in turn the Minister.

SUBMISSIONS & COUNCIL COMMENT

As required the further advertising specified that only submissions directly relating to this modification would be considered. Upon the close of advertising no submissions have been received, hence there is no public comment for Council to consider and respond to – Council’s Resolution of 21 September 2011 on the overall Scheme modifications/submissions reserved the right to make final recommendations to the Minister on any further submissions.

Council’s adopted position regarding proposed modification 24(b) was to seek reconsideration to retain Council’s provisions as part of its preferred Scheme, so this still stands and should be reiterated. Feedback to the WAPC can now be formalised.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee acknowledged that the additional advertising had not drawn any public comment, which reinforced Council’s position regarding the Scheme provisions.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Cr Strzina

THAT COUNCIL:

- 1. Note the close of the additional advertising for proposed major modification 24(b) to Local Planning Scheme No. 3 and that no submissions have been received.**
- 2. Request staff to write to the Western Australian Planning Commission accordingly and advise that Council reiterates its previous resolution to seek reconsideration to retain Council’s provisions in this respect as part of its preferred Scheme, rather than supporting major modification 24(b) as proposed by the Minister for Planning.**

AMENDMENT

Moved Mayor Morgan, seconded Cr Strzina

That the words “no submissions have been received” in item 1 of the recommendation be deleted and that the following words be added after the word ‘that’ “only one submission was received, regarding Development Zone ‘C’ (Wearne Hostel site), which is considered insufficient for Council to depart from its preferred Scheme provisions”

Carried 8/0

COUNCIL RESOLUTION

THAT COUNCIL:

1. Note the close of the additional advertising for proposed major modification 24(b) to Local Planning Scheme No. 3 and that only one submission was received, regarding Development Zone 'C' (Wearne Hostel site), which is considered insufficient for Council to depart from its preferred Scheme provisions.
2. Request staff to write to the Western Australian Planning Commission accordingly and advise that Council reiterates its previous resolution to seek reconsideration to retain Council's provisions in this respect as part of its preferred Scheme, rather than supporting major modification 24(b) as proposed by the Minister for Planning.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 8/0

11.1.4 TPS 2 AMENDMENT NO. 44 - MINISTER'S FINAL DECISION

File No: SUB/653
Attachments: [TPS2Zoning Amendment.pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: William Schaefer/Andrew Jackson
Planning Officer/Manager Development Services

Proposed Meeting Date: 05 December 2011
Author Disclosure of Interest: Nil

SUMMARY

This report informs Council of the Minister for Planning's decision on TPS2 Amendment No. 44, which was lodged for final approval in August 2009.

Council's task is to note the Minister's determination and complete the documentation accordingly.

BACKGROUND

Historically, removal of the Metropolitan Region Scheme Primary Regional Road reservation for Stirling Highway south of Jarrad Street left land in the area partially un-zoned. It is a statutory requirement that the land be zoned under TPS2, notwithstanding proposed LPS3.

Council therefore initiated Amendment No. 44 to zone the land Town Centre R100 consistent with the zoning/density coding for the locality. Given progress of proposed LPS3 and the Stirling Highway Activity Corridor Study the Minister directed that the original amendment be modified and further advertised.

Following readvertising and consideration of submissions Council responded seeking additional modifications. Advice of the Minister's decision requiring revised modifications has recently been received, enabling the amendment process to be completed.

MODIFICATION OF AMENDMENT

In lodging the Amendment for final approval Council proposed to modify clause 3.4.2 of the Scheme Text regarding the Town Centre Zone with a sub-clause (d) prescribing specific planning controls for land development and referring to a minimum 5m setback from Stirling Highway.

The previous report and resolution is attached for the details. The Minister has paid attention to the following Council-proposed text:

All development shall be setback a minimum of 5m from the front boundary to Stirling Highway, pending the precise road widening requirements being determined by the Stirling Highway Activity Corridor Study, and a subsequent Metropolitan Region

Scheme Amendment process to reserve the land for acquisition (ie purchase or resumption and compensation) by the Crown in the normal manner.

The Stirling Highway study has since advanced considerably whereby the Minister has seen fit to replace this point as follows:

All development shall be setback from the proposed road widening on Stirling Highway as indicated in the proposed Metropolitan Scheme Amendment 1210/41 plan or as in a finalised MRS amendment and the land to be level with the existing verge, which will be required as a condition of development approval.

The modification required by the Minister is consistent with the intent of the Amendment and provides a more definitive road widening control.

A second modification required by the Minister is to delete from 3.4.2(d) the text referring to a Detailed Area Plan and to leave that to the Town to consider as a separate planning measure. This is supported as it simplifies the Scheme provisions whilst still allowing for an overall guide plan depending on evolving circumstances.

STATUTORY PROCESS

Under the Town Planning Regulations Council is now required to modify the Amendment documents, endorse them and return them for the Minister's final approval then publication in the Government Gazette, whereupon the Amendment becomes effective.

CONCLUSION

Amendment No. 44 has taken some time to complete and it is desirable to reinstate a zoning with associated planning controls for the land. The Minister's required modifications for final approval preserve the purpose of the Amendment, updating and streamlining the provisions. It is appropriate that Council complete the documentation in this respect.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee endorsed finally creating a zoning and development controls for the land.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Strzina

THAT Council:

- (1) Note the Minister's decision on final approval of TPS2 Amendment No. 44.**
- (2) Request staff to modify the documents as required by the Minister, arrange for their endorsement and resubmit them for ratification and gazettal of the Amendment.**

Carried 8/0

11.1.5 DELEGATION OF POWERS FOR DETERMINATION OF PLANNING APPLICATIONS DURING THE 2011-2012 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: 05 December 2011
Author Disclosure of Interest Nil

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 13 December 2011 to Friday 17 February 2012 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 2010 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 14 December 2010 to Friday 18 February 2011.*
- (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 2011-2012 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 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 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

**11.2 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 06
DECEMBER 2011****11.2.1 COTTESLOE CLIMATE CHANGE LOCAL ADAPTATION ACTION PLAN**

File No: SUB/988
Attachments: [LAAP 2011 FINAL](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Nikki Pursell
Sustainability Officer

Proposed Meeting Date: 6 December 2011
Author Disclosure of Interest Nil

SUMMARY

In September 2011 Council resolved to:

1. *Receive the draft Local Climate Change Adaptation Action Plan: 2011-2016 (the Plan); and advertise it for community feedback and comment.*
2. *Receive a further report from staff on the outcomes of the community consultation.*

The draft Plan has since been made available to the public for a period of one month between 8 October 2011 and 7 November 2011. The opportunity to provide comments and feedback was advertised in the 'Post' newspaper. Despite the draft Plan being available at the Council Office, Grove Library and on the Town's website, no comments were received from the community.

