

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING MINUTES

HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
7.00 PM, Tuesday 12 December 2017

MAT HUMFREY
Chief Executive Officer

20 December 2017

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Agenda and minutes are available on the Town's website www.cottesloe.wa.gov.au

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the Meeting open at 6.59 PM

2 DISCLAIMER

The Presiding Member drew attention to the Town's Disclaimer and announced that the Meeting is being recorded.

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

4 PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****QUESTIONS TAKEN ON NOTICE 21 NOVEMBER 2017 AGENDA FORUM**

Julie Hayes, 38 Congdon Street, Cottesloe, Re – Item 10.1.1 Short-Term Accommodation – Draft Local Law

Q1: Are we right in thinking this local law covers only a very small proportion of short-stay accommodation owners – those who rent rooms in their homes?

A1: Yes.

Q2: Does this document deliberately exclude those who rent entire residences?

A2: Yes.

Q3: Does this document exclude ALL providers of accommodation who are located outside the narrow 'foreshore zone' bounded by Napier and Forrest Streets?

A3: No.

Q4: Will Council change the Local Planning Scheme to permit short stay accommodation outside of this authorised foreshore zone before bringing in a local law?

A4: Council may do so after further consideration of a strategy on the matter.

Q5: Does Council know that according to a map compiled from AirBnB listings available properties are distributed throughout Cottesloe, with a noticeable cluster in the South of Cottesloe. Way outside of the authorised zone.

A5: Yes.

Q6: Does the Council realise that if the restricted zone continues to apply, and the local law covers only rented rooms in residences, this local law will probably only cover between 1-5 owners in the whole of Cottesloe?

A6: It would capture many occupied dwellings letting short-term accommodation.

Q7: Is it intended that this local law forbids letting to families with children under 16 years?

A7: No.

Q8: The document mentions bookings via internet booking agencies; will the local law not apply to letting via country newspapers, travel agencies, Facebook Groups And Friends Of The Owners?

A8: yes and that would be clarified.

Allison Manners, 9/136 Railway Street, Cottesloe, Re – Item 10.1.1 Short-Term Accommodation – Draft Local Law

Q1: How will a local law designed to regulate short-term accommodation provide certainty to short-term operators if it is only applicable to a minority of dwellings located in one tiny geographical area being the LPS3 foreshore zone?

A1: it is designed to apply throughout the district as applicable.

Q2: Cr Pyvis' questions tabled 26 September confirmed that no approvals had been given to short-term accommodation dwellings in the LPS3 foreshore zone. If the LPS3 prevails over this local law, then how many short-term accommodation dwellings will this draft local law actually be applicable to?

A2: The number of those dwellings in that zone would have to be researched.

Q3: Is Council aware that as of this month AirBnB data identifies a total of 143 AirBnB listed dwellings in the Town of Cottesloe of which 48% are entire apartments and houses for rental? Is Council aware that the remaining 16% are shared dwellings and of that 16% less than 1% are found inside the foreshore zone? Does this mean that this Law is applicable to less than 1% of AirBnB dwellings in the Town?

A3: No (refer above).

Q4: In regard to definitions and terminology used in the draft, could the Administration please define the term 'permanent resident'? Can a permanent resident be a long-term tenant and if so, does this Local Law suggest that long-term tenants are able to apply for registration to sublet a shared dwelling with owner consent?

A4: Yes.

Q5: In order to ensure full representation of the community will the Administration seriously consider enabling Councillors and the Mayor to participate in the decision making process for this important topic, despite any impartiality interests declared?

A5: That is a matter for Councillors to decide.

Rosalin Jacobson (Sadler), 2/134 Marine Parade, Cottesloe, Re – Item 10.1.1 Short-Term Accommodation – Draft Local Law

Q1: Why is the Administration bringing a *short-term* accommodation Local Law to Council before bringing the *short-stay* accommodation policy to Council?

A1: Council resolved in May 2017 for such a law to be drafted.

Q2: Why hasn't the Administration complied with the 23 February 2016 Council Resolution to bring a *short-stay* accommodation policy to Council by September 2016?

A2: See A1

Q3: How can a Local Law be considered by the community before it has been consulted about the short-stay policy direction the community would like to see going forward in Cottesloe?

A3: It could be considered as a first step against the background of community awareness and Council deliberations on the matter.

QUESTIONS TAKEN ON NOTICE 28 NOVEMBER 2017 ORDINARY COUNCIL MEETING

Philippa Wiggins, John Street, Cottesloe – Re: Item 10.1.9 - 2017/18 Budget Amendment – Foreshore Renewal

Q1: Is it correct that Council want to spend over a quarter of a million dollars of ratepayer's money for a summer trial, removing car bays from Car Park 1, to take place over four weeks?

A1: Yes – the cost of the proposed trial exceeded \$250,000.

Paul Macfarlane, 177 Broome Street, Cottesloe – Re: Item 10.1.1 Short-Term Accommodation – Draft Local Law

Q1: Is there going to be equity and fairness when dealing with operators of short term rental properties, and normal residents?

A1: The aim would be to introduce a uniform approach to dealing with short-term properties having regard to residential areas.

Jack Walsh, 35 Grant Street, Cottesloe – Re: Item 10.1.9 - 2017/18 Budget Amendment – Foreshore Renewal

Q1: Of the approximately 50 submissions received from the community on the Foreshore Renewal Project, how many of these submissions were pro formas?

A1: There were 6 submissions that were very close in appearance and a further 25 that started in a similar way, but then went on to provide their own detail.

Lynda Kenny, 118 Marine Parade, Cottesloe – Re: Item 10.1.9 - 2017/18 Budget Amendment – Foreshore Renewal

Q1: Queried if existing business owners on Marine Parade are being factored into the decision-making process re allowing pop-up vendors to conduct business within the proposed Car Park 1 Activation. Also raised a query as the Town's focus does not seem to be on shark mitigation and the availability of toilet facilities.

A1: The Town's consultants have met with businesses along Marine Parade to discuss the activation of Car Park One and the feedback has been factored in to the proposal. The Town is investigating shark mitigation solutions. Public toilets are available at Indiana.

Claire Orb, 49 Brighton Street, Cottesloe – Various

Q1: Will Mayor Angers, who has used the Clubs emailed newsletter for the past two Council elections where he allowed himself to be endorsed by the Club, as well as allowing the a significant blurb about his personal campaign and endorsement of other candidates to be published, take it upon himself to make a public declaration that he will not breach the Club's policy again in any further elections or permit any other future candidates from doing so at both the North Cottesloe and Cottesloe Surf Life Saving Clubs?

A1: The printing of the newsletter and policies of the North Cottesloe Surf Life Saving Club are matters for the club to decide.

Barb Dobson, 20 Florence Street, Cottesloe, Re - Item 10.1.9 - 2017/18 Budget Amendment – Foreshore Renewal

Q1: Why are we frittering away ratepayer's money to the tune of \$265,000 on a fun fair?

A1: Council had previously resolved to develop such a trial for consideration.

Q2: Where are people going to park if we're having Sculpture by the Sea as well as a fun fair? Is there a parking plan that I am not aware of?

A2: The activation was not a fair, it provided a space for people to use. Management of the trial would have included close consultation with other events to ensure there was no significant overlap.

Ken MacIntyre, 20 Florence Street, Cottesloe, Re - Item 10.1.9 - 2017/18 Budget Amendment – Foreshore Renewal

Q1: Does Cottesloe have an identity crisis? Why does Cottesloe need a 'place making strategy' to the tune of \$264,000 when it is already an international icon?

A1: Place making is a phrase used to describe a strategy to develop a particular place – in this instance a carpark becoming a recreational space.

QUESTIONS PROVIDED BY CR BOULTER - EMAILED 30 NOVEMBER 2017

Q1: Can Crs be provided with a copy of the analysis report referred to by the CEO in the following statement in a recent email to Crs, "This was factored into the analysis undertaken when the Nailsworth site was sold."?

Q2. Is it correct that Anthony Shane Young owns the land on which the Stack Street depot in Fremantle is sited and is the Lessor? If not, who owns the land and who is the Lessor?

Q3: To whom is the rent paid for the Stack St depot, that is as appears in the monthly accounts?

Q4: How much has the TOC spent in dollar terms to date on establishing and maintaining the mini-depot at the SVGC including access arrangements?

Q5: How much has the TOC spent in dollar terms to date on establishing and maintaining the Stack St Depot including access arrangements?

Q6: What services exactly does the TOC share with/provide to SVGC at the TOC mini-depot?

Q7: Can a copy of all the Sea View Golf Club (SVGC) A Class Reserve documents and all associated maps established under the Land Administration Act be circulated to Crs?

Q8: Was WAPC approval obtained for the development of the SVGC mini-depot? If so, can Crs be provided with a copy of the WAPC approval? If no approval was sought and/or granted, why not?

Q9: How much is the TOC paying SVGC for the lease of their leased land for the TOC mini- depot?

Q10: What written agreement does the TOC have with the SVGC in relation to the siting of the mini-depot on the SVGC leased land?

Q11: Can Crs have a copy of the agreement with the SVGC for the use of their leased land on which the TOC mini depot is sited?

Q12: Has there been any study done of the costs of the wear and tear on TOC vehicles and amount of hours work lost to travelling time for the TOC staff being based at Stack St and/or the Mosman Park base, rather than if they were based in Cottesloe?

Q13: Have any confidential surveys have been undertaken of the TOC administration staff based at the Stack St depot about their views about being based there and where the depot should be? If not, could this be undertaken?

Q14: What are the actual reasons for the 5 years' hold up in establishing a new works depot for the Town of Cottesloe?

Q15: What are the dates of all the officer reports that have been to Council that have concerned the Stack St depot leading up to and since it was established (so they can be looked up by interested Crs)?

Q16: What discussions have the TOC administration had or plan to have with the Town of Mosman Park Mayor Pollock and/or the TOMP administration about depot sharing proposals with Cottesloe and Peppermint Grove reported in a recent edition of the Western Suburbs Weekly? If none, will the CEO or Mayor Angers make contact with Mayor Pollock to discuss this idea?

Q17: Has the TOC administration asked the Harvey Field precinct planners about the cost of extending the ambit of their contract to look at the depot issue, as requested at a recent Councillor Briefing Forum to the CEO and if so, what the cost would be? If not, when will the TOC administration be in a position to put this question to AECOM and advise Crs accordingly?

A1-17: These questions were taken on notice.

4.2 PUBLIC QUESTIONS

Mary Prout, 58 Eric Street, Cottesloe, Re – Various

Q1: Why hasn't Council followed its own Community Consultation Policy and written to all property owners adjoining Right of Way 21 and asked for their opinions on the proposed sealing of Right of Way 21?

Q2: Why hasn't Council consulted the community in the updated Rights of Way/Laneways Policy that is proposed to be adopted at tonight's meeting?

Q3: Why can't our rates, which contribute to the cost of the hundreds and thousands of tourists who visit Cottesloe every summer, be used to pay for the very best long-term environmental outcomes in any future sealing of the laneways in Cottesloe?

Q4: Can Council assure residents that the existing vegetation, mainly non-native species, in Right of Way 21 will be retained and improved in any sealing of this right of way?

Q5: Can Council guarantee property owners that the best-practice environmental design will be incorporated in any future sealing of Right of Way 21?

Q6: Can Council clearly define for residents and ratepayers what a differential rating payment system means, in relation to the sealing of Right of Way 21? Can Council estimate the cost to each property owner of the proposed sealing of Right of Way 21

Q7: Can Council use green landscaping and trees to create a low vehicle speed environment in any sealing of Right of Way 21?

Q8: Why has Mayor Angers listed his unapproved AirBnB short-stay accommodation on the AirBnB website?

Q9: When will Mayor Angers remove our address of 58 Eric Street, Cottesloe from his unapproved AirBnB short-stay accommodation listing on the AirBnB website?

Q10: Do local governments best practice standards for Elected Members require Mayor Angers to choose between being Cottesloe Mayor and AirBnB short-stay accommodation?

A1 – 10: These questions were taken on notice.

Peter Rattigan, 9 Grant Street, Cottesloe, Re – Item 11.1 Cr Boulter – Notice of Motion Re Harvey Field Precinct Plan and the Town of Cottesloe Works Depots

Q1: What was the initial term of the lease for the Stack Street Depot?

Q2: What was the yearly rental, including GST, for the Stack Street Depot?

Q3: What were the yearly outgoings paid by the Council during that initial term?

Q4: Have there been any extensions of the term, and if so, for what periods and what dates? What were the rental costs, and outgoings for those extensions?

Q5: What are the total amounts paid to the landlord for the use of the Depot, from the time that the Council took possession for renovations and/or fit out, for maintenance, for rental and GST?

Q6: What is the present tenure arrangement in relation to the Depot, that is, what term, what rent and what outgoings apply?

Q7: What vehicles are presently housed at the Depot? What number of staff commence their working day at the Depot? What number of staff complete their working day at the Depot?

Q8: Has there been any assessment of the travel time for staff from the Depot to the work sites in Cottesloe, and if so, when was the assessment done, and what was the result of the assessment?

A1-8: These questions were taken on notice.

5 PUBLIC STATEMENT TIME

Glen Willert, 17 Florence Street, Cottesloe, Re – Item 10.1.4 Adoption of Updated Rights of Way / Laneways Policy

Spoke in support of removing the current exemption placed on Right of Way 21 and encouraged Councillors endorse the sealing of this laneway.

Mary Prout, 58 Eric Street, Cottesloe, Re – Item 10.1.4 Adoption of Updated Rights of Way / Laneways Policy

Spoke in objection to the Officer's Recommendation relating to the sealing of Right of Way 21, and expressed concerns regarding the loss of current vegetation and wildlife habitats, as well as an increase in differential rates for effected residents.