It is therefore recommended that Council:

1. Note that the attached draft *Local Climate Change Adaptation Action Plan: 2011-2016* was advertised for a period of one month and that no comments were received from the public.
2. Adopt the draft *Local Climate Change Adaptation Action Plan: 2011-2016*.

BACKGROUND

Adapting to the impacts of climate change, caused by greenhouse gas emissions released by human activities, is a responsibility that the Town takes seriously. The Town commissioned a *Vulnerability of the Cottesloe Foreshore to the Potential Impacts of Climate Change Report* in 2008. As a participant of the Western Suburbs Regional Organisation of Councils (WESROC) the Town also completed a *WESROC Climate Change Risk Assessment and Adaptation Report (2010)* to determine regional impacts from climate change. These reports provide an excellent basis for the Town to adapt to the high priority risks from climate change.

In response to these guiding documents, the attached draft Plan was developed to prioritise local adaptation actions for the Town across all essential business areas. The plan will help staff to incorporate climate change adaptation into their daily

workload and build capacity within the community in preparation for the impacts of climate change. The Plan will be monitored annually to determine the Town's progress against each of the adaptation actions.

STRATEGIC IMPLICATIONS

Future Plan: Section 4

Underpinning Sustainability Principles

- Good Governance: Leadership, transparency, accountability, probity, proper management, effective services, equitable access to services, commitment to partnership working and organisational building capacity.

The Plan addresses the Principle of good governance of the Town in the face of the uncertain impacts from climate change.

Objective 5: Infrastructure

To maintain infrastructure and Council buildings in a sustainable way

The Plan aims to incorporate climate change adaptation into decision making and operations to ensure that infrastructure and Council property is more resilient to the negative impacts from a changing climate.

Objective 7: Organisation Development

To effectively manage Council's resources and work processes.

- Enhance our ability to embrace and manage change.

The Plan sets out the actions Cottesloe should implement to build resilience and manage the impacts from climate change.

POLICY IMPLICATIONS

The Plan is likely to have implications for many Council policies and procedures since the adaptation actions are diverse and varied. Council and staff will need to determine policy implications as each adaptation action is considered and implemented.

STATUTORY ENVIRONMENT

- Local Government Act 1995

Section 1.3 (3) of the Local Government Act 1995 states: "In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity".

In order to 'meet the needs of current and future generations', local government needs to address the impacts of climate change on its community. The adaptation strategies set out in the Plan will help to ensure that social and legal obligations are met, and that risks and future costs are minimised for the Cottesloe community.

FINANCIAL IMPLICATIONS

Many of the adaptation actions can be achieved without financial resource demands. Others will need to be considered and, where financial commitment is required, any

barriers should begin to be removed through budget forecasting or external funding opportunities.

SUSTAINABILITY IMPLICATIONS

Adapting to the impacts from climate change will incorporate many areas of sustainability, including:

Water Usage/Quality

- Commitment on the awareness and significance of water as being a limited resource.

Coastal Environments

- Commitment to protect and maintain coastal biodiversity and habitats.

Waste Management and Recycling

- Commitment on resource efficiency (reducing, reusing, recovering, recycling).

Energy Efficiency

- Commitment to increase Council's energy efficiency.

CONSULTATION

In the development of this draft Plan the Sustainability Officer has consulted with WALGA's Climate Change Coordinator and the Sustainability Officer at the Town of Mosman Park.

STAFF COMMENT

The draft Plan provides Council with a framework to adapt to the localised impacts from climate change. The WESROC Regional Plan focuses on actions that have a regional priority for the western suburbs.

Many of the actions recommended in the Plan are corporate changes that the Town can make to integrate climate change resilience into policy, decision making, and operational duties. Many of these changes are inexpensive and require a cultural change that recognises the importance of addressing climate change across all business areas.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council:

1. Notes that the attached draft *Local Climate Change Adaptation Action Plan: 2011-2016* was advertised for a period of one month and that no comments were received from the public.
2. Adopts the attached draft as the final *Local Climate Change Adaptation Action Plan: 2011-2016*.

Carried 8/0

Cr Strzina declared an impartiality interest in Item 11.2.2 due to being a member of the Western Metropolitan Regional Council and stated that there may be a perception that his impartiality on the matter may be affected and declared that he would consider the matter on its merits and vote accordingly.

11.2.2 PROPOSED AMENDMENT TO THE WESTERN METROPOLITAN REGIONAL COUNCIL ESTABLISHMENT AGREEMENT

File No: SUB/378
Attachments: [Regional Purpose for Establishment of the WMRC from the Establishment Agreement](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Darrell Monteiro
Principal Environmental Health Officer
Proposed Meeting Date: 06 December 2011
Author Disclosure of Interest: Nil

SUMMARY

The Town of Cottesloe is a member of the Western Metropolitan Regional Council (WMRC). The WMRC was established through an Establishment Agreement which sets out amongst other things the Regional Purposes (see attachment). The WMRC may not operate outside its Regional Purposes.

Discussions at the WMRC and with member Council CEOs and the WMRC CEO have identified the potential for the WMRC to undertake projects relating to regional environmental sustainability, however, before such projects can be considered, the WMRC Establishment Agreement would need to be amended.

Endorsement from each member Council for an amendment to the Establishment Agreement is therefore sought prior to developing the amendment. The proposed amended Establishment Agreement will be considered by each member Council prior to its implementation.

STRATEGIC IMPLICATIONS

Regional sustainability projects carried out by the WMRC have the potential to deliver regional outcomes which can compliment the Town's own initiatives, projects and programs.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No financial resource impact.

SUSTAINABILITY IMPLICATIONS

Waste Management and Recycling

Commitment to resource efficiency (reducing, reusing, recovering, recycling).

BACKGROUND

The Town of Cottesloe is a member of the WMRC. The WMRC member Councils, are the Towns of Claremont, Cottesloe and Mosman Park, the Shire of Peppermint Grove and the City of Subiaco.

The WMRC is a separate Council in its own right and is governed by an Establishment Agreement. Each of the member Councils appoints an elected representative to form the Regional Council membership. A form of the current Establishment Agreement (then a "Constitution Agreement") was made by each of the member Councils in 1989. The current Establishment Agreement was made in 2003, and sets out the Regional Purposes of the WMRC. The WMRC's Regional Purposes relate to waste management only. The WMRC may not undertake projects outside its Regional Purposes.

Discussions at the WMRC and with member Council CEOs and the WMRC CEO have identified the potential for the WMRC to extend its Regional Purposes to undertake regional environmental projects on behalf of all member Councils. The WMRC Council supported this amendment by resolving at its meeting on 4 August 2011:

That the WMRC Establishment Agreement be amended at a later date to add a new Regional Purpose of 'the development and coordination of regional environmental sustainability projects', or words to similar effect.

This was initiated following discussions in relation to the WMRC providing support in coordinating climate change adaptation for the region, and is envisaged to potentially provide support for a range of regional environmental sustainability initiatives.

By framing the amendment broadly, the WMRC can undertake projects within the Regional Purpose without requiring an amendment to the Establishment Agreement for each new project. Each amendment to the Establishment Agreement requires drafting, agreement by each member Council, agreement by the Minister for Local Government and gazettal in the Government Gazette. This process is expected to take between 12-18 months.

DISCUSSION

To progress an amendment to the Establishment Agreement, each party to the Agreement (i.e. each member Council) needs to consider whether it desires the amendment. This is to be achieved by a resolution from each member Council endorsing the development of an amendment. Initial endorsement avoids spending the time and money on an amendment that is not wanted or supported.

Once endorsed, the terms of the amendment will be developed through workshops attended by the member council CEOs, and including the WMRC CEO. The workshops will define the scope of the new Regional Purposes, and how the Regional Purposes are to be implemented.

Some of the matters to be considered include whether to make the WMRC the exclusive provider of services under the defined Regional Purposes (it currently is in relation to waste management, but this model is less likely to work for other environmental services), and how to provide for participation of some, but not all, member Councils in specific regional projects.

The workshops will lead to drafting instructions for solicitors to use in developing the amendment. Once the amendment has been developed, the proposed amended Establishment Agreement will again be considered by the WMRC Council and each member Council.

All legal costs associated with the amendment will be covered by the WMRC.

CONSULTATION

- Member council CEOs with the WMRC CEO
- The delegate to the WMRC from the Town Council (Cr Strzina).

STAFF COMMENT

The WMRC's involvement in sustainability matters including their current work with the Western Earthcarers will complement the work conducted by the Town.

This report is to endorse an amendment to the Establishment Agreement being developed. Council will have a further opportunity to consider the wording and effect of such an amendment made to the agreement.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council endorse the development of an amendment to the Western Metropolitan Regional Council Establishment Agreement to allow it to undertake projects related to regional environmental sustainability, with the proposed amended Establishment Agreement to come back to Council for consideration and approval.

Carried 8/0

11.2.3 COUNCIL MEETING DATES 2012

File No: SUB/1160
Attachments: [Committee and Council Meeting Dates 2012](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Lydia Giles
Executive Officer

Proposed Meeting Date: 06 December 2011
Author Disclosure of Interest Nil

SUMMARY

A resolution is required to set Council and Committee Meeting dates and times for 2012.

STRATEGIC IMPLICATIONS**Objective 7: Organisation Development**

To effectively manage Council's resources and work processes.

- Deliver high quality professional governance and administration.

POLICY IMPLICATIONS

None known

STATUTORY ENVIRONMENT

Regulation 12 of the Local Government (Administration) Regulations applies:

Public Notice of Council or Committee meetings –s.5.25(g):

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which –*
- (a) *the ordinary council meetings; and*
 - (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub-regulation (1).*

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

For the December round of meetings, it is proposed that Committee meetings will be on 3 and 4 December and Council on 10 December. However given the closeness to the November Council meeting an alternative is to consider the Committee meetings on the 10 and 11 December and Council on 17 December 2012.

Council also has the option to change the start time of the meetings to ensure that there is consistency for each committee. The Development Services Committee currently commence at 6:00pm and other committees at 7:00pm and it is recommended that consideration be given to aligning all meeting times. Council has the option to have all meetings commence at 6pm or 7pm, or at another time to be determined.

VOTING

Simple Majority

COMMITTEE COMMENT

There was discussion that for consistency purposes, some Councillors may prefer a standardised 6.00pm start time for Council and Committee meetings. However it was highlighted that a start time of 6.00pm would be difficult to achieve for Councillors who work full time. It was further stated that the 6.00pm start time of the Development Services Committee Meetings originated as the Committee previously had many items on its agenda. However, in recent times this has not been the case for the Development Services Committee, and as such it was suggested that a 7.00pm start time for Council and Committee meetings could be implemented for consistency and to accommodate working Councillors.

There was further discussion as to whether the December 2012 Council meeting should be moved to 17 December, to allow more time between the November and December Committee and Council meetings. This option was not widely accepted as many Councillors are unavailable on the 17 December 2012.

OFFICER RECOMMENDATION

Moved Cr Boland, seconded Cr Strzina

THAT Council adopt the following meeting dates for 2012 and:

1. Observe a recess in January 2012, with no ordinary meeting of Council;
2. Advertise the ordinary Council meeting dates for 2012 as the fourth Monday in the month commencing at 7:00pm;-

January	No meeting
February	Monday 27
March	Monday 26
April	Monday 23
May	Monday 28
June	Monday 25
July	Monday 23
August	Monday 27
September	Monday 24

October Monday 22
November Monday 26
December Monday 10 - To avoid proximity to Christmas

3. Advertise the Development Services Committee meeting dates for 2012 as the third Monday in the month commencing at 6:00pm;-

January No meeting
February Monday 20
March Monday 19
April Monday 16
May Monday 21
June Monday 18
July Monday 16
August Monday 20
September Monday 17
October Monday 15
November Monday 19
December Monday 3 - To avoid proximity to Christmas

4. Advertise the Works & Corporate Services Committee meeting dates for 2012 as being held on the day after the Development Services Committee meeting commencing at 7:00pm

January No meeting
February Tuesday 21
March Tuesday 20
April Tuesday 17
May Tuesday 22
June Tuesday 19
July Tuesday 17
August Tuesday 21
September Tuesday 18
October Tuesday 16
November Tuesday 20
December Tuesday 4 - To avoid proximity to Christmas; and

5. Advertise the Strategic Planning Committee meeting dates for 2012 being held on the day after the Works & Corporate Services Committee meeting in the months of February, May, August & November commencing at 7:00pm as:-

February Wednesday 22
May Wednesday 23
August Wednesday 22
November Wednesday 21

AMENDMENT

Moved Cr Rowell, seconded Cr Strzina

That point (3) of the recommendation be amended by replacing "6.00pm" with "7.00pm".

Carried 4/0

AMENDMENT

Moved Cr Boland, seconded _____

That point (2) of the recommendation be amended by replacing the December "Monday 10" date with December "Monday 17".