Jonathon Bull, 35 Florence Street, Cottesloe, Re – Item 10.1.4 Adoption of Updated Rights of Way / Laneways Policy

Spoke in support of the Officer's Recommendation relating to the sealing of Right of Way 21, and commented on the existing drainage issues that will be resolved as a result of this, as well as ease of access to property owners amongst others.

Jack Walsh, 35 Grant Street, Cottesloe, Re – Item 10.1.6 Council Meeting Dates

Commented that Council ought to consider returning to the Committee system of meeting as was once in place. Expressed concern that the current Agenda system creates a manner of secrecy amongst Council, giving members of the public no indication as to how Council will vote on upcoming items.

Bruce Dewar, 36 Hawkstone Street, Cottesloe Re – Item 10.1.8 No. 34A (SL: 2 SP: 11260) Hawkstone Street – Alterations and Front Two-Storey Extension with Bridge Walkway

Spoke in objection to the Officer's Recommendation relating to Item 10.1.8, and commented on various matter for concern such as encroachment, noise, and light issues that may arise if this application is approved.

Lynndy Young, 34 Hawkstone Street, Cottesloe Re – Item 10.1.8 No. 34A (SL: 2 SP: 11260) Hawkstone Street – Alterations and Front Two-Storey Extension with Bridge Walkway

Spoke to various concerns regarding the development application under Item 10.1.8, such a roof height, breaches of the residential design codes and space constraints. Urged Councillors not to approve the application as it stands.

Peter Flynn, 34A Hawkstone Street, Cottesloe Re – Item 10.1.8 No. 34A (SL: 2 SP: 11260) Hawkstone Street – Alterations and Front Two-Storey Extension with Bridge Walkway

Spoke in support of the Officer's Recommendation relating to Item 10.1.8 and commented that the initial consultation carried out with neighbours for this development application was well received.

Pamela Malcolm, 34A Hawkstone Street, Cottesloe, Re – Item 10.1.8 No. 34A (SL: 2 SP: 11260) Hawkstone Street – Alterations and Front Two-Storey Extension with Bridge Walkway

Spoke in support of the Officer's Recommendation relating to Item 10.1.8 and urged Council to support the development application for this survey strata, which have been altered many times to maximise privacy for both owners and address other perceived issues.

Peter Rattigan, 9 Grant Street, Cottesloe, Re - Item 11.1 Cr Boulter – Notice of Motion Re Harvey Field Precinct Plan and the Town of Cottesloe Works Depots

Commented on the to-date expenditure by the Town on the rental fees for the Stack Street Depot, which was intended to be short-term arrangement whilst the shared Depot site was to be developed.

Katrina Downes, 76 Broome Street, Cottesloe, Re - Item 11.1 Cr Boulter – Notice of Motion Re Harvey Field Precinct Plan and the Town of Cottesloe Works Depots

Spoke in objection to Cr Boulter's Notice of Motion relating to the permanent placement of the Depot at the Seaview Golf Club. Raised matters of proximity to residents and the kindergarten. Urged Councillors not to support this Motion.

Victoria Cole, 63/1 Freeman Loop, North Fremantle, Re – Item 10.1.8 No. 34A (SL: 2 SP: 11260) Hawkstone Street – Alterations and Front Two-Storey Extension with Bridge Walkway

Spoke in support of the Officer's Recommendation relating to Item 10.1.8 and commented that the application itself satisfies the deemed-to-comply requirements. Urged Council to endorse the Officer's Recommendation.

Jack Walsh, 35 Grant Street, Cottesloe, Re - Item 10.1.8 No. 34A (SL: 2 SP: 11260) Hawkstone Street – Alterations and Front Two-Storey Extension with Bridge Walkway

Spoke to various concerns regarding the development application under Item 10.1.8, including roofing materials, setbacks and drainage.

6 ATTENDANCE

Present

Mayor Philip Angers
Cr Sandra Boulter
Cr Melissa Harkins
Cr Sally Pyvis
Cr Mark Rodda
Cr Helen Sadler
Cr Rob Thomas
Cr Michael Tucak
Cr Lorraine Young

Officers Present

Mr Mat Humfrey	Chief Executive Officer
Mr Garry Bird	Manager Corporate & Community Services
Mr Nick Woodhouse	Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Ms Samantha Hornby	Governance Coordinator

6.1 APOLOGIES

Nil.

Officer Apologies

Nil.

6.2 APPROVED LEAVE OF ABSENCE

Nil.

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

7 DECLARATION OF INTERESTS

Cr Sadler declared an impartiality interest in Items 10.1.3 Street Tree Removal Request – 4 Torrens Street, Cottesloe and 10.1.4 Adoption of Updated Rights of Way / Laneways Policy

Mayor Angers and Crs Tucak and Rodda declared an impartiality interest in Item 10.1.8 No. 34a (SL: 2 SP: 11260) Hawkstone Street – Alterations and Front Two-Storey Extension with Bridge Walkway

Cr Rodda declared a financial interest in Item 10.1.7 Lot 2 (No. 99) Napier Street – Proposed Two Lot Subdivision, and left the room prior to the voting on this Item.

Mr Mat Humfrey declared an impartiality interest in Item 11.3 The CEO Performance Review.

Mr Nick Woodhouse, Mr Garry Bird and Mr Andrew Jackson declared an impartiality interest in Item 11.2 Designated Senior Employees.

8 CONFIRMATION OF MINUTES

Moved Cr Rodda, seconded Cr Harkins

The Minutes of the Ordinary Council Meeting held Tuesday 28 November 2017 be confirmed.

AMENDMENT

Moved Cr Sadler, seconded Cr Boulter

That the following amendments be made to the Minutes of the 28 November 2017 Ordinary Council Meeting:

1. Under the Amendment moved to the Alternative Motion for Item 10.1.1 (page 16), replace ‘Cr Tucak’ with ‘Cr Thomas’ to correct the voting outcome in favour of this motion.

2. Under the Procedural Motion moved to Item 10.1.9 (page 47) replace one of the duplicate entries of ‘Cr Young’ with ‘Cr Sadler’ to correct the voting outcome against this motion.

CARRIED 9/0

AMENDMENT

Moved Cr Boulter, seconded Cr Pyvis

That the Officer Recommendation to confirm the draft minutes of 28 November 2017 Ordinary Council Meeting be amended as follows:

“That Council confirms the Minutes subject to the inclusion of Mr Walsh’s statement, as emailed, in full”

LOST 2/7

For: Crs Boulter and Pyvis

Against: Mayor Angers, Cr Sadler, Thomas, Young, Harkins, Rodda and Tucak

AMENDMENT**Moved Cr Boulter, seconded Cr Pyvis****That the Officer Recommendation to confirm the draft minutes of 28 November 2017 Ordinary Council Meeting be endorsed, subject to the following amendment:****That the following points be added:****2. Establishes as a matter of meeting procedure policy that:**

- a. the information provided by way of a public statement at an Agenda Forum or Council meeting is reproduced in full in the minutes of the relevant Council meeting, subject to:
 - a). a copy of the statement being provided to the Chief Executive Officer by the maker of the statement before the agenda containing the draft minutes is finalised for the next Council meeting that considers the draft minutes; and
 - b). that the public statement that does not breach the Local Government Act or Regulations or Standing Orders;

LOST 2/7

For: Crs Boulter and Pyvis

Against: Mayor Angers, Cr Sadler, Thomas, Young, Harkins, Rodda and Tucak

- b. if questions are submitted to the Chief Executive Officer and/or Mayor at least four working days before a Council meeting, and those questions (that are relevant to any decision to be made by Council at the meeting to which they are submitted), then the chair will use his/her reasonable endeavours to respond to those questions at the upcoming meeting; and

CARRIED 9/0

- c. any Councillor Notice of Motion that is submitted to the CEO before the Agenda Forum/ Agenda Setting Committee agenda is finalised, should be included in the Agenda Forum/ Agenda Setting Committee agenda.

CARRIED 8/1**For: Mayor Angers, Crs Boulter, Pyvis, Thomas, Tucak, Young, Sadler and Harkins****Against: Cr Rodda****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION****Moved Cr Rodda, seconded Cr Harkins****That Council:**

1. Confirm the Minutes of the Ordinary Council Meeting held Tuesday 28 November 2017.
2. Establishes as a matter of meeting procedure policy that:

- a. if questions are submitted to the Chief Executive Officer and/or Mayor at least four working days before a Council meeting, and those questions (that are relevant to any decision to be made by Council at the meeting to which they are submitted), then the chair will use his/her reasonable endeavours to respond to those questions at the upcoming meeting; and
- b. any Councillor Notice of Motion that is submitted to the CEO before the Agenda Forum/ Agenda Setting Committee agenda is finalised, should be included in the Agenda Forum/ Agenda Setting Committee agenda.

CARRIED 9/0

9 PRESENTATIONS

9.1 PETITIONS

Nil.

9.2 PRESENTATIONS

Nil.

9.3 DEPUTATIONS

Nil.

10 REPORTS

10.1 REPORTS OF OFFICERS

Items 8.0, 10.1.1, 10.1.2, 10.1.3, 10.1.4, 10.1.6, 10.1.7 and 10.1.8 were withdrawn. Items 10.1.5, 10.1.9 and 10.1.10 were dealt with 'en bloc'.

PLANNING**10.1.1 PLANNING APPLICATIONS DETERMINED UNDER DELEGATION**

File Ref: SUB/2040
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services

Proposed Meeting Date: 12 December 2017
Author Disclosure of Interest: Nil

SUMMARY

This report provides details of the planning applications determined by officers acting under delegation, for the month of November 2017.

BACKGROUND

Pursuant to Local Planning Scheme No.3, Council has delegated its power to determine certain planning applications to the Chief Executive Officer and the Manager Development Services (or the Senior Planning Officer acting in his stead). This provides efficiency in processing applications, which occurs on a continual basis.

Following interest expressed from within Council, this report serves as a running record of those applications determined during each month.

STRATEGIC IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

STATUTORY ENVIRONMENT

-) *Planning & Development Act 2005*
-) *Local Planning Scheme No. 3*
-) *Metropolitan Region Scheme*

FINANCIAL IMPLICATIONS

Nil.

STAFFING IMPLICATIONS

Nil.

SUSTAINABILITY IMPLICATIONS

Nil.

CONSULTATION

Nil.

STAFF COMMENT

During November 2017 the following planning applications were determined under delegation:

Address	Description	Delegation Notice date	Date Determined
68 Grant Street	Two-storey dwelling	6 Oct 2017	6 Nov 2017
75A Grant Street	Alterations, two-storey addition and rear ancillary dwelling	20 Oct 2017	9 Nov 2017
2 Broome Street	Subdivision	3 Nov 2017	10 Nov 2017
9 Rosendo Street	Minor revisions to the approved alterations and additions	3 Nov 2017	13 Nov 2017
6B Nailsworth Street	Two-storey dwelling	3 Nov 2017	13 Nov 2017
6A Nailsworth Street	Two-storey dwelling	3 Nov 2017	13 Nov 2017
10 Lillian Street	Alterations and two-storey extension at front	3 Nov 2017	14 Nov 2017
235 Marmion Street	Patio at rear	3 Nov 2017	17 Nov 2017
102 Forrest Street	Two-storey office addition	10 Nov 2017	20 Nov 2017
174 Little Marine Parade	Front balcony extension	3 Nov 2017	21 Nov 2017
8 Grant Street	Alterations & two-storey rear extension	6 Oct 2017	21 Nov 2017
9/16 Napoleon Street	Change of use from shop to educational establishment for one-on-one tutoring	10 Nov 2017	22 Nov 2017
2 Hawkstone Street	Two-storey dwelling – renewal of previous approval	17 Nov 2017	27 Nov 2017
291B Curtin Avenue	Two-storey dwelling	17 Nov 2017	27 Nov 2017

VOTING

Simple Majority

OFFICER RECOMMENDATION**Moved Cr Rodda, seconded Cr Young**

That Council receive this report on the planning applications determined under delegation for the month of November 2017.

AMENDMENT**Moved Cr Boulter, seconded Cr Sadler**

That the Officer Recommendation for Item 10.1.1 be amended as follows:

Amend the Delegation Register such that the condition applied to the Delegation for LPS3 require that the weekly list of development/subdivision applications, subject to call in, circulated to Elected Members for approval under delegated authority always include an additional column showing any non-conforming

aspects of the application proposed to be approved or refused under the delegated authority, or advising that the DA does not have any non-conforming aspects that will be subject to the exercise of discretion by officers.

CARRIED 9/0

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda, seconded Cr Young

That Council:

- 1. That Council receive this report on the planning applications determined under delegation for the month of November 2017.**

- 2. Amend the Delegation Register such that the condition applied to the Delegation for LPS3 require that the weekly list of development/subdivision applications, subject to call in, circulated to Elected Members for approval under delegated authority always include an additional column showing any non-conforming aspects of the application proposed to be approved or refused under the delegated authority, or advising that the DA does not have any non-conforming aspects that will be subject to the exercise of discretion by officers.**

CARRIED 9/0

ADMINISTRATION**10.1.2 THE BIG ISSUE MAGAZINE**

File Ref: SUB/2325
Attachments: Proposal Letter
Letter of Support from Australia Post Western Australia
Letter from Procott Business Association Board
Responsible Officer: Garry Bird
Manager Corporate & Community Services
Author: Sherilee Macready
Community Development Officer
Proposed Meeting Date: 12 December 2017
Author Disclosure of Interest: Nil

SUMMARY

The Big Issue Magazine is requesting approval to establish a 'pitch' location in Cottesloe's Central Business District for vendors to sell the Big Issue Magazine to the Cottesloe community and its visitors.

BACKGROUND

The Big Issue Magazine is sold by marginalised, homeless, and disadvantaged individuals, including those with a disability, on streets across Australia. By selling the magazine these individuals have the opportunity to earn an income and be actively included in society. The magazine aims to change people's attitudes towards homelessness and disadvantaged people as it allows vendors to interact positively with the general community, regain confidence, build self-esteem and develop job skills that will hopefully move them into employment elsewhere.

Authorised vendors purchase copies of The Big Issue for \$3.49 and sell it on the streets for \$7.00, keeping the difference as income. No infrastructure or stalls are set up on the street by the vendor. There are also strict expectations of the vendors and each must adhere to and sign The Big Issue's 'Code of Conduct'.

The content of the magazine ranges from social justice issues to celebrity profiles. It also contains articles and opinion pieces relating to current affairs but does not have any religious or political affiliations. Its purpose is to inform and entertain so that readers will continue to buy the magazine, putting money into the pockets of the vendors.

Big Issue 'pitch' locations currently exist in 19 metropolitan Local Government areas, including; City of Subiaco, Town of Claremont and City of Nedlands.

Recently, the Town received a formal proposal from The Big Issue's State Operations Manager, requesting permission for a specific 'pitch' location to be approved by the Town of Cottesloe. This request was initiated by two existing vendors who reside in adjacent suburbs to Cottesloe and expressed a desire to operate closer to their residences.

The proposed 'pitch' location is situated at the corner of Stirling Highway and Napoleon Street, in the vicinity of the Cottesloe Post Office. A letter of support for this proposal has been provided by Australia Post's State Manager for Western Australia.

This location has been chosen as it is:

-) A high foot traffic location, being close to Stirling Highway;
-) Located in the vicinity of a business that The Big Issue has a longstanding relationship with, in this case Australia Post;
-) A safe and relatively open location; and
-) A location where the vendor will not impact upon amenity and access for businesses.

Vendors typically sell between the hours of 10.00am to 2.00pm, and can choose to work Monday through to Sunday, although the majority choose to work approximately three days per week.

As stated in the proposal letter, when a 'pitch' location is situated in a suburban area, such as Cottesloe, The Big Issue will only permit experienced vendors who have a proven track record of adhering to the 'Code of Conduct' to utilise that location.

STRATEGIC IMPLICATIONS

There are no strategic implications arising from the Officer Recommendation.

POLICY IMPLICATIONS

There are no policy implications arising from the Officer Recommendation.

STATUTORY ENVIRONMENT

Local Government Act 1995.

The Town's Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law, under point 5.4 states that: 'Notwithstanding any other provision of this local law, a person who sells, or offers for sale, a newspaper is not required to obtain a permit.'

FINANCIAL IMPLICATIONS

There are no financial implications arising from the Officer Recommendation.

STAFFING IMPLICATIONS

There are no staffing implications arising from the Officer Recommendation.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications arising from the Officer Recommendation.

CONSULTATION

Officers sought feedback from Procott Business Association Board members regarding the proposal from The Big Issue. In response, Procott stated that the general consensus from the Board was that they would support a trial period of three months for each vendor to sell The Big Issue Magazine at the stated 'pitch' location, to determine if the concept was successful in the area. Their response letter is included with this report.

STAFF COMMENT

Staff have reviewed the proposal and are satisfied with the following information that has been provided:

-) A letter of support for the proposal and the 'pitch' location has been received from Australia Post Western Australia;
-) Consultation has occurred with Procott Business Association Board members who have provided a letter supporting the proposal;
-) A Public Liability Insurance Certificate has been provided to cover the vendors; and
-) Vendors will sign a Distribution Agreement with The Big Issue stating they agree to abide by The Big Issue's 'Code of Conduct'.

Based on these factors, the Officer Recommendation is to support the proposal.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Thomas

That Council:

1. Support the proposal from The Big Issue Magazine to use Napoleon Street as a 'pitch' location for selling the magazine, subject to the approval of the shop owner adjacent to the location being used.
2. Issue a permit to The Big Issue Magazine for a trial period of three months, subject to the following conditions:
 -) One vendor only be permitted per day, per location;
 -) Charge no fees for the vendors to use the 'pitch' location;
 -) Recommend that this approval will also include a trial period of three months for each vendor to use the 'pitch' location, with a review of the arrangement to be undertaken by the Administration to gauge whether the arrangement and 'pitch' location will continue after the trial period;
 -) Vendors comply with the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*;
 -) Vendors comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*;
 -) Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, provided prior to the first booking; and
 -) No balloons to be used by vendors to promote their ventures.
3. On completion of the three month trial period, seek feedback from Procott Inc., Australia Post Cottesloe and The Big Issue regarding the trial.
4. If The Big Issue Magazine seeks to continue with the selling of the magazine on the corner of Stirling Highway and Napoleon Street, a report, including feedback received, be presented to Council for further consideration.

AMENDMENT**Moved Cr Boulter, seconded Cr Pyvis**

That the following amendments be applied to the Officer Recommendation for Item 10.1.2

1. That Point 2 be adjusted to a six months trial period.
2. That Point 3 be amended such that it reads:

Before completion of the six month trial period, the Town of Cottesloe Administration use reasonable endeavours to seek feedback from Australia Post Manager of Cottesloe Store and ProCott, and report back to Council before the close of the trial period.

CARRIED 9/0

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**Moved Cr Rodda, seconded Cr Thomas**

1. Support the proposal from The Big Issue Magazine to use Napoleon Street as a 'pitch' location for selling the magazine, subject to the approval of the shop owner adjacent to the location being used.
2. Issue a permit to The Big Issue Magazine for a trial period of six months, subject to the following conditions:
 -) One vendor only be permitted per day, per location;
 -) Charge no fees for the vendors to use the 'pitch' location;
 -) Recommend that this approval will also include a trial period of three months for each vendor to use the 'pitch' location, with a review of the arrangement to be undertaken by the Administration to gauge whether the arrangement and 'pitch' location will continue after the trial period;
 -) Vendors comply with the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*;
 -) Vendors comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*;
 -) Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, provided prior to the first booking; and
 -) No balloons to be used by vendors to promote their ventures.
3. Before completion of the six month trial period, the Town of Cottesloe Administration use reasonable endeavours to seek feedback from Australia Post Manager of Cottesloe Store and ProCott, and report back to Council before the close of the trial period.
4. If The Big Issue Magazine seeks to continue with the selling of the magazine on the corner of Stirling Highway and Napoleon Street, a report, including feedback received, be presented to Council for further consideration.

CARRIED 9/0

ENGINEERING

Cr Sadler declared an impartiality interest in this Item.

10.1.3 STREET TREE REMOVAL REQUEST – 4 TORRENS STREET, COTTESLOE

File Ref: SUB/1487
Attachments: Street Tree Policy
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Nick Woodhouse
Manager Engineering Services
Proposed Meeting Date: 12 December 2017
Author Disclosure of Interest: Nil

SUMMARY

Council is requested to consider the removal of a street tree at 4 Torrens Street, Cottesloe.

BACKGROUND

This matter was considered by Council at the April 2017 Ordinary Meeting of Council. It was resolved that Council:

2. *Not support the request to remove the Japanese Pepper tree adjacent to 4 Torrens Street, Cottesloe.*

CARRIED 9/0

Since the Council meeting the owner of 6 Torrens Street has contacted the Town on a number of occasions seeking the removal of the tree and repair to the driveway. The Town has offered to repair the driveway, however, the owner has not been satisfied with the offer and is again seeking removal of the street tree.

The existing street tree is a Japanese Pepper. Cottesloe Coastcare Association classifies the Japanese Pepper as one of the weeds that presents the greatest threat to natural vegetation. It is noted that the tree is not within a defined 'natural area' such as the coastal dunes.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013 to 2023

Priority Area One: Protecting and enhancing the wellbeing of residents and visitors.

A major strategy in the *Strategic Community Plan 2013 to 2023* is the development of policies to protect trees and increase the tree canopy.

POLICY IMPLICATIONS

The Street Tree Policy states that:

"Tree removals must be seen as a last resort, used for dead and/or dangerous trees. The Manager Engineering Services must give approval for any tree removal."

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

FINANCIAL IMPLICATIONS

It will cost in the order of \$800 to remove the existing tree, and \$1,125 to replant a new tree and maintain it for three years. The cost to prepare a legal agreement and lodge a caveat over the title to the land is in the order of \$2,000.

There is a risk that after the tree is removed the tree roots may send up 'suckers' (new shoots) in the crossover. There will be additional costs associated with the removal of any 'suckers'.

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the Officer Recommendation.

SUSTAINABILITY IMPLICATIONS

The urban forest is recognised as a vital component of the urban landscape which provides a range of important benefits for residents and visitors to the Town. Trees are potentially the largest and most significant element in the urban landscape. As such, they provide the greatest opportunity for the development of identity and neighbourhood character. Given the importance of trees and other vegetation in people's daily experience, the role of trees in improving this can be broadly categorised into cultural, environmental, psychological and economic benefits.

CONSULTATION

Town of Cottesloe Staff

Owners of 4 and 6 Torrens Street, Cottesloe

STAFF COMMENT

An arborist report has found that the tree is neither dead and/or dangerous, therefore, according to the Street Tree Policy, the tree should not be removed. However, as Council has recently adopted a Street Tree Masterplan, and the existing street tree is not in keeping with the nominated species for Torrens Street, Council may wish to consider the replacement of the existing tree with an *Agonis flexuosa* (Peppermint) which is the nominated species for Torrens Street.

Staff have met with the two directly affected residents in late November. The tree, while not dead and/or dangerous, does not mesh with the remainder of the street scape. The Town would not plant this species of tree now, given its classification as a weed. During the meeting with residents, it was raised that the adjacent residents would consider meeting the cost of the replacement tree and would make every effort ensure such a tree survived to maturity.

If the Council were of the mind to allow the replacement of this particular tree, it would be suggested that the following would be an appropriate resolution.

That Council permit the removal of this tree subject to;

- 1. It being replaced by a large (200L) *Agonis flexuosa* (Peppermint);*
- 2. The cost of the tree removal and new tree being met by the directly affected landowners;*

3. *The owners of 4 and 6 Torrens Court agreeing to maintain the tree for a period of not less than 3 years;*
4. *It being replaced at a suitable time in the 2018 planting season (between April and September), and;*
5. *The cost for the preparation of a legal agreement and the lodgement of a caveat over the title to the land (in favour of the Town) being met by the directly affected landowners.*

As the Council's current policy is that trees cannot be removed and/or replaced unless they are dead and/or dangerous, officers are required to recommend the tree not be replaced.

VOTING

Absolute Majority

OFFICER RECOMMENDATION

Moved Cr Rodda

That Council not support the request to remove the Japanese Pepper Tree adjacent to 4 Torrens Street, Cottesloe.

The Officer Recommendation lapsed for want of a seconder.

COUNCILLOR MOTION

Moved Cr Boulter, seconded Cr Pyvis

That Council approve the removal of the Japanese Pepper Tree adjacent to 4 and 6 Torrens St Cottesloe, subject to:

1. Noting the economic value of this tree to the Town of Cottesloe infrastructure.
2. A tree as selected by the owners, subject to the agreement of the Town in compliance with the Town of Cottesloe Street Tree Masterplan to be planted on each of the verges in front of number 4 and 6.
3. In not less than two years after the planting of the two trees referred to above, the Japanese Pepper Tree being replaced on the verge of 4 Torrens St by a large (not less than 100 litre container) *Agonis flexuosa* (Peppermint) or other tree as selected by the owners, subject to the agreement of the Town in compliance with the Town of Cottesloe Street Tree Masterplan, and subject to the TOC being satisfied that the new trees are established and thriving.
4. The costs of the removal and replacement of the tree being met by the owner under the supervision of and to the satisfaction of the Town of Cottesloe administration, noting the likelihood of the Pepper Tree to sucker and the need to mitigate this risk.
5. The current owners agreeing to maintain the new trees to maturity.
6. Should the tree not be maintained to maturity, Council will plant a replacement tree and maintain it to maturity at the owner's cost.
7. A caveat be placed on the title to bind current and future owners of 4 and 6 Torrens St to the conditions above, with all legal costs to be paid by the owners of 4 and 6 Torrens St.

FORESHADOWED MOTION

Cr Boulter foreshadowed a motion in the event that the Motion was unsuccessful.

AMENDMENT

Moved Cr Young, seconded Cr Rodda

That Points 3, 6 and 7 be removed.

LOST 3/6

For: Mayor Angers, Crs Young and Rodda

Against: Crs Boulter, Pyvis, Thomas, Sadler, Tucak and Thomas

AMENDMENT

Cr Sadler, seconded Cr Pyvis

That Point 7 of the Alternative Motion be removed.

CARRIED 9/0

AMENDMENT

Moved Cr Tucak, seconded Cr Boulter

That Point 3 be amended such that it reads:

3. In not less than two years after the planting of the two trees referred to above, the Japanese Pepper Tree be removed and if the Town of Cottesloe Administration considers viable, replaced on the verge of 4 Torrens St by a large (not less than 100 litre container) *Agonis flexuosa* (Peppermint) or other tree as selected by the owners, subject to the agreement of the Town in compliance with the Town of Cottesloe Street Tree Masterplan, and subject to the TOC being satisfied that the new trees are established and thriving.