Motion Lapsed for Want to a Seconder

COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Mayor Morgan

THAT Council adopt the following meeting dates for 2012 and:

1. Observe a recess in January 2012, with no ordinary meeting of Council;
2. Advertise the ordinary Council meeting dates for 2012 as the fourth Monday in the month commencing at 7:00pm;-

January	No meeting
February	Monday 27
March	Monday 26
April	Monday 23
May	Monday 28
June	Monday 25
July	Monday 23
August	Monday 27
September	Monday 24
October	Monday 22
November	Monday 26
December	Monday 10 - To avoid proximity to Christmas

3. Advertise the Development Services Committee meeting dates for 2012 as the third Monday in the month commencing at 7:00pm;-

January	No meeting
February	Monday 20
March	Monday 19
April	Monday 16
May	Monday 21
June	Monday 18
July	Monday 16
August	Monday 20
September	Monday 17
October	Monday 15
November	Monday 19
December	Monday 3 - To avoid proximity to Christmas

4. Advertise the Works & Corporate Services Committee meeting dates for 2012 as being held on the day after the Development Services Committee meeting commencing at 7:00pm

January	No meeting
February	Tuesday 21
March	Tuesday 20
April	Tuesday 17

May	Tuesday 22
June	Tuesday 19
July	Tuesday 17
August	Tuesday 21
September	Tuesday 18
October	Tuesday 16
November	Tuesday 20
December	Tuesday 4 - To avoid proximity to Christmas; and

5. Advertise the Strategic Planning Committee meeting dates for 2012 being held on the day after the Works & Corporate Services Committee meeting in the months of February, May, August & November commencing at 7:00pm as:-

February	Wednesday 22
May	Wednesday 23
August	Wednesday 22
November	Wednesday 21

AMENDMENT

Moved Cr Walsh, seconded Cr Hart

That point (3) of the recommendation be amended by replacing “7.00pm” with “6.00pm”.

Carried 8/0

COUNCIL RESOLUTION

THAT Council adopt the following meeting dates for 2012 and:

1. Observe a recess in January 2012, with no ordinary meeting of Council;
2. Advertise the ordinary Council meeting dates for 2012 as the fourth Monday in the month commencing at 7:00pm;-

January	No meeting
February	Monday 27
March	Monday 26
April	Monday 23
May	Monday 28
June	Monday 25
July	Monday 23
August	Monday 27
September	Monday 24
October	Monday 22
November	Monday 26
December	Monday 10 - To avoid proximity to Christmas

3. Advertise the Development Services Committee meeting dates for 2012 as the third Monday in the month commencing at 6:00pm;-

January	No meeting
February	Monday 20
March	Monday 19

April	Monday 16
May	Monday 21
June	Monday 18
July	Monday 16
August	Monday 20
September	Monday 17
October	Monday 15
November	Monday 19
December	Monday 3 - To avoid proximity to Christmas

4. **Advertise the Works & Corporate Services Committee meeting dates for 2012 as being held on the day after the Development Services Committee meeting commencing at 7:00pm**

January	No meeting
February	Tuesday 21
March	Tuesday 20
April	Tuesday 17
May	Tuesday 22
June	Tuesday 19
July	Tuesday 17
August	Tuesday 21
September	Tuesday 18
October	Tuesday 16
November	Tuesday 20
December	Tuesday 4 - To avoid proximity to Christmas; and

5. **Advertise the Strategic Planning Committee meeting dates for 2012 being held on the day after the Works & Corporate Services Committee meeting in the months of February, May, August & November commencing at 7:00pm as:-**

February	Wednesday 22
May	Wednesday 23
August	Wednesday 22
November	Wednesday 21

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 8/0

Cr Strzina declared an impartiality interest in Item 11.2.4 due to being a member of the Golf Club and stated that there may be a perception that his impartiality on the matter may be affected and declared that he would consider the matter on its merits and vote accordingly.

Cr Walsh declared an impartiality interest in Item 11.2.4 due to being a member of the Golf Club and stated that there may be a perception that his impartiality on the matter may be affected and declared that he would consider the matter on its merits and vote accordingly.

Mayor Morgan declared an impartiality interest in Item 11.2.4 due to being a member of the Golf Club and stated that there may be a perception that his impartiality on the matter may be affected and declared that he would consider the matter on its merits and vote accordingly.

11.2.4 SEAVIEW GOLF CLUB MANAGEMENT PLAN

File No: SUB/235
Attachments: [Seaview Management Plan](#)
[Seaview Appendix A](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 6 December 2011
Author Disclosure of Interest Nil

SUMMARY

The Seaview Golf Club has a 21 year lease from the Town of Cottesloe which expires on 30th June 2026. Under clause 13 of that lease, a Management Plan is required for the lease area, to be updated every 3 years. The updated plan has been supplied by the Club for the period January 2011 to December 2014. This matter was considered by Council at the February 2011 meeting, where further details were requested. The Golf Club responded with further information.

At its meeting in October 2011, it was resolved:

That Council:

- 1. Receive the draft Seaview Golf Club Management Plan for the period 1st July 2011 to 30th June 2014.*
- 2. In accordance with the Lease, advertise for a period of one month for public comment on the draft Management Plan, with the results to be considered by Council at its December 2011 meeting.*

This draft Management Plan has been advertised for public comment, with the comment period ending on 5th December 2011.

The recommendation for this item is that Council:

1. Receive and endorse the content of the Seaview Golf Club Management Plan for the period December 2011 to 1st December 2014.
2. Authorise the CEO to sign the Management Plan on behalf of Council.

BACKGROUND

Council considered the Management Plan and the further information in May 2011 and resolved:

That Council:

- 1) *Note the draft content of the Seaview Golf Club Management Plan for the period 1 January 2011 to 31st December 2014.*
- 2) *Refer the matter back to administration for further comment and information on performance against KPI's (appendix A) compliance with the Management Plan in Appendix B and changes compared with previous management plans.*
- 3) *Request that the report include information on water usage from bores, salinity and herbicides and fertilizers for other Council reserves.*

The Seaview Golf Club has provided information regarding Appendix A, as per the Management Plan. Appendix B information has previously been provided. In addition, as per item 3 of Councils' resolution, information is provided (in the attachments) regarding Councils' bore water use, salinity, herbicide and fertilizer use, on Council reserves.

This matter was again considered by the Committee at its September meeting, with a resolution that Council:

- 1) Receive and endorse the content of the Seaview Golf Club Management Plan for the period 1st January 2011 to 31st December 2014.
- 2) Authorise the CEO to sign the Management Plan on behalf of Council.

This resolution was not adopted at the September 2011 Council meeting.

The purpose of the Management Plan is to record and communicate the Seaview Golf Club's safety and environmental policies and procedures with respect to the golf course and the reserves on which it resides.

The 21 year lease commenced in 2005, and the commencement or first Management Plan was accepted by Council in that year. This latest version is the third plan, each plan applying to a 3 year period.

The second three year plan, from 2008 to 2011, was provided by the club, inspected by staff and approved by Administration, with no period of public comment.

STRATEGIC IMPLICATIONS

The Town of Cottesloe Future Plan 2006-2010 makes no comment in regards to the Seaview Golf Club.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

The Town of Cottesloe and the Seaview Golf Club are the signatories to a legally drawn up 21 year lease document, of which approximately 15 years still applies. Any changes required by Council of the club, within a Management Plan, must comply with the conditions of the lease.