CARRIED 9/0

COUNCILLOR MOTION AND COUNCIL RESOLUTION

Moved Cr Boulter, seconded Cr Pyvis

1. Noting the economic value of this tree to the Town of Cottesloe infrastructure.
2. A tree as selected by the owners, subject to the agreement of the Town in compliance with the Town of Cottesloe Street Tree Masterplan to be planted on each of the verges in front of number 4 and 6.
3. In not less than two years after the planting of the two trees referred to above, the Japanese Pepper Tree be removed and if the Town of Cottesloe Administration considers viable, replaced on the verge of 4 Torrens St by a large (not less than 100 litre container) *Agonis flexuosa* (Peppermint) or other tree as selected by the owners, subject to the agreement of the Town in compliance with the Town of Cottesloe Street Tree Masterplan, and subject to the TOC being satisfied that the new trees are established and thriving.

4. The costs of the removal and replacement of the tree being met by the owner under the supervision of and to the satisfaction of the Town of Cottesloe administration, noting the likelihood of the Pepper Tree to sucker and the need to mitigate this risk.
5. The current owners agreeing to maintain the new trees to maturity.
6. Should the tree not be maintained to maturity, Council will plant a replacement tree and maintain it to maturity at the owner's cost.

CARRIED 9/0

Cr Sadler declared an impartiality interest in this Item.

10.1.4 ADOPTION OF UPDATED RIGHTS OF WAY / LANEWAYS POLICY

File Ref: POL/59
Attachments: Rights of Way/Laneways Policy
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Nick Woodhouse
Manager, Engineering Services
Proposed Meeting Date: 12 December 2017
Author Disclosure of Interest: Nil

SUMMARY

A recommendation is made to adopt an updated *Rights of Way/Laneways Policy* and for Council to consider the asphalt sealing of Right Of Way 21.

BACKGROUND

In September 2017, residents of Eric Street and Florence Street submitted a petition seeking the removal of the asphalt sealing exemption on Right Of Way 21.

At the October 2017 Ordinary Meeting of Council, it was resolved that Council:

- 1. Defer consideration of this matter pending review of the Laneways Policy in December 2017.*
- 2. Request the review cover matters such as the choice of pavements, use of the laneways other than our cars and environmental considerations to best meet the needs of all users.*
- 3. That at the earliest convenience the Town undertake any required maintenance on Right of Way 21.*

CARRIED 8/1

STRATEGIC IMPLICATIONS

There are no perceived strategic implications arising from the Officer Recommendation.

POLICY IMPLICATIONS

The Officer Recommendation is to replace the current *Rights of Way/Laneways Policy* with the attached, reviewed, *Rights of Way/Laneways Policy*.

Item five of the *Rights of Way/Laneways Policy* states that Right Of Way 21 has been granted an exemption from upgrading pursuant to clauses 14 to 16 of the *Rights Of Way/Laneways Policy*.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

FINANCIAL IMPLICATIONS

The construction of permeable surface laneways is likely to be more expensive than the current construction of non-permeable surface laneways. Individual laneway project budgets can be adjusted accordingly and presented for Council adoption in the Five Year Capital Works Budget should Council nominate any laneways to be constructed from permeable materials.

\$68,000 has been budgeted in the 2017/18 Capital Works Program for Right Of Way 21 to be bitumen sealed. These funds could be reallocated should the project be cancelled for the 2017/18 financial year.

It is noted that Item 15 (page five) of the *Rights Of Way/Laneways Policy* states that, “any future request to Council from any affected landowner to upgrade or seal that laneway must include an acceptance of two thirds of those owners for a differential rating payment system for those properties to fund such improvement works.” Therefore, due to this request, affected landowners may be subject to increased rates. The petition submitted to Council does not refer to the acceptance of a differential rating system.

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the Officer Recommendation.

SUSTAINABILITY IMPLICATIONS

Rather than being conveyed away, pervious paving allows runoff to soak into the ground in the same area it would have prior to urban development. It is noted that a sealed laneway would have stormwater soak tanks installed which will infiltrate water close to the location where it fell.

All permeable and impermeable surfaces (other than grass) will increase the heat island effect. Grassed surfaces would be considered cost prohibitive due to excessive maintenance costs.

CONSULTATION

Town of Cottesloe Staff
Elected Members

STAFF COMMENT

Consideration has been given to the Council resolution and the following findings are presented.

Pavement choice

The Town has 55 asphalt sealed laneways and 23 unsealed laneways. The typical existing sealed surface is a combination of 100mm thick roadbase and a 30mm asphalt overlay. This surface has been designed to cater for the trafficking of average size vehicles and low vehicle volumes. The typical unsealed surface is consistent with the natural earth type (limestone and sand).

Permeable surfaces are not typically used for trafficable laneways in Western Australia. BG paving is a permeable paving and is used on some verges and laneways in

Cottesloe (please refer to the image below). This provides a permeable surface which is structurally sound. Noise complaints have been received where these treatments are used as the surface is corrugated and the treatment is not aesthetically appealing.



Figure One: BG Paving

Preliminary investigations have been undertaken and the Town is currently seeking costing details. If a paved permeable surface can be constructed it is likely that it will be significantly more expensive than the current treatment. It is noted that even with permeable paving there will still be a heat island effect and the benefit will be minimal as water infiltration occurs close to the original location with a sealed surface anyway.

Grassed surfaces for laneways are permeable and will have no heat island effect, however, this option would be considered cost prohibitive due to the excessive maintenance costs.

Use of laneways other than vehicles

Laneways can offer an opportunity for activation and pedestrian/cyclist use, however, this would be more appropriate in the Town centre. It is thought that as laneway projects in the Town centre are identified, then alternative uses can be explored at that time.

Laneways outside the Town centre provide solely vehicular access for home garages. Laneway widths are minimal and currently provide a shared space for vehicles, pedestrians and cyclists as the environment is low speed and low volume. Unsealed laneways do not offer any opportunity for cyclists other than off road experience. Some permeable surfaces would not provide an appropriate riding experience for cyclists due to the corrugations.

Environmental considerations

Due to the laneway width there are minimal opportunities to provide space for vegetation. Trees are retained as a priority but it is not always possible to retain a tree given the minimal laneway width. Storm water runoff is currently drained into soak wells which infiltrates into the ground water close to where it fell. The surface temperature of asphalt is around 12 degrees Celsius hotter than a grassed surface.

Given the above findings, the updated *Rights of Way/Laneways Policy* contains amendments to the Policy objectives which includes the use of permeable surface types, alternative uses (other than vehicles) and environmental considerations.

Right Of Way 21

Given the above findings and amendments to the Policy objectives, it is recommended that the Town write to residents and landowners adjacent to Right Of Way 21 to determine their acceptance of the sealing of the laneway. If supported by the landowners the Town would proceed with the project accordingly.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Young

1. That Council adopt the updated *Rights of Way/Laneways Policy*.
2. Inform all residents and landowners adjacent to Right Of Way 21 in writing of the proposal to seal the laneway and allow 14 days from the sending of the letter for any objections to be received.
3. If less than one third of the number of landowners object; authorise the project to proceed.

FORESHADOWED MOTION

Cr Boulter foreshadowed a motion in the event that the Officer Recommendation was unsuccessful.

AMENDMENT

Moved Cr Boulter, seconded Cr Pyvis

That Point 3 of the Officer Recommendation be replaced with the following:

3. That the result of the community consultation in Point 2 be brought back to Council further consideration.

LOST 4/5

For: Crs Boulter, Pyvis, Sadler, and Thomas

Against: Mayor Angers, Crs Rodda, Harkins, Tucak and Young

AMENDMENT

Moved Cr Harkins, seconded Cr Tucak

That Point 2 of the Officer Recommendation be amended such that it reads:

2. Inform all residents and landowners adjacent to Right of Way 21 in writing of the proposal to seal the laneway with bitumen and suitable drainage and allow 14 days from the sending of the letter for any objections to be received.

That Point 3 be replaced with the following:

3. A differential rating system will not apply to the landowners for the works

That an additional Point 4 be added as follows:

4. The design of the sealed area and curbing will be done in such a way as to allow for the planting of new trees (if space permits) in accordance with the approved species of tree allowed by the council. In addition, any existing garden beds will be retained and incorporated into the design, if practicable.

That Point 3 of the Officer Recommendation becomes Point 5, and is amended such that it reads:

5. If less than one third of the number of landowner's object, authorize the project to proceed as soon as practicable.

CARRIED 9/0

AMENDMENT

Moved Cr Boulter, seconded Cr Pyvis

That Point 1 of the Officer Recommendation be replaced with the following:

1. That Council request a review of the Right of Way/Laneways Policy having regard to:
 - a. Which lanes the policy applies to;
 - b. Reconsidering the objectives of the policy to embrace the importance of lanes for community interaction, green space, shade; community gardens, minimising heat island effects, the role of landscape planning when deciding on the best treatment for Cottesloe lanes; alternative porous treatments/permeable surfaces and approximate comparative costings having regard to infrastructure costs that will be required to support each surface type and including durability and maintenance costs; which laneways have underground services that might be impacted/ be disrupted by landscaping, paving and/or sealing and other possible treatments;
 - c. The objectives of Councils Community Strategy v plan;
 - d. The Town of Cottesloe Mission statement;
 - e. Council's Human Induced Climate Change policy;
 - f. The upcoming requirements for a Community Health Plan and the contents of same;
 - g. A survey being completed for each of the Laneways covered by the Policy to ensure the boundaries are clearly identified and each survey being included in the policy;
 - h. A list of current ROWs being in private ownership identified for the Purpose of the Policy;
 - i. The current status and treatment of ROW 14;
 - j. Ensuring a user pays principle;
 - k. Recommendations for amendment to the TOC building and/or planning and development conditions to ensure building bonds are sufficient to remedy any disruption to laneway surfaces caused by any type of building or renovation.

CARRIED 7/2

For: Mayor Angers, Crs Boulter, Pyvis, Thomas, Tucak, Sadler and Harkins
Against: Crs Young and Rodda

AMENDMENT

Moved Cr Tucak, seconded Cr Pyvis

That the amended Point 2 be further amended such that it reads

2. Inform all residents and landowners adjacent to Right of Way 21 in writing of the proposal to seal the laneway with bitumen and suitable drainage and allow 14 days from the sending of the letter for any objections to be received, and request their ideas to inform the design.

CARRIED 9/0

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda, seconded Cr Young

1. That Council request a review of the Right of Way/Laneways Policy having regard to:

- a. Which lanes the policy applies to;
- b. Reconsidering the objectives of the policy to embrace the importance of lanes for community interaction, green space, shade; community gardens, minimising heat island effects, the role of landscape planning when deciding on the best treatment for Cottesloe lanes; alternative porous treatments/permeable surfaces and approximate comparative costings having regard to infrastructure costs that will be required to support each surface type and including durability and maintenance costs; which laneways have underground services that might be impacted/ be disrupted by landscaping, paving and/or sealing and other possible treatments;
- c. The objectives of Councils Community Strategy v plan;
- d. The Town of Cottesloe Mission statement;
- e. Council's Human Induced Climate Change policy;
- f. The upcoming requirements for a Community Health Plan and the contents of same;
- g. A survey being completed for each of the Laneways covered by the Policy to ensure the boundaries are clearly identified and each survey being included in the policy;
- h. A list of current ROWs being in private ownership identified for the Purpose of the Policy;
- i. The current status and treatment of ROW 14;
- j. Ensuring a user pays principle;
- k. Recommendations for amendment to the TOC building and/or planning and development conditions to ensure building bonds are sufficient to remedy any disruption to laneway surfaces caused by any type of building or renovation.

2. Inform all residents and landowners adjacent to Right of Way 21 in writing of the proposal to seal the laneway with bitumen and suitable drainage and allow 14 days from the sending of the letter for any objections to be received, and request their ideas to inform the design.
3. A differential rating system will not apply to the landowners for the works
4. The design of the sealed area and curbing will be done in such a way as to allow for the planting of new trees (if space permits) in accordance with the approved species of tree allowed by the council. In addition, any existing garden beds will be retained and incorporated into the design, if practicable.
5. If less than one third of the number of landowner's object, authorize the project to proceed as soon as practicable.

CARRIED 5/4

**For: Mayor Angers, and Crs Harkins, Young, Rodda and Tucak
Against: Crs Pyvis, Boulter, Sadler and Thomas**

Mr Andrew Jackson left the room at 9.23 PM and returned at 9.25 PM

FINANCE**10.1.5 FINANCIAL STATEMENTS FOR THE MONTH ENDING 30 NOVEMBER 2017**

File Ref: SUB/2459
Attachments: Monthly Financial Statements
Responsible Officer: Garry Bird
Manager of Corporate and Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 12 December 2017
Author Disclosure of Interest: Nil

SUMMARY

It is a requirement of the *Local Government Act 1995* that monthly and quarterly financial statements are presented to Council, in order to allow for proper control of the Town's finances and ensure that income and expenditure are compared to budget forecasts.

The attached financial statements and supporting information are presented for the consideration of Elected Members. Council staff welcomes enquiries in regard to the information contained within these reports.

BACKGROUND

In order to prepare the attached financial statements, the following reconciliations and financial procedures have been completed and verified;

-) Reconciliation of all bank accounts.
-) Reconciliation of rates and source valuations.
-) Reconciliation of assets and liabilities.
-) Reconciliation of payroll and taxation.
-) Reconciliation of accounts payable and accounts receivable ledgers.
-) Allocations of costs from administration, public works overheads and plant operations.
-) Reconciliation of loans and investments.

STRATEGIC IMPLICATIONS

There are no strategic implications arising from the Officer's Recommendation.

POLICY IMPLICATIONS

Investments Policy.
Investment of Surplus Funds Policy.

STATUTORY ENVIRONMENT

Local Government Act 1995
Local Government (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

STAFFING IMPLICATIONS

There are no staffing implications arising from the Officers Recommendation.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications arising from the Officers Recommendation.