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

The Management Plan has, amongst the Vision and Objectives of the Management Plan, an objective to maintain the reserve as a scenic and sustainable amenity for the local community.

1.2 VISION AND OBJECTS OF THE SEA VIEW GOLF CLUB

The vision of the SVGC is to continue to preserve the natural heritage of the reserves and golf course and to ensure the conservation and enhancement of the local environment whilst providing an affordable, high quality golfing experience to members and visitors for the benefit of current and future generations.

Consistent with the Club's constitution, the objects of the SVGC are as follows:

- *To conduct a golf club and to provide a golf course, a clubhouse and associated facilities for the use of members and visitors*
- *To promote, encourage and foster the playing of the game of golf and to provide all things incidental to the attainment of these objects*
- *To promote, encourage and foster junior golf*
- *To maintain the golf course as a focal point within the Town of Cottesloe*
- *To maintain the reserves as a scenic and sustainable amenity for the local community*

2.1.1 OBJECTIVES**SUSTAINABILITY**

The Sea View course is a links course with predominantly native vegetation and consequently it is water efficient when compared with most other Perth metropolitan courses. The SVGC will continue to follow a sustainable and waterwise approach with respect to ground water management.

AREAS UNDER IRRIGATION

Irrigation will continue to be limited to:

- *Teeing grounds and their surrounds*
- *Fairways and their surrounds*
- *Greens and their surrounds*
- *Those trees, bushes, shrubs and plants that require irrigation during dry months*

A maximum of 10 hectares of the 19 hectare site will be under irrigation at any point in time.

GROUND WATER USAGE

The objective of the SVGC is to use the minimum ground water necessary for the proper upkeep of a Grade A golf course whilst complying with Department of Environment licensing conditions.

The golf course is subject to inspection by the Western Australian Golf Association on a periodic basis.

Water usage is influenced on a daily basis by weather forecasts and weather conditions.

GROUND WATER SALINITY

Bore water salinity levels vary seasonally and in the longer term are influenced by broader considerations such as climate change and policies governing community use. SVGC's objective is to fully cooperate with the Department of Environment and the Town of Cottesloe in monitoring salinity levels to facilitate identification of longer term trends in salinity.

IRRIGATION TIMES

Watering will take place overnight when minimum evaporation of the applied water will occur. Daytime watering will take place on an exception basis under scenarios such as:

- *A malfunction in the control systems (e.g. power surge) where overnight watering did not occur*
- *An overnight power failure*
- *The reseeded of a green or nursery*
- *Newly laid turf*
- *Hand watering of vulnerable native vegetation*

ABSTRACTION VOLUMES AND RATES

The objective of the SVGC is to ensure that abstraction volumes and rates are sustainable at each individual bore.

ABSTRACTION SPREAD OVER MULTIPLE BORES

SVGC will cooperate with the Department of Environment and the Town of Cottesloe in reviewing other possible bore locations as part of its contingency planning. Additional bores at new locations will spread the abstraction over a larger section of the aquifer and will allow a reduction in abstraction rates and/or volumes at existing bores.

CONSULTATION

Substantial public consultation and community comment occurred during the period leading up to the creation of the 21 year lease and the first Management Plan. Recent investigation of the 21 year lease agreement has indicated that there is a requirement for a one month period of public comment prior to Council's

consideration of new 3 year Management Plans each time a new plan is required as per clause 13.2. This report covers the recent advertising period for public comment.

STAFF COMMENT

At the time of Committee reports being finalised, no comments or submissions had been received on the Seaview Golf Club Management Plan. Any comments or submissions received up to the Committee meeting date will be presented at that meeting.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Cr Boland tabled a draft amendment for discussion and expressed his surprise at the increase in the watered area from 10HA to 14HA. The Manager for Engineering Services advised that the increase can be explained by the fact that the initial 10HA figure was a rough estimate and that the Seaview Golf Club now has a much stronger reticulation system with higher pressure and no leaks, which allows the sprinkler to have a wider throw (approximately 30% greater). Councillor Strzina advised that he had spoken to the Seaview Golf Club green keeper who had commented that the reticulation system is now using less water, but covering a larger area.

Councillor Rowell questioned whether Cottesloe Coastcare and the Seaview Golf Club could meet to jointly work on the Seaview Management Plan.

OFFICER RECOMMENDATION

Moved Cr Strzina, seconded Cr Rowell

THAT Council:

1. Receive and endorse the content of the Seaview Golf Club Management Plan for the period December 2011 to 1st December 2014.
2. Authorise the CEO to sign the Management Plan on behalf of Council.

AMENDMENT

Moved Cr Boland, seconded Cr Pyvis

Replace the recommendation with:

“THAT Council:

- 1) Note the public comment received in relation to the Seaview Golf Club Draft Management Plan and incorporate revisions into the Management Plan for 1 July 2011 to 30 June 2014.
- 2) Refer back the Management Plan to Council in February 2012, for consideration and approval.
- 3) Establish a working party of the Manager Engineering Services, a Cottesloe Coastcare representative, a Seaview Golf Club representative and a Councillor, to develop a revised Management Plan.”

Carried 4/0

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council:

- 1) Note the public comment received in relation to the Seaview Golf Club Draft Management Plan and incorporate revisions into the Management Plan for 1 July 2011 to 30 June 2014.**
- 2) Refer back the Management Plan to Council in February 2012, for consideration and approval.**
- 3) Establish a working party of the Manager Engineering Services, a Cottesloe Coastcare representative, a Seaview Golf Club representative and a Councillor, to develop a revised Management Plan.**

AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 8/0

11.2.5 RELOCATION OF DEPOT OPERATIONS

File No: SUB/220
Attachments: [CEO Memo to Councillors Confidential Depot Update 9 September 2010](#)
[Copy of Previously Adopted Business Plan for the Sale of the Existing Cottesloe Depot](#)
[Proposed Plan of Site Mosman Park Depot](#)
[Plan of Site Mosman Park Depot](#)
[Compiled Draft Depot Master Plan](#)
[Confidential Attachment Existing Depot Site Disposal & Redevelopment Considerations](#)

Responsible Officer: Carl Askew
Chief Executive Officer

Author: Geoff Trigg
Manager Engineering Services

Proposed Meeting Date: 6 December 2011

Author Disclosure of Interest Nil

SUMMARY

Senior staff have been working with Town of Mosman Park and GHD Consultants for several months to investigate whether the Mosman Park depot could be jointly shared by both Council depot crews and, if so, at what cost. It has now been confirmed that, subject to endorsement by both Councils and agreement with development costs, both depot operations could be accommodated within the Mosman Park depot site.

This report presents details of progress to date and provides information on both the upgrade of the Mosman Park depot to provide for the relocation of the Cottesloe depot operations and to prepare the existing Cottesloe depot for sale.