CONSULTATION

There has been consultation with senior staff in the preparation of this report.

STAFF COMMENT

The following comments and/or statements provide a brief summary of major financial/budget indicators and are included to assist in the interpretation and understanding of the attached Financial Statements.

-) The net current funding position as at 30 November 2017 was \$7,369,775 and is in line with previous financial years as shown on pages 2 and 22 of the attached Financial Statements.
-) Rates and emergency services levies receivables at 30 November 2017 stood were \$3,644,627 as shown on pages 2 and 25 of the attached Financial Statements.
-) Operating revenue is more than year to date budget by \$315,522 with a more detailed explanation of material variances provided on page 21 of the attached Financial Statements. Operating expenditure is \$428,061 less than year to date budget with a more detailed analysis of material variances provided on page 21. Please note depreciation expenses of approximately \$793,073 are not posted until a review of the Town's depreciation policy is conducted. Once these depreciation expenses are factored in the Town is effectively \$365,012 above budgeted expenditure for this time of year. The main factor contributing towards this was the return of \$500,000 to the Department of Education for grant funding towards a project that did not proceed.
-) The Capital Works Program is approximately 20% complete as at 30 November 2017 and a full capital works program listing is shown on pages 33 to 36.
-) Whilst Salaries and Wages are not reported specifically, they do represent the majority proportion of Employee Costs which are listed on the Statement of Financial Activity (By Nature and Type) on page 7 of the attached Statements. As at 30 November 2017 Employee Costs were \$9,642 less than at the same time in the previous financial year.
-) The balance of cash backed reserves was \$10,926,426 as at 30 November 2017 as shown in Note 7 on page 27 of the monthly financial statements.

List of Accounts for November 2017

The List of Accounts paid during November 2017 is shown on pages 37 to 44 of the attached Financial Statements. The following significant payments are brought to Council's attention;-

-) \$168,688.30 to the Shire of Peppermint Grove for the provision of library services.
-) \$33,000.00 to HiTech Security (WA) Pty Ltd for CCTV within the Town.
-) \$28,961.35 to West Tip Waste Control Pty Ltd for green waste collection/disposal services.
-) \$34,371.63 to Surf Life Saving WA for lifeguard services.
-) \$220,000.00 to the National Australia Bank for a transfer to the investment account.
-) \$103,382.70, \$110,337.64 and \$102,038.95 to Town of Cottesloe staff for fortnightly payroll.

Investments and Loans

Cash and investments are shown in Note 4 on page 23 of the attached Financial Statements. Council has approximately 42% of funds invested with National Australia Bank, 26% with Bankwest, 22% with Commonwealth Bank of Australia and 10% with Westpac Banking Corporation. Council had a balance of \$10,926,425 in reserve funds as at 30 November 2017.

Information on borrowings is shown in Note 10 on page 30 of the attached Financial Statements and shows Council had total principal outstanding of \$4,447,230 as at 30 November 2017.

Rates, Sundry Debtors and Other Receivables

Rates revenue information is shown in Note 9 on page 29 of the attached Financial Statements. Rates outstanding is shown in Note 6 on page 25 and shows a balance of \$3,018,992 as compared to \$2,599,215 this time last year.

Sundry debtors are shown on Note 6, pages 25 and 26 of the attached Financial Statements. The sundry debtors show that 39% or \$28,538 is older than 90 days. Infringement debtors are shown on note 6(a) and stood at \$434,214 as at 30 November 2017.

Budget Amendments

The budget amendments are listed on pages 12, 13 and 24 of the Financial Statements.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Thomas

That Council receive the Financial Statements for the period ending 30 November 2017 as submitted to the 12 December 2017 meeting of Council.

CARRIED 8/1

**For: Mayor Angers and Crs Rodda, Tucak, Young, Harkins, Pyvis, Sadler and Thomas
Against: Cr Boulter**

EXECUTIVE SERVICES**10.1.6 COUNCIL MEETING DATES 2018**

File Ref: SUB/2479
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Mat Humfrey
Chief Executive Officer
Proposed Meeting Date: 12 December 2017
Author Disclosure of Interest: Nil

SUMMARY

A resolution of Council is required to set the date, time and location of the 2018 Ordinary Council Meetings and to consider the meeting structure Council implements.

BACKGROUND

The *Local Government Act 1995* requires local governments to give local public notice of the dates, time and location of the Ordinary Council Meetings, for the following 12 months. Council has traditionally set its meetings dates and times in December each year. Council recently has moved Council meeting to Tuesday evenings (2015) and at the same time implemented a trial of having Agenda Forums in place of three standing committees.

In recent times there have been questions raised regarding the Agenda Forums. At the most recent Cottesloe Residents and Ratepayers Annual General Meeting, the meeting resolved to ask Council to consider returning to a system of three standing committees.

There have also been questions raised around the enforceability of the Rules of Conduct and the Standing Orders at Agenda Forums.

STRATEGIC IMPLICATIONS

Priority Area 6 Providing Open and Accountable Local Governance
Major Strategy 6.2 Continue to deliver high quality governance, administration, resources management and professional development.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government (Administration) Regulations 1996

12. MEETINGS, PUBLIC NOTICE OF (ACT S. 5.25(1)(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.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

STAFFING IMPLICATIONS

Having up to three standing committees meet in the week before each Council meeting does have staffing implications. In order to ensure that the Minutes of each standing committee were available prior to the Council meeting, a different officer would need to attend each meeting and record the Minutes. When the Town moved away from the standing committee system, it allowed one staff member to be re-assigned to provide media and communications support for the Town. (Note, this would only apply if more than one standing committee was implemented).

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

No formal community consultation has been undertaken. The letter received from the Cottesloe Residents and Ratepayers Association has been attached for consideration.

STAFF COMMENT

The Town has altered its operations in the last two years to allow for greater involvement of Elected Members and community members in the development of projects and programs for the Town. The overall number of committees has increased, with specialists committees being formed to address strategic issues. Prior to this, the formulation of reports and projects fell solely to staff with the first involvement of elected members being when a report was presented to the standing committees. By removing the standing committees and re-assigning the resources to the subject based committees, it does appear that more engagement has occurred with a higher success rate for projects and programs being achieved.

Following two years of implementation, the Agenda Forum system has shown to be efficient, especially when coupled with the increases in subject based committees (ie with a specific purpose reporting through to Council). Council are also now being provided with the Minutes of each of these committees directly which did not previously occur.

There has been some discussion around returning to a committee of one description or another in place of the Agenda Forum. While officers would not at this stage recommend returning to the Standing Committee system previously employed, consideration should be given to implementing a single standing committee that meets the week before each Council meeting. The purpose of the committee would be to receive the reports of officers and committees, and to then forward recommendations to the Council. In effect, it would be a similar process to the Agenda Forums, however, Elected Members would be asked to vote on a recommendation at the end of each report presented.

If Council moved to implementing a single committee, it would be recommended that the entire Council be appointed to this committee.

While there are positives with the committee approach, there are some negatives as well. Firstly, there will be a much shortened time between when Elected Members first receive a report and when they are asked to vote on that report. Secondly, as the committee would, by definition, be debating an item, the ability of staff to present items and background each item would be removed. There could also be some confusion within the community about why the Council debated and voted on each item twice.

If Council elected to remain with the Agenda Forum system as is currently in place, the Council should adopt rules for the Agenda Forum. The Guiding Principles for the Agenda Forum (attached to the front of this Agenda) have guided the running of the Agenda Forum's for the last two years. There has been some comment about whether or not these are binding on Council, and as the name suggests, they are not. The only binding rules on Agenda Forums (even if the Guiding Principles are adopted by Council) are the Local Government (Rules of Conduct) Regulations and any part of the Act or other Regulations that guides elected member behaviours.

As the Agenda Forum system has been in place for two years, officers are recommending dates and times based on an Agenda Forums being in place. If Council opted to move to an Agenda Committee in place of the Agenda Forum, an additional line item appointing the committee would be required (absolute majority required) and it would be suggested that the word "Forum" be replaced with the word "Committee" in the third point of the recommendation.

Lastly, it is noted that the start time of the Council meeting has been moved to 6.00pm. Council has traditionally met at 7.00pm – however in the last year several meetings have continued close to midnight, as such, officers are recommending an earlier start time.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Harkins

That Council adopt the following meeting dates for 2018 and:

1. Observe a recess in January 2018, with no ordinary meeting of Council;
2. Advertise the ordinary Council meeting dates for 2018 as generally the fourth Tuesday in the month commencing at 6:00 PM in the Council Chamber at the Cottesloe Civic Centre;

January	No meeting
Tuesday	27 February 2018
Tuesday	27 March 2018
Tuesday	24 April 2018
Tuesday	22 May 2018
Tuesday	26 June 2018
Tuesday	24 July 2018

Tuesday 28 August 2018
 Tuesday 25 September 2018
 Tuesday 23 October 2018
 Tuesday 27 November 2018
 Tuesday 11 December 2018

3. Advertise the Agenda Forum dates for 2017 as being held on generally the third Tuesday of each month, commencing at 6:00 PM.

January No meeting
 Tuesday 20 February 2018
 Tuesday 20 March 2018
 Tuesday 17 April 2018
 Tuesday 15 May 2018
 Tuesday 19 June 2018
 Tuesday 17 July 2018
 Tuesday 21 August 2018
 Tuesday 18 September 2018
 Tuesday 16 October 2018
 Tuesday 20 November 2018
 Tuesday 06 December 2018

Mr Nick Woodhouse left the room at 9.33 PM and returned at 9.36 PM

AMENDMENT

Moved Cr Boulter, seconded Cr Thomas

To add the following to the Officer Recommendation

4. That Council replaces the trial Agenda Forum format with a committee, to be known as the Agenda Settlement Committee to replace the Agenda Forums, with all nine elected members as members commencing in the February 2018 round of meetings.
5. That the draft Minutes of the Agenda Settlement Committee are included in the upcoming applicable Council meeting agenda.
6. That the TOC administration develop a draft Charter for the Agenda Settlement Committee for consideration by the Committee and Council, at the earliest convenience of the TOC administration.
7. That copies of all development application plans are attached to the Committee agenda and recorded in the attachments (as used to be the case when the Development Services Committee was in operation) for noting and raising for discussion as needed.

LOST 3/6

For: Crs Boulter, Pyvis and Thomas

Against: Mayor Angers and Crs Young, Sadler, Tucak, Rodda and Harkins

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda, seconded Cr Harkins

That Council adopt the following meeting dates for 2018 and:

1. **Observe a recess in January 2018, with no ordinary meeting of Council;**

2. Advertise the ordinary Council meeting dates for 2018 as generally the fourth Tuesday in the month commencing at 6:00 PM in the Council Chamber at the Cottesloe Civic Centre;

January	No meeting
Tuesday	27 February 2018
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Tuesday	24 April 2018
Tuesday	22 May 2018
Tuesday	26 June 2018
Tuesday	24 July 2018
Tuesday	28 August 2018
Tuesday	25 September 2018
Tuesday	23 October 2018
Tuesday	27 November 2018
Tuesday	11 December 2018

3. Advertise the Agenda Forum dates for 2017 as being held on generally the third Tuesday of each month, commencing at 6:00 PM.

January	No meeting
Tuesday	20 February 2018
Tuesday	20 March 2018
Tuesday	17 April 2018
Tuesday	15 May 2018
Tuesday	19 June 2018
Tuesday	17 July 2018
Tuesday	21 August 2018
Tuesday	18 September 2018
Tuesday	16 October 2018
Tuesday	20 November 2018
Tuesday	06 December 2018

CARRIED 9/0

Cr Rodda declared a financial interest in this Item and left the room at 9.50 PM

10.1.7 LOT 2 (NO. 99) NAPIER STREET – PROPOSED TWO LOT SUBDIVISION

File Ref: 3646
Attachments: Location map
Site photos
Subdivision plan
Supporting letter
Responsible Officer: Andrew Jackson, Manager Development Services
Author: Ed Drewett, Senior Planning Officer
Proposed Meeting Date: 12 December 2017
Author Disclosure of Interest: Nil

SUMMARY

The request for comment on this subdivision application (as referred by the WAPC) has been referred to Council due to a declaration of interest by Cr Rodda in relation to the proposal (which he notified the Town of). The proposal may have been referred to Council in any case as it does not satisfy the required average lot size under the Residential Design Codes, hence it is not supported by officers.

Council's comment or recommended conditions pertinent to this application are required to be submitted to the Western Australian Planning Commission by 10 January 2018. As such this late item is being presented to the December Council meeting. The Western Australian Planning Commission generally prefers not to extend the comment period.

The recommendation is to advise the Commission that the proposal should not be supported.

BACKGROUND

Subdivisions are determined by the Western Australian Planning Commission who refers applications to the Local Government and other agencies for comment within 42 days.

The Commission operates under its relevant legislation and policies in determining applications. It imposes conditions on approvals or refuses proposals for reasons, either of which are appealable to the State Administrative Tribunal.

STRATEGIC IMPLICATIONS

Relates to infill subdivision/housing, heritage and streetscape.

POLICY IMPLICATIONS

Governed by the Western Australian Planning Commission's subdivision policies.

STATUTORY ENVIRONMENT

-) *Planning and Development Act 2005*
 -) Western Australian Planning Commission Development Control Policies, including 1.1 Subdivision of Land and 2.2 Residential Subdivision
-

-) Western Australian Planning Commission Planning Bulletin 33/2017 – Rights-of-way or laneways in established areas
-) Local Planning Scheme No. 3
-) Residential Design Codes

FINANCIAL IMPLICATIONS

Nil.

STAFFING IMPLICATIONS

Nil.

SUSTAINABILITY IMPLICATIONS

Nil.

CONSULTATION

The statutory subdivision process does not include advertising. Comments from Local Governments and agencies address the public interest. The referral period enables the Town to assess proposals at a technical level having regard to local controls (eg: zoning, density) for comment and recommendation to the Commission.

STAFF COMMENT

The landowner is Catherine Mary Murphy and the applicant is Kim McGowan, Licensed Surveyor.

The application proposes to subdivide an existing 794m² lot to create two green title lots of 400m² (Lot 1) and 394m² (Lot 2).

No supporting information was provided with the application. However, the Western Australian Planning Commission received a supplementary letter from the applicant on 5 December 2017 and this was forwarded to the Town on request.

The applicant is seeking a variation to the average lot area requirement as set out under the Commission's amended Policy (2.2) for Residential Subdivision. This is discussed below.

The applicant's justification is relatively general and does not adequately address all of the relevant criteria to warrant such a variation to be approved by the Commission.

The proposed lots satisfy the minimum lot area (350m²) required under the Residential Design Codes for the Residential R20 zoned lot. However, the subdivision does not satisfy the average lot area (450m²) required and exceeds the 5% reduction permissible under the design principles of the Residential Design Codes. The average lot area shortfall is 106m² or 11.8%.

In October 2017, the Western Australian Planning Commission adopted a new Policy for Residential Subdivision (Policy 2.2). The Policy introduced criteria which allow the Commission to consider reductions to average lot sizes of greater than 5%, as follows:

Requirement (Policy 2.2)	Comment
A single residential density coding of R10 to R35 applies to the land.	The lot is zoned Residential R20 and satisfies this requirement.
The site is a corner lot with frontage to two different street names or any other lot with frontage to more than one dedicated street (excluding primary (red), other regional (blue) or any other major roads, including state and federal highways, with access restrictions. Corner lots with frontage to the same street name are not generally supported, however, will be considered on merit against this policy, the recommendation of the local government and presented to the WAPC for determination.	<p>The site is a corner lot adjoining Napier Street and Rockett Lane and so may satisfy this requirement. However, although Rockett Lane is a dedicated public road where it adjoins the site, it is only 2.7m wide and not suitable for commercial vehicles. Also there are no sightline truncations where it joins Napier Street, and dwellings fronting the lane are required to put bins on Napier or Burt Streets due to vehicle access restrictions.</p> <p>It is doubtful that such a restricted access laneway would meet the intent of the Commission's Policy 2.2 to allow a reduction in the required average lot area of greater than 5%.</p>
All proposed lots comply with the minimum lot size and frontage requirements specified in Table 1 of the Residential Design Codes.	The two proposed lots are larger than the minimum required lot size (350m ²) and minimum required frontage (10m).
Crossovers and driveways to proposed lots are provided in accordance with Australian Standard (AS) 2890 and the Residential Design Codes.	<p>Proposed Lot 2 could have residential vehicle access from Rockett Lane (similar to the existing situation).</p> <p>Access to proposed Lot 1 would likely necessitate the removal of a Melaleuca bush in the street verge and the construction of a 16m long crossover that would traverse an existing drainage sump that the Town has identified as requiring an upgrade. Furthermore, the street verge is uneven and any construction of a new crossover would require significant works to the verge and stormwater infrastructure.</p>
Any corner truncation, pedestrian access way, vehicle right-of-way or laneway widening is excluded from the calculation of the minimum lot size.	The Western Australian Planning Commission's Bulletin 33/2017 and Liveable Neighbourhoods requires a minimum width of 6m for a right-of-way for vehicular access. However, a 5m wide right-of-way may also be acceptable if vehicles can pass safely (at low speed).

	<p>As the existing laneway is only 2.7m wide it should be widened were the subdivision to be approved. This would involve at least a half share of the widening to be taken off proposed Lot 2 (ie: minimum 1.15m). The remainder of the widening would occur if the adjoining eastern lot were subdivided.</p> <p>A 2m x 2m truncation is also required where the laneway meets Napier Street, to improve vehicle sightlines.</p> <p>While the applicant has not proposed any widening or truncation, it is estimated that these would reduce the minimum lot area of proposed Lot 2 to approximately 364m², based on widening to 5m, which would still satisfy the minimum lot area requirement by approximately 14m².</p>
--	--

The existing dwelling straddles the proposed lots and is intended to be demolished. It is heritage-classified as Category 3 in the Town's Municipal Inventory and is described as:

An elegant interwar house extensively renovated and extended in a sympathetic manner that demonstrates how additions can be sensitively handled. The place is now completely rendered and the roof has been retiled.

Category 3 means that the dwelling is considered significant as an individual building and ideally would be retained and conserved. However, the dwelling is not included in the Local Planning Scheme Heritage List and its demolition is not prohibited.

Whilst the Town values protecting heritage buildings, it also recognises that new development that sustains the amenity, character and streetscape quality of a locality can be approved where permissible under the Local Planning Scheme.

CONCLUSION

The proposed subdivision does not satisfy the average lot area required in a Residential R20 zone under the deemed-to-comply or design principles of the Residential Design Codes.

The Western Australian Planning Commission's amended Policy 2.2 was released in October 2017 and although it provides flexibility for the Commission to approve undersized lots this is subject to meeting strict criteria. In this case, it is doubtful whether Rockett Lane, which is only 2.7m wide, would satisfy the Commission's Policy. Furthermore, vehicle access to proposed Lot 1 would likely necessitate the removal of a Melaleuca bush in the street verge and the construction of a new crossover over the existing drainage which would require significant works to the verge and stormwater infrastructure.

In the past, the Town has not supported subdivisions where the average lot sizes exceed a 5% reduction, and in this instance the proposed 11.8% reduction of the required average lot area is considered excessive and would likely create lots that would appear out-of-keeping with the locality.

Whilst three narrower lots have recently been approved on the opposite side of Napier Street they should not be taken as a precedent in the locality as that land is zoned Residential R35 rather than Residential R20. Also, that subdivision was not supported by the Town as it entailed the demolition of Municipal Inventory Category 3 heritage dwelling which may have been suitable for consideration for inclusion on the Local Planning Scheme Heritage List.

VOTING

Simple Majority

OFFICER RECOMMENDATION**Moved Cr Harkins, seconded Cr Young**

1. That Council advises the Western Australian Planning Commission that it does NOT support the proposed subdivision of Lot 2 (No. 99) Napier Street, Cottesloe (WAPC reference 155977), for the following reasons:
 - (i) the subdivision does not satisfy the average site area of 450m² required under the deemed-to-comply provisions of the Residential Design Codes and exceeds the 5% variation (reduction) that may be considered the under design principles;
 - (ii) the subdivision does not satisfy the criteria under the Western Australian Planning Commission's amended Policy 2.2 to allow an average lot size variation of greater than 5%, because:
 - a. proposed Lot 2 would not have its principal frontage to the adjoining underwidth laneway;
 - b. a crossover to proposed Lot 1 would necessitate the removal of a Melaleuca bush in the street verge and would require significant works to the verge and stormwater infrastructure; and
 - c. no vehicle sightline truncation or widening of the narrow 2.7m wide laneway has been proposed; and
 - (iii) the subdivision would entail demolition of the existing dwelling, which is heritage-classified as Category 3 in the Town's Municipal Inventory and contributes to the established character of the street and locality.
2. That this report be forwarded to the Western Australian Planning Commission with the Town's letter containing Council's response.

AMENDMENT**Moved Cr Boulter, seconded Cr Sadler**

That a third point be added to the Officer Recommendation as follows:

3. That, without prejudice to Council's advice that it does not support the proposed subdivision, the following draft conditions be provided to the Western Australian Planning Commission should it consider approving the application:
1. Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present at the time of subdivision approval being demolished and the materials removed.
 2. The proposed lots being filled, stabilised, drained and/or graded as required to ensure that:
 - a) the lots can accommodate the intended development;
 - b) finished ground levels at the boundaries of the lots the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and
 - c) stormwater is contained on site or appropriately treated and connected to the local drainage system.
 3. The section of Rockett Lane abutting the eastern boundary of the subject land being widened by a minimum 1.15m and sealed, drained and paved for its full width.
 4. A 2.8m truncation of the subject land shall be provided on the corner of Rocket Lane and Napier Street.
 5. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.

Advice Note:

In regard to Condition 1, a demolition permit may be required to be obtained from the local government prior to the commencement of demolition works.

CARRIED 8/0

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Harkins, seconded Cr Young

1. That Council advises the Western Australian Planning Commission that it does NOT support the proposed subdivision of Lot 2 (No. 99) Napier Street, Cottesloe (WAPC reference 155977), for the following reasons:
 - (i) the subdivision does not satisfy the average site area of 450m² required under the deemed-to-comply provisions of the Residential Design Codes and exceeds the 5% variation (reduction) that may be considered the under design principles;

- (ii) the subdivision does not satisfy the criteria under the Western Australian Planning Commission's amended Policy 2.2 to allow an average lot size variation of greater than 5%, because:
 - a. proposed Lot 2 would not have its principal frontage to the adjoining underwidth laneway;
 - b. a crossover to proposed Lot 1 would necessitate the removal of a Melaleuca bush in the street verge and would require significant works to the verge and stormwater infrastructure; and
 - c. no vehicle sightline truncation or widening of the narrow 2.7m wide laneway has been proposed; and
 - (iii) the subdivision would entail demolition of the existing dwelling, which is heritage-classified as Category 3 in the Town's Municipal Inventory and contributes to the established character of the street and locality.
- 2. That this report be forwarded to the Western Australian Planning Commission with the Town's letter containing Council's response.
- 3. That, without prejudice to Council's advice that it does not support the proposed subdivision, the following draft conditions be provided to the Western Australian Planning Commission should it consider approving the application:
 - 1. Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present at the time of subdivision approval being demolished and the materials removed.
 - 2. The proposed lots being filled, stabilised, drained and/or graded as required to ensure that:
 - a) the lots can accommodate the intended development;
 - b) finished ground levels at the boundaries of the lots the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and
 - c) stormwater is contained on site or appropriately treated and connected to the local drainage system.
 - 3. The section of Rockett Lane abutting the eastern boundary of the subject land being widened by a minimum 1.15m and sealed, drained and paved for its full width.
 - 4. A 2.8m truncation of the subject land shall be provided on the corner of Rocket Lane and Napier Street.
 - 5. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.

Advice Note:

In regard to Condition 1, a demolition permit may be required to be obtained from the local government prior to the commencement of demolition works.

CARRIED 8/0

Cr Rodda returned to the room at 10.03 PM

Mayor Angers and Crs Tucak and Rodda declared an impartiality interest in this Item.

10.1.8 NO. 34A (SL: 2 SP: 11260) HAWKSTONE STREET – ALTERATIONS AND FRONT TWO-STOREY EXTENSION WITH BRIDGE WALKWAY

File Ref: 3542
Attachments: Aerial photo
Site photos
Applicant's justification letters
Western neighbour submissions and response by applicant
Eastern neighbour submission and response by applicant
Comments from applicant on design principles
Revised plans
Responsible Officer: Andrew Jackson
Manager Development Services
Authors: Andrew Jackson
Manager Development Services
Ronald Boswell
Planning Officer
Proposed Meeting Date: 12 December 2017
Author Disclosure of Interest: Nil
Property Owner:
Applicant:
Date of Application: 19 April 2017 (Amended 28 September 2017)
Zoning: Residential R20
Use: P – A use that is permitted under LPS 3
Lot Area: 893m² (Strata Lot No. 2: 293m²)
M.R.S. Reservation: Not applicable

SUMMARY

On 27 November 2017 this application was identified to be completed under delegation, based on revised plans and intended conditions in response to the site constraints, with design details to manage a suitable outcome. However, the application has been called-up by Elected Members to be determined by Council.

BACKGROUND

The application was received on 19 April 2017 with a series of revised plans submitted to address the design details before being advertised to neighbours and assessed. The proposal complies with Local Planning Scheme No. 3 and seeks discretion under the Design Principles of the Residential Design Codes. An assessment has been undertaken on the latest revised plans, with the result being a recommendation to conditionally approve the development.

The existing dwelling is well setback from the street and shares a party wall with the dwelling on Strata Lot No. 1. The dwelling does not proportionately share the Strata Lot site area. Strata Lot No. 2 is constrained in size with a lot area of 293m² and width of only 6.36m, compared to Strata Lot No. 1 with a lot area of 600m² and width of 13.73m.

This has created design constraints for the proposed two-storey extension, as discussed further in this report.

PROPOSAL

This application comprises the following:

Alterations	<ul style="list-style-type: none">) Internal modifications to ground and first floors.) Removal of internal stairs.) Removal of external stairs.
Additions	<ul style="list-style-type: none">) Ground-floor front extension includes internal stairs, bedroom 2 and WIR.) First-floor front lounge extension.) Lightweight and unroofed bridge walkway from street level to first-floor.) Dividing wall/fence in front of the extension to separate the Strata Lots.) Hardstand paving for one vehicle at the front.

STRATEGIC IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

STATUTORY ENVIRONMENT

-) *Planning and Development Act 2005*
-) *Planning and Development (Local Planning Schemes) Regulations 2015*
-) Local Planning Scheme No. 3
-) Residential Design Codes

FINANCIAL IMPLICATIONS

Nil.

STAFFING IMPLICATIONS

Nil.

SUSTAINABILITY IMPLICATIONS

Nil.

CONSULTATION

The application was advertised for 14 days to four adjoining owners who were invited to view the revised plans submitted on 28 September 2017. Two submissions were received, as discussed below.