The recommendations are that Council, subject to agreement by the Town of Mosman Park, endorse in principle the relocation of its depot operations to the Town of Mosman Park depot site on Mc Cabe Street, in accordance with the concept plans provided by consultants GHD.

BACKGROUND

In September 2010, Council received a report in relation to the relocation of its depot operations and resolved as follows:

THAT Council:

- 1. Accept and endorse requests from both the City of Nedlands and Town of Mosman Park for a contribution each to undertake feasibility and concept plans for the relocation of the Town's depot operations.*
- 2. Authorise the Chief Executive Officer to incur costs up to \$20,000 including a maximum contribution of two thirds of the cost of the*

Mosman Park study, for the purposes of the feasibility and concept plans as outlined in item 1.

3. *Pursuant to Section 6.8 of the Local Government Act 1995:*

- I. *Authorise the following expenditure – Feasibility and Concept Plans for the relocation of the Town’s depot operations at a cost of no more than \$20,000.*
- II. *Amend the 2010/2011 Adopted Budget (to accommodate the above authorised expenditure) as follows:*
 - a) *Increase the Other Property & Services Budget – Depot Building – Contractors and Consultants (Expenditure) by \$20,000.*
 - b) *Decrease the Town Planning and Regional Development Budget – Other Expenses – Contractors and Consultants – (Expenditure) by \$20,000.*

This report addresses part one of the Council’s resolution.

STRATEGIC IMPLICATIONS

In December 2010 Council set, as one of the Key Result Areas of the CEO to;

- 3.3 *Progress the preferred solution for Council’s depot services and redevelopment of the current site*

Council’s Future Plan 2006-2010 states:

Objective 4 – “To Manage Development Pressures.” Strategy 4.5 states “Consider undeveloped Government-Owned land for higher density development provided there is both public support and benefit for the Cottesloe Community”. This could also apply to Council-owned land.

Objective 5 – “Maintain Infrastructure and Council Buildings in a sustainable way”. Strategy 5.1 states “Adopt a policy position on assets that have a realisable value such as the Depot and Sumps”. Strategy 5.4 states “Maximise income from non-rates sources”.

POLICY IMPLICATIONS

The following Council policies apply to this item:

- Community Consultation
- Investment of Surplus Funds
- Investments
- Occupational Safety & Health
- Regional Cooperation
- Sale of Council Property
- Assets with a Realisable Value

STATUTORY ENVIRONMENT

A Development Application will ultimately be required by the Town of Mosman Park for any new or redeveloped structures at the McCabe St site and for any area of land reserved under the Metropolitan Region Scheme (MRS).

A Business Plan, as required by Section 3.59(3) of the Local Government Act has been previously advertised and adopted by Council.

Redevelopment of the Town's existing depot site is governed by current TPS2 and future LPS3 in terms of zoning, land use, development control and structure planning.

FINANCIAL IMPLICATIONS

For 2011/2012, Council budgeted \$25,000 for "Cottesloe Depot Redevelopment". Of this allocation, \$21,400 has been committed to fund the GHD consultant study on the capacity of the Mosman Park depot to 'house' both depot crews.

Another \$90,000 has been budgeted for the upgrading of the existing Cottesloe depot to improve conditions for depot based staff and remove safety hazards.

There are no funds included in the 2011/2012 budget to contribute to the expansion of the Mosman Park depot. There is also no allowance for the receipt of any income from the sale of the existing Cottesloe depot site.

SUSTAINABILITY IMPLICATIONS

The development of the existing depot site would require the removal of any contamination from the site. All new dwellings on site would need to meet modern sustainability standards, including deep sewer connection.

Light industrial / depot functions would also be removed from the surrounding residential area.

CONSULTATION

Consultation has taken place by the Town of Mosman Park with property owners adjacent to the Mosman Park depot. There has also been consultation with several other western suburbs Councils regarding alternative locations for a depot site.

Residents around the existing Cottesloe depot site have been previously informed of Councils intentions to vacate the depot site and that the site will be redeveloped after sale. As this project proceeds consultation and information will be provided to residents close to the Nailsworth Street site.

A Business Plan has been advertised, as required by the Local Government Act, in 2007. This Business Plan is still applicable to the current intention to sell the existing depot.

EXISTING DEPOT DISPOSAL & REDEVELOPMENT

This section of the report presents the planning and related considerations in realising the existing depot site for urban development. It outlines the planning framework, development options and disposal options.

Redevelopment of the Depot site is affected by a range of influences, including site characteristics, planning controls, community comment and cost considerations. Ultimately a Structure Plan is intended to address all such factors in determining the preferred outcome for the site, managing future development and guiding project implementation. In a report to Council on 26 October 2009 it was advised that:

Redevelopment of the existing depot site would occur under impending LPS3 which includes specific guidance in this respect. The site is identified as Development Zone 'B' which requires a structure plan to manage land use, subdivision and development. The zone objectives are focussed on comprehensive and detailed planning, compatibility and amenity, heritage where relevant, and community facilities/services and the public domain. The structure planning provisions cover: a range of dwelling types (including consideration of aged persons housing), sizes and densities; height of development control; the RDC and any design guidelines; access, circulation and parking; open space; and functioning, character and amenity.

Through the consultative statutory structure planning process Council, the community and prospective developers will experience a high degree of thoroughness and certainty in determining the residential composition and urban design of the precinct. Council could either take the lead and prepare a structure plan to market the site, or oversee a developer-prepared structure plan after disposal of the depot. Alternatively, Council could produce a preliminary structure plan (as for the railway lands development zone) as a foundation for the formal structure planning process in future. This would engage the community at an early stage, work through aspects and firm-up on the preferred direction and ingredients of formal structure planning and eventual redevelopment.

Planning Framework

Current TPS2 will continue for at least several months until replaced by proposed LPS3, so disposal during that time would have regard to both Schemes.

Town Planning Scheme No. 2

Under TPS2 the planning controls are straightforward – the zoning is Residential with a density code of R20 (ie lot size minimum 440sqm, average 500sqm) and the Residential Design Codes comprise the main development parameters. This is consistent with the surrounds. The zone objective states:

The purpose and intent of the Residential Zone is to promote a residential environment in any particular locality compatible with the maximum residential density permissible in that locality and with the desire of the inhabitants for Cottesloe to retain its quiet residential character. Development will be guided and controlled by the Development Guide Map, the Residential Planning Codes and the variations thereto as well as the amenity provisions contained in Part V - General Provisions of the Scheme.

Development height, for any use, is specifically limited to two-storey, plus a basement; with Council discretion for dwellings of a third storey in the roof space (subject to looking like a two-storey dwelling and acceptable amenity); and maxima of 6m wall height and 8.5m roof height.

Changing the zoning, density or development parameters would require a Scheme Amendment, but that would most likely not be supported given LPS3 is imminent.