Officers have liaised with the owners and the neighbours to examine the development proposal as well as the concerns raised.

The owner/applicant has provided the Town with two justification letters and advised that they wish to proceed with the latest plans.

STAFF COMMENT

Revised plans were previously received on 2 August and 31 August 2017, and then modified on 28 September 2017, to address design details.

The table below is a summary of the planning assessment of the revised proposal against the provisions of Local Planning Scheme No. 3, the Planning and Development (Local Planning Scheme) Regulations and the Residential Design Codes. The proposal predominantly complies, with only two aspects requiring discretion.

Planning assessment	Complies	Requires exercise of judgment
Use – single dwelling	✓	
Building height	✓	
Number of storeys	✓	
Street setback	✓	
Lot boundary setback		✓
Open space	✓	
Parking	✓	
Outdoor living areas	✓	
Street surveillance	✓	
Sightlines	✓	
Street walls and fences	✓	
Vehicle access	✓	
Visual privacy		✓
Solar access	✓	
Site works/Retaining walls	✓	
External fixtures	✓	
Matters to be considered by Local Government	✓	

Summary of Submission

Lynn Young (34 Hawkstone Street)

Registers concern given the proximity of the two-storey strata lot boundary wall, loss of eastern light to front balcony/living area, retaining and fill intended for the hardstand (now to be deleted), and how the new roof connects to the existing roof. Seeks that the new roof does not exceed the ridge height of the existing dwelling (now achieved), the material used matches the existing roof, and drainage is contained on Strata Lot No. 2.

Comment

The submission refers to bulk and scale and how the front extension interconnects with the existing strata property.

The western lot boundary wall shall be conditioned to be setback 250mm from the strata lot boundary.

The materials used shall be different from the existing dwelling, to ameliorate bulk and scale viewed from the western property.

The height of the front extension matches the ridge height of the existing dwelling.

Fill and retaining shown on the current plans shall be conditioned to be removed (as the applicant now intends) and shown as such on revised plans at the Building

<p>Permit stage. Connection to the existing dwelling and on-site drainage will be checked at the Building Permit stage.</p>
<p>Summary of Submission</p>
<p><u>Bruce Dewar (36 Hawkstone Street)</u> Registers concern given the proximity of the front extension to the lot boundary, loss of western light and additional noise created near their bedroom windows.</p>
<p>Comment</p>
<p>The mass of the front extension and the front setback proposed are similar to the eastern neighbour’s two-storey dwelling. The neighbour is not affected in terms of loss of light, which under the Residential Design Codes relates to northern rather than western light. Removal of the open external staircase from the eastern side will increase privacy for the neighbour.</p>

The table below is the detailed planning assessment of the proposal against the provisions of the Residential Design Codes.

Lot boundary setback	Deemed-to-comply provision	Design principles
Requirement	3.5m maximum height, 3m average height, 12.8m maximum length.	Buildings built up to boundaries (other than the street boundary) where this: <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • does not compromise the design principle contained in clause 5.1.3 P3.1; • does not have any adverse impact on the amenity of the adjoining property; • ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and • positively contributes to the prevailing development context and streetscape.
Applicant’s proposal	<p><u>Western strata lot boundary wall</u> 5.6m maximum height, 5.1m average height and 20.67m total length (6.75m proposed, two-storey, 13.92m single-storey existing). Does not satisfy the deemed-to-comply requirements of the Residential Design Codes.</p> <p><u>Eastern lot boundary wall</u> 5.6m maximum height, 4m average height and 20.67m total length (6.75m two-storey and 13.92m single-storey existing), 0.6m from lot boundary. Does not satisfy the deemed-to-comply requirements</p>	

	of the Residential Design Codes.
<p>Comment Strata Lot No. 2 is narrow at only 6.36m wide. This creates boundary setback constraints in order to not compromise internal living space. The front extension western wall shall be conditioned to be setback 250mm from the strata lot boundary to ameliorate bulk and scale as observed from the western property. The front extension is setback 0.6m from the eastern lot boundary, which technically constitutes a boundary wall. This boundary wall should not affect the eastern neighbour as their dwelling is setback from the boundary with no major openings.</p> <p>Conclusion To satisfy the Residential Design Codes deemed-to-comply standard, the front extension would be required to be setback 1.2m from the western and eastern lot boundaries, but that would substantially compromise internal space. Therefore, to address the western neighbour’s concern, setting back the western boundary wall 250mm from the strata lot boundary will lessen the sense of bulk and scale.</p>	

Visual privacy	Deemed-to-comply provision	Design principles
Requirement	<p>Major openings and unenclosed outdoor active habitable spaces, which have a floor level of more than 0.5m above natural ground level and overlook any part of any other residential property behind its street setback line are:</p> <p>i. set back, in direct line of sight within the cone of vision, from the lot boundary, a minimum distance as prescribed in the Residential Design Codes.</p> <p>ii. are provided with permanent screening to restrict views within the cone of vision from any major opening or an unenclosed outdoor active habitable space.</p> <p>iii. Screening devices such as obscure glazing, timber screens, external blinds, window hoods and shutters are to be at least 1.6m in</p>	<p>Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</p> <ul style="list-style-type: none">) building layout and location;) design of major openings;) landscape screening of outdoor active habitable spaces; and/or) location of screening devices. <p>Maximum visual privacy to side and rear boundaries through measures such as:</p> <ul style="list-style-type: none">) offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;) building to the boundary where appropriate;) setting back the first floor from the side boundary;) providing higher or opaque and fixed windows; and/or) screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).

	height, at least 75 per cent obscure, permanently fixed, made of durable material and restrict view in the direction of overlooking into any adjoining property.
Applicant's proposal	The proposed front living room window does not satisfy the deemed-to-comply requirements of the Residential Design Codes.
<p><u>Comment</u> The front living room window predominantly overlooks the western and eastern neighbour front setback areas, which is permitted under the Residential Design Codes. Only small areas of the neighbouring front gardens are overlooked. No habitable rooms or outdoor living areas are overlooked.</p> <p><u>Conclusion</u> The two neighbours raised no comment regarding overlooking from the lounge room window. It is common for front-facing habitable rooms to overlook a neighbouring lot at the front, which is usually supported. This aspect of the application satisfies the Design Principles of the Residential Design Codes and can be supported.</p>	

Planning and Development (Local Planning Schemes) Regulations 2015

Matters to be considered by local government

In considering an application for development approval the local government is to have due regard to the following relevant matters:

-) The aims and provisions of the Scheme;
-) The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
-) The amenity of the locality including the following:
 - (i) the character of the locality;
-) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
-) any submissions received on the application; and
-) any other planning consideration the local government considers appropriate.

Comment

The proposal satisfies the aims of Local Planning Scheme No. 3 and would sustain the amenity, character and streetscape quality of the locality.

The proposal complies with the Local Planning Scheme No. 3 permitted building heights and storeys.

The applicant has addressed the Design Principles of the Residential Design Codes, which allows Council to exercise its judgment.

Two neighbour submissions have been received and considered as outlined.

Conclusion

The proposed alterations, front extension and bridge walkway have been integrated with the existing dwelling, whilst also having regard to the streetscape

and the amenity of the surrounds. The applicant has provided justification in this respect, and subject to conditions the development can be supported.

CONCLUSION

In summary, the proposal can be understood in relation to the objectives of additional living space and upgrading the dwelling. The design can be understood in terms of how it presents to the street and considers the character of the locality, and creates a dwelling that is distinguishable from the other strata dwelling, rather than appearing as a single dwelling. The front extension would sit comfortably behind the front setback, similar to other dwellings on the street.

To elaborate, development proposals can be complicated and require a detailed design appreciation to evaluate their merit and determine the outcome. In this respect the following points are identified in considering the proposal:

-) having regard to the site constraints the proposal is logical and relatively modest;
-) the applicant has provided reasoned justification and responses to aspects raised by the Town and neighbours;
-) the Town's review and liaison has resulted in revised plans and a suite of conditions to deal with a range of aspects;
-) whilst the height of the front extension has been reduced, there is limited scope to reduce or alter its floorplan, given:
 - o designing rooms of a practical size and shape;
 - o accommodating the bridge walkway, entries/landings and stairs; and
 - o providing access down the eastern outside of the dwelling of minimal width (0.6m), which is the only side access;
-) the front extension will bring the dwelling forward to be more in keeping with the alignment of the dwellings on each side of Nos 34 and 34A along the street;
-) the front extension setback of 9.65m is significantly greater than the basic standard of 6m or what may be even less if the setback is averaged;
-) the front extension effectively continues the boundary wall dividing the two dwellings, and by way of comparison is of similar length to a typical garage forward of a dwelling and parallel to an adjacent property;
-) the front extension's proportions, lines, matching ridge height, narrow pitched roof (having a smaller gable) and flat roof eastern side section all combine to reduce its bulk and scale;
-) the western wall could be indented 250mm, to offset the extension for more differentiation to perceptibly ameliorate bulk and scale, without unduly compromising internal floorspace;
-) the side boundary solid wall/fence continuing to the street could be a different material to the likely rendered wall of the extension (eg limestone block as indicated on the plans), in order to break-up the sense of mass; and
-) the pedestrian bridge is positioned to the eastern side away from the western elevation, and its balustrade should be clear glass or open-aspect to be lightweight in appearance.

In this overall context the design as conditioned accordingly for approval is considered to be an acceptable solution.

VOTING

Simple Majority

OFFICER RECOMMENDATION**Moved Cr Rodda, seconded Cr Harkins**

That Council GRANT, planning approval for alterations and front two-storey extension with bridge walkway at No. 34A (SL: 2 SP: 11260) Hawkstone Street, Cottesloe, as shown on the revised plans received on 28 September 2017, subject to the following conditions:

- (1) The roof to the new development shall not be higher than the existing roof to the dwelling.
- (2) The colour of the roof to the new development shall be compatible with the colour of the existing roof to the dwelling, and the details of the roof material and colour shall be shown on the plans submitted for a building permit.
- (3) The roof surface being treated to reduce glare if the Town considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (4) In order to break-up the mass of the development, the western wall of the front extension shall be setback 250mm from the survey strata boundary; the details of which shall be shown in the plans submitted for a building permit.
- (5) In order to break-up the mass of the development, the dividing wall/fence to the western boundary from the front extension to the front boundary shall be of a different material to the finish of the walls to the extension;
- (6) The car parking bay shall be at-grade following the slope of the land, and shall not be on a raised/retained level horizontal to the street. The plans submitted for a building permit shall show this revised detail, including the boundary wall/fence (condition 4 refers) and deletion of the balustrade;
- (7) In order to be lightweight in appearance, the balustrades to the bridge walkway shall be clear-glazed or of open-aspect design;
- (8) The materials, finishes and colours of the new development shall be in harmony with the style and treatments of the existing development;
- (9) The finish and colour of the western wall of the front extension facing No. 34 Hawkstone Street shall be of a proper standard;
- (10) The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.
- (11) All water draining from roofs and other impermeable surfaces forming part of the new development shall be directed to garden areas, sumps or rainwater tanks

within the development site, where climatic and soil conditions allow for the effective retention of stormwater on-site, and shall not affect the adjoining survey strata lot to the west at No. 34 Hawkstone Street.

- (12) The applicant shall apply to the Town for approval to modify or reconstruct the crossover, in accordance with the Town's specifications, as approved by the Manager Engineering Services or an authorised officer.
- (13) The crossover shall ensure retention of the existing street tree(s), with the Town's Works Supervisor determining the distance of the crossover from the bases of the tree(s).
- (14) Existing street trees shall be retained and protected during building works by barriers around the bases of the trees;
- (15) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. – Construction sites.
- (16) Air-conditioning plant and equipment shall be located closer to the dwelling than adjoining dwellings, and suitably housed or treated as may be necessary to ensure that sound levels do not exceed those specified in the Environment Protection (Noise) Regulations 1997.
- (17) Prior to commencing the development, the owner/applicant shall be responsible for providing a comprehensive dilapidation report in order to identify any damage to No. 34 Hawkstone Street arising from the works, and shall provide a copy to the Town and the owner of No. 34 Hawkstone Street.

Advice Notes:

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.
3. The owner/applicant is advised that the removal of any hazardous materials/substances, including asbestos, is required to be undertaken in accordance with the relevant regulations and procedures.
4. The owner/applicant is reminded of any obligation under the Strata Titles Act, separate from the planning approval process.
5. The owner/applicant may require the consent of adjoining neighbours prior to any alteration or addition to an existing boundary fence.

Cr Young left the room at 10.04 PM and returned at 10.05 PM

PROCEDURAL MOTION

Moved Cr Boulter, seconded Cr Pyvis

That the item be deferred for Council's determination at the next Council meeting, to address the various concerns raised.

CARRIED 9/0

10.1.9 SCULPTURE BY THE SEA INC. – REQUEST FOR USE OF A SECTION OF THE FORREST STREET CAR PARK

File Ref: SUB/2427
Attachments: Nil
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Garry Bird
Manager Corporate & Community Services
Proposed Meeting Date: 12 December 2017
Author Disclosure of Interest: Nil

SUMMARY

To consider a request from Sculpture by the Sea Inc. for a demountable toilet, accessible toilet, and refrigerated container to be installed in a section of the car park at the corner of Marine Parade and Forrest Street, to service the 2018 “Sculpture Inside” miniatures exhibition on the adjoining Sea View Golf Club.

BACKGROUND

Sculpture by the Sea Inc. and the Sea View Golf Club have negotiated a five year agreement (commencing 2017) to host the “Sculpture Inside” miniatures exhibition on a disused corner of the Golf Club.