Local Planning Scheme No. 3

Under LPS3 the planning controls are more complex – the zoning is Development Zone ‘B’ and the residential density coding is dependent upon structure planning for detailed provisions. The zone objectives state:

- a. *provide for detailed planning to guide the use and development of land or buildings that are of a size, location, nature, character or significance warranting a comprehensive, coordinated and integrated approach to planning and design;*
- b. *ensure that land use and development within the zone is compatible with the amenity of the surrounding locality;*
- c. *ensure that any development does not unduly adversely affect the amenity of the adjoining and surrounding properties or locality, including by reason of height, built form, overshadowing, traffic, parking or other relevant aspects;*
- d. *support the heritage provisions of the Scheme applicable to any land or buildings in the zone; and*
- e. *allow for land use and development to contribute to the provision or enhancement of community facilities and services and to the public domain.*

Height, density and other development parameters are guided by Schedule 14 below and clause 6.2 (structure plan process) – height provisions have only limited discretion and density to be determined. Note that this is the version adopted by Council, which the Minister has proposed to modify but Council has sought be retained.

<p>'B' - Lot 34, rear 253 Marmion Street (Council depot site)</p>	<ul style="list-style-type: none"> • Comprehensive planning for the area shall be undertaken through the preparation and approval of a Structure Plan, in accordance with Clause 6.2, to guide subdivision and development. • Land uses shown on the Structure Plan shall apply in accordance with Clause 6.2.8. • The Structure Plan will provide for residential development comprising a range of dwelling types, sizes and densities to take full advantage of the opportunity for more intense urban infill on this unique site. • The Structure Plan will provide for a maximum height of 8.5 metres, subject to the natural ground level being a maximum ground level of 22 metres AHD. • The Structure Plan will provide for development in accordance
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	<p>with the Residential Design Codes and any Design Guidelines.</p> <ul style="list-style-type: none"> • The Structure Plan will provide for car parking in accordance with clause 5.8. • The Structure Plan will include consideration of — <ul style="list-style-type: none"> (a) the potential for aged persons housing and local open space; and (b) all modes of access, circulation and parking having regard to the functioning, character and amenity of the site and surrounding locality.
--	--

Notes:

- *When the Scheme was initially lodged inclusion of the above height restriction was not supported by the State Government as it is the intention that the structure planning process required for this site will produce an innovative development concept for the site which specifies land uses and development standards based on comprehensive evaluation of the characteristics of the site and the impact of any development on the amenity of the surrounding areas.*
- *The Scheme was advertised with that qualification and the subsequent major modification required by the Minister to be further advertised proposed deletion of the 4th, 5th and 6th dot-points covering height, the RDC/design guidelines and parking controls.*
- *Council has since responded seeking reconsideration to retain Council's provisions as part of its preferred Scheme.*
- *Hence the height regime remains to be determined in finalising the Scheme. Whereas Council has supported filling to the top of the quarry and applying the normal height standard, the WAPC and Minister have sought flexibility in height provisions.*
- *The structure planning process while complicated supports redevelopment by ensuring a public consultation process for comprehensive planning, and the WAPC interest in that process helps to promote development potential and diversity.*

Development Options & Design Factors

Pursuant to Council's 26 October 2009 resolution the Town produced a preliminary Structure Plan for the site aided by a town planning consultant, as a foundation for the formal structure planning process in the future, and to establish Council-supported concepts for the site's development.

A Council Briefing Session in May 2011 presented two development options. These indicated how the site could be subdivided and developed for residential purposes, including housing types, access/road layout, lot size/pattern, open space/landscaping and the three-dimensional outcome for the site. Overall this demonstrated the potential lot yield, built form and residential environment that could result. It also addressed development and design considerations.

Contamination

The Depot is identified as a contaminated site, whereby development would be positive in requiring clean-up and any remaining traces of contamination would be removed off site. It is a responsible approach for Council to ensure that the site is not causing pollution.

Disposal Options

A key consideration is the course of action Council chooses to dispose of the existing depot. This entails a combination of time, actions, resources, costs and returns to be weighed-up, including consultation and marketing. Options are scoped in a confidential attachment.

Implementation Program

Given the complexity and variables involved an Implementation Outline has been drafted to map-out the actions and considerations identified so far (refer confidential attachment). The sequence of steps, detail of procedures and accurate costs can be confirmed in carrying-out an agreed implementation strategy along these lines.

It is important to appreciate that current TPS2 and proposed LPS3 are quite different in providing for redevelopment of the existing depot site, in terms of zoning, density control and development requirements. While the content of LPS3 remains to be finalised, this may also support a degree of flexibility for redevelopment ideas and measures in the meantime.

Consultation

A key consideration is the nature and extent of community consultation favoured by Council to be satisfied that affected residents are informed and may contribute to the plans ultimately adopted for the site. Liaison with relevant State Government agencies is also involved.

STAFF COMMENT

Potential Alternative Depot Site

Senior staff had originally re-engaged with Subiaco and Nedlands Councils regarding their intention to create a large scale depot complex in that area. Due to the obvious relationship changes between these two Councils, no recent activity has occurred with that proposal.

In regards to the proposal to investigate the sharing of the Mosman Park depot site, substantial progress has been made. GHD Consultants were approved to undertake a study of the Mosman Park depot site to determine if both depot operations could be housed there, what changes would be required and an estimate of cost for those changes. A number of meetings between senior staff from both Councils have taken place, including three with the consultants. After investigation and analysis of both Councils depot needs and the capacity for expansion of the Mosman Park depot site a draft plan was produced by the consultants.

Further discussions between all parties has allowed this plan to evolve into a plan acceptable to senior officers from both Councils. A cost estimate was also provided and, upon request, expanded by presentation of a Quantity Surveyors costing. The consultant's report confirms that there is capacity in the Mosman Park depot for Cottesloe's depot requirements to move to the site. It proposes a new depot administration building comprising offices, showers, toilets, change rooms and lunch / training room capacity. New vehicle sheds are also proposed, along with expansion or relocation of other facilities.

The original consultant estimate for all works involved is in excess of \$2m, however the Quantity Surveyors break down of this figure has now been analysed by officers, with substantial cost reductions proposed, and, subject to agreement by the Town of Mosman Park, a figure below \$2m is anticipated and will be subject to confirmation via expressions of interest and/or tender processes.

In order to progress the project, a draft Management / Lease Agreement is recommended to be developed, with a formal legal agreement to be entered into by both Councils. This is also currently being developed by officers from both Councils.

That agreement would cover matters such as:

- Time period covered by the agreement.
- Terms covering capital expenditure levels for both Councils to establish the expanded facilities.
- The town of Cottesloe's long term payment obligations regarding a lease fee.
- Satisfactory dispute, arbitration and exit clauses.
- Maintenance costs being shared (or otherwise) by both Councils.

Financial Aspects

The financial aspects of this dual project are complex and will include capital funding of the Cottesloe portion of the Mosman Park depot upgrade, to allow the relocation of existing depot activities, before the current depot is sold and resources then become available.

Council has some funds available to allow initial planning and design to be completed at Mosman Park, including the \$90,000 budgeted for the existing depot improvement. This would allow plans and specifications to be created to call tenders for individual projects including administration building, vehicle and machinery sheds and material storage. However, in order to advance the project in a timely manner the majority of Councils contribution to the Mosman Park depot upgrade would have to be funded by a short term loan.

Initial enquiries have indicated that Treasury may approve a short term or interim loan for Cottesloe's share of the depot upgrade with that loan to be paid back as soon as the existing depot site is sold. It is also possible that an initial early payment of a portion of the full depot sale price could be a condition of sale. A further alternative is an early sale of the Cottesloe depot with an up front payment of part or all of the sale price, but with an agreement for depot staff and machinery to remain at the site until the Mosman Park site is ready for occupation. The current site could then be cleared and restored as the last step before relocation.

VOTING

Absolute Majority

COMMITTEE DISCUSSION

Councillors were pleased that an agreement has been reached with Mosman Park over the relocation of depot operations.

There was discussion over the potential costings for the exercise and the Manager Engineering Services advised that GHD were originally contracted to provide a cost for option 1 (p16 of the GHD report), which was broken down into individual components. The Manager for Engineering Services further advised that the costs were compared to two other sets of costs and were subsequently modified down.

Cr Boland questioned where the contaminated waste detailed on p23 of the GHD report would be buried. The Manager Engineering Services confirmed that the contaminated waste would be removed by an approved company that is licensed to dispose of the waste and that there is no plan to bury the waste on site.

Cr Rowell questioned whether any arrangements need to be made in the event of Local Government Boundary Changes. The CEO advised that in his opinion any changes to the boundaries will not have a negative effect on the proposed relocation of depot operations, and that it is likely that Cottesloe and Mosman Park would be considered together with regard to potential future boundary changes.

OFFICER RECOMMENDATION

Moved Cr Strzina, seconded Cr Rowell

THAT Council:

1. Subject to agreement by the Town of Mosman Park, endorse in principle the relocation of its depot operations to the Town of Mosman Park depot site on Mc Cabe Street, in accordance with the concept plans provided by consultants GHD as attached to this agenda and subject to:
 - a) Officers reviewing the Quantity Surveyor's cost estimates for the concept plan in order to determine final practical cost estimates in preparation for expressions of interest (EOI) and / or tendering of individual aspects of the total project.
 - b) Officers working with the Town of Mosman Park to prepare a draft Management / Lease Agreement between the two Councils inclusive of, but not limited to, the following matters:
 - i) Time period to be covered by agreement
 - ii) Terms covering capital expenditure levels for both Councils to establish the expanded and upgraded facilities
 - iii) The Town of Cottesloe's long term payment obligations regarding any lease fee
 - iv) Satisfactory dispute, arbitration and exit clauses

- v) The method of proportioning annual maintenance and operating costs between both Councils

for presentation to, and endorsement by, each respective Council.

2. Endorse officers proceeding with the preparation for sale of the existing Cottesloe depot site, with this aspect to be brought back to Council for final approval in February 2012.
3. Investigate and secure interim / short term loan funds against the anticipated sale of the existing depot site in order to finance Council's share of the initial capital works required at the Mosman Park depot site.
4. Authorise the CEO to liaise and negotiate with the Town of Mosman Park in order to finalise this project during 2012.

AMENDMENT

Moved Cr Rowell, seconded Cr Strzina

That in point (2) of the recommendation the words "preparation for" be replaced with "gathering of relevant information and options regarding the" and the words "final approval" be replaced with "further consideration".

Carried 4/0

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council:

1. **Subject to agreement by the Town of Mosman Park, endorse in principle the relocation of its depot operations to the Town of Mosman Park depot site on Mc Cabe Street, in accordance with the concept plans provided by consultants GHD as attached to this agenda and subject to:**
 - a) **Officers reviewing the Quantity Surveyor's cost estimates for the concept plan in order to determine final practical cost estimates in preparation for expressions of interest (EOI) and / or tendering of individual aspects of the total project.**
 - b) **Officers working with the Town of Mosman Park to prepare a draft Management / Lease Agreement between the two Councils inclusive of, but not limited to, the following matters:**
 - i) **Time period to be covered by agreement**
 - ii) **Terms covering capital expenditure levels for both Councils to establish the expanded and upgraded facilities**
 - iii) **The Town of Cottesloe's long term payment obligations regarding any lease fee**
 - iv) **Satisfactory dispute, arbitration and exit clauses**

- v) The method of proportioning annual maintenance and operating costs between both Councils

for presentation to, and endorsement by, each respective Council.

2. Endorse officers proceeding with the gathering of relevant information and options regarding the sale of the existing Cottesloe depot site, with this aspect to be brought back to Council for further consideration in February 2012.
3. Investigate and secure interim / short term loan funds against the anticipated sale of the existing depot site in order to finance Council's share of the initial capital works required at the Mosman Park depot site.
4. Authorise the CEO to liaise and negotiate with the Town of Mosman Park in order to finalise this project during 2012.

AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 8/0

11.2.6 NOTICE OF MOTION – STATION STREET CRIME PREVENTION

The Notice of Motion below was received from Cr Boland in accordance with Standing Order 10 and included in the Works & Corporate Services Committee Minutes. The explanation provided was as follows:

Cr Boland tabled a motion regarding prevention of crimes at the Station Street shops.

Councillor comment:

Cr Boland stated that there had been a number of ram-raid crimes on Vidlers, Laced Up and other Station Street shops and that Council needed to consider improvements to street security. Cr Boland further advised that the matter had been discussed in Parliament.

Cr Rowell suggested that investigations take place into options to prevent ram-raid crimes.

Officer comment:

The Manager for Engineering Services agreed that the matter needed to be addressed, however he highlighted that many seniors and disabled individuals navigate the foot paths and as such, installing bollards in front of shops may not be an option as it may cause obstruction.

NOTICE OF MOTION

Moved Cr Rowell, seconded Cr Boland

THAT Council:

- 1) Investigate crime prevention strategies for Station Street premises, including street treatments and street architecture to prevent motor vehicle ram-raids.**
- 2) Investigate funding sources for preventative and remedial action, including crime prevention funding and Local Government Insurance Scheme (LGIS) safety initiative funding.**

Carried 8/0

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

Nil

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

14 MEETING CLOSURE

The Mayor announced the closure of the meeting at 7:59 PM

CONFIRMED MINUTES OF 12 DECEMBER 2011. PAGES 1 – 89 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

DATE: / /