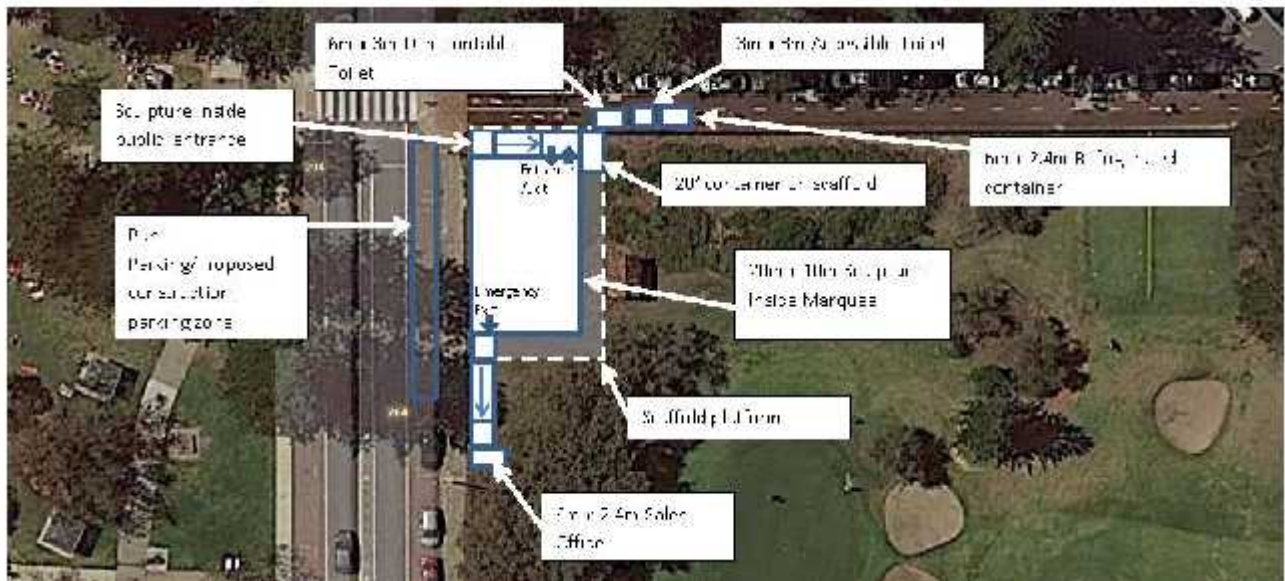
In order to facilitate this, Sculpture by the Sea Inc. have requested access to a corner of the Forrest Street carpark to service the exhibition.

The public event will run from Friday, 2 March 2018, to Monday, 19 March 2018. Installation and set-up is expected to commence on Monday, 26 February 2018. Deinstallation is expected to finish on Friday, 23 March 2018.

It is proposed by Sculpture by the Sea Inc. that a section of the car park on the corner of Marine Parade and Forrest Street be used as the site for:

-) 6m x 3m demountable toilet;
-) 3m x 3m accessible toilet; and
-) 6 x 2.4m refrigerated container.

These facilities will be located as follows:



For now, Council is only being asked to consider allowing access to the nominated car parking bays. Additional information will be provided by Sculpture by the Sea Inc. closer to event, including traffic management arrangements, which will be managed by staff

STRATEGIC IMPLICATIONS

Priority Area 1 – Protecting and Enhancing the Wellbeing of Residents and Visitors
Major Strategy 1.3 Identify places to host more cultural events and activities.

Consideration of this request to allow Sculpture by the Sea Inc. to utilise approximately four car parking bays in the Forrest Street car park. is in keeping with this stated objective.

POLICY IMPLICATIONS

There are no significant policy implications arising from the officer recommendation.

STATUTORY ENVIRONMENT

Local Government Act 1995

Health (Public Buildings) Regulations 1992

Environmental Protection (Noise) Regulations 1997

FINANCIAL IMPLICATIONS

Sculpture by the Sea Inc. do not pay any hire fee's for the use of Council facilities and a such no charge would be raised for the use of the requested bays.

STAFFING IMPLICATIONS

Ranger and Environmental Health will monitor the event which is funded from existing budget allocations.

SUSTAINABILITY IMPLICATIONS

Adequate arrangements will be made for rubbish collection and removal, including the provision for recycling.

CONSULTATION

Sculpture by the Sea Inc.
Town of Cottesloe
Sea View Golf Club Inc.

STAFF COMMENT

The same arrangements for “Sculpture Inside” were in place for the 2017 event and although a complaint was received about the infrastructure in the carpark, this related predominantly to the cleaning of the toilets.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Thomas

That Council approve the request from Sculpture by the Sea Inc. to utilise approximately four bays from the Forrest Street Carpark for infrastructure associated with the 2018 “Sculpture Inside’ miniatures event at the adjoining Sea View Golf Club Inc.

CARRIED 8/1

**For: Mayor Angers and Crs Rodda, Tucak, Young, Harkins, Pyvis, Sadler and Thomas
Against: Cr Boulter**

**10.1.10 PARKING PROHIBITION REQUEST – 16 EDWARD STREET,
COTTESLOE**

File Ref: SUB/443
Attachments: Requested Parking Prohibition Extension
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Nick Woodhouse
Manager Engineering Services
Proposed Meeting Date: 12 December 2017
Author Disclosure of Interest: Nil

SUMMARY

Council is requested to consider a request from a resident to extend the existing 'No Stopping' line on Edward Street.

BACKGROUND

The Town has received a request from the owner of 16 Edward Street to extend the parking prohibitions on Edward Street. The Town has monitored the area to determine the extent of the parking issue and has installed statutory 'No Stopping' lines at the intersection of Gordon Street and Edward Street as vehicles were parking too close to the intersection. This type of parking prohibition is covered under the *Road Traffic Code 2000* and does not require a Council resolution.

The Town has continued to monitor the location and has found that during the day there have rarely been vehicles parked in the area. At night there have been one or two vehicles parked on Edward Street between the intersection and the cul-de-sac. Parked vehicles do not appear to be obstructing the collection of household rubbish as bins can be placed on the driveway. Please refer to the images below.



Figure 1: Typical parking arrangement during the day and night.



Figure 2: Observed parking arrangement on bin collection day.



Figure 3: Observed parking arrangement on bin collection day.

STRATEGIC IMPLICATIONS

There are no perceived strategic implications arising from the Officer Recommendation.

POLICY IMPLICATIONS

There are no perceived policy implications arising from the Officer Recommendation.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

FINANCIAL IMPLICATIONS

It will cost in the order of \$250 to extend the 'No Stopping' lines.

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the Officer Recommendation.

SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the Officer Recommendation.

CONSULTATION

Town of Cottesloe Staff
Owners of 16 Edward Street

STAFF COMMENT

The Town receives many requests for this type of parking prohibition which it does not normally support. It is recommended to not support this request as the problem is simply shifted to another nearby location. If the Town were to approve these types of requests it would result, over time, in little to no available street parking throughout the suburb.

The parking situation at Edward Street is similar to many other locations where vehicles park on the road. Sight lines are sometimes restricted due to parked vehicles, however, to achieve unrestricted sight lines, would result in the loss of a majority or all of a suburbs verge and street parking.

Edward Street and Gordon Street are low speed and low volume roads. The two vehicles appear to be parking on Edward Street mainly at night time when traffic volume would be at its lowest. It is also a cul-de-sac which provides access to four properties therefore minimal vehicle traffic is expected through this location which reduces the risk of collision.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Thomas

That Council not support the request to extend the existing 'No Stopping' parking lines along Edward Street, Cottesloe.

CARRIED 8/1

**For: Mayor Angers and Crs Rodda, Tucak, Young, Harkins, Pyvis, Sadler and Thomas
Against: Cr Boulter**

10.2 REPORT OF COMMITTEES

That Council note the Minutes of the following Committee Meetings with consideration given to the Committees' recommendations as highlighted below.

-) Hotels Committee Meeting (21 November 2017 Minutes to be distributed).
-) Foreshore Precinct Implementation Committee (22 November 2017 Minutes to be distributed).

11 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 Cr Boulter – Notice of Motion Re Harvey Field Precinct Plan and the Town of Cottesloe Works Depots**

Council requests that:

1. The current TOC project supplier AECOM be asked to advise Council of the cost of including in their precinct planning for Harvey Field, consideration of the best place for the site of the full works depot within or near this precinct (or outside the precinct but within the Town of Cottesloe).
2. The AECOM amended costs be brought to the first Council meeting after the December Council meeting.
3. Subject to Council consideration of number 2 above, AECOM be requested to include in their Harvey Field Precinct analysis all the TOC assets in the draft plan including the mini-depot at the SVGC.
4. That the TOC audit and risk committee provide to Council expert advice about the actual and hidden costs to ratepayers of the various depot options including at the SVGC or within the Harvey Field Precinct.

Rationale

1. This Notice of Motion is for the purpose of exploring an option within a strategic planning context so that Council can decide whether or not it wishes to overturn its previous decision not to have the TOC works depot sited on the SVGC mini-depot site or anywhere else in the Harvey Field Precinct or the Town of Cottesloe.
2. This exploration by an external consultant already employed by the TOC may produce a different site/arrangement not previously considered.
3. I do not believe there has been a comprehensive review of the operation of the two current depots from costs' (hidden and apparent) and risks' perspective and the TOC Audit Committee should be asked to recommend a way of finding out this information.
4. The Harvey Field Precinct planners as an extension to their current contract could be asked to explore the options for Council's information.
5. Council needs comprehensive accurate information of the current situation and all Council's options well in advance of consideration of any upcoming proposal on expiry of the current lease (one year) of the Stack St depot.
6. \$100,000 equates to 1 % town of Cottesloe rates rise or fall.
7. To date over \$1million has been expended on rent to a private landowner (at approx. \$250,000/year for five years), when for example that rent could have been paid to the Sea View Golf Club to support the very valuable open space that the club tends, at perhaps half that rent to the club and half a saving to the ratepayers.

8. The strategic implications and costs and risks about the TOC Works Depots arrangements should be explored and well understood by Council as a matter of prudent governance.

9. A prudent Council in my opinion should undertake this exercise well before we are asked to consider a new lease or move the depot to other than Stack St or to amalgamate to a large depot site shared with other western suburbs councils with that decision being less than one year away.

10. If the Sea View Golf Club requires an income to maintain the Class A reserve, then it is not unlikely that an incidental purpose such as securing rent from the site of a works depot might be considered favourably by the Minister for Lands.

Staff Comment

As per Council's previous resolution, no further work has been undertaken on locating the Depot in the Seaview precinct.

As identified in previous reports, there are only two locations within this area that are suitable for a depot sized development being;

1. The area immediately to the east of the Golf Club's sheds and parking facilities; and
2. The area immediately to the west of Seaview Kindergarten.

The site to the east of the golf club's sheds and facilities would require the clearing of significant vegetation and would likely impact on the golf course itself. Given the proximity to houses on Broome Street, it is also likely that significant screening would be required in this location and this screening would likely impact on the golf course as well. It is also anticipated that significant feedback would be received from nearby residents.

The site to the east of the Seaview Kindergarten has been considered by the Town previously and it was resolved not to use this location. There are number of issues with this site, not the least of which is it proximity of the kindergarten itself.

If Council wishes to consider any location within the Seaview precinct for a depot development, it is strongly recommended that such a proposal be the subject of detailed consultation with the Seaview Golf Club, the Seaview Kindergarten and nearby residents prior to any consultants being engaged.

If Council intends to hire a consultant to make comment on the best place to house such a depot, it should seek proposals from the market for such a study.

COUNCILLOR MOTION

Moved Cr Boulter, Seconded Cr Pyvis

Council requests that:

1. The current TOC project supplier AECOM be asked to advise Council of the cost of including in their precinct planning for Harvey Field, consideration of the best place for the site of the full works depot within or near this precinct (or outside the precinct but within the Town of Cottesloe).
2. The AECOM amended costs be brought to the first Council meeting after the December Council meeting.

3. Subject to Council consideration of number 2 above, AECOM be requested to include in their Harvey Field Precinct analysis all the TOC assets in the draft plan including the mini-depot at the SVGC.
4. That the TOC audit and risk committee provide to Council expert advice about the actual and hidden costs to ratepayers of the various depot options including at the SVGC or within the Harvey Field Precinct.

LOST 2/6

For: Crs Boulter and Pyvis

Against: Mayor Angers, Crs Rodda, Thomas, Tucak, Harkins and Young

Mr Nick Woodhouse, Mr Garry Bird and Mr Andrew Jackson declared an impartiality interest in this Item

11.2 Cr Boulter – Notice of Motion Re Designated Senior Employees

That Council:

1. Designates as a “senior designated employee” the Town of Cottesloe Managers of:
 -) Development Services
 -) Corporate and Community Services
 -) Engineering Services
2. This resolution applies from the earliest date that it can be applicable under the *Local Government Act*, having regard in particular to the distinctions between extension, renewal and replacement.
3. Request the CEO to obtain advice about implementation of Council’s resolution and report back to Council about that advice at his earliest convenience.

Rationale

The Town of Cottesloe used to designate senior employees. It is prudent governance for this practice to return to Council.

I understand that TOC managers used to be “senior designated employee” prior to the Council amalgamations’ campaign and that the previous CEO and Council removed that designation to protect the managers’ employment contracts and/or conditions should amalgamation proceed.

The designation “designated senior employee” means that:

- a. Council will have a limited role in senior employees’ employment
- b. the CEO would bring to Council’s attention any proposed change in the status of any “designated senior employee”.

5. Section 5.37(2) of the Local Government Act applies to “senior employees”. Section 5.37(2) of the Act provides that the CEO must inform the Council of any proposal to employ or dismiss a “designated senior employee”. The Council can then accept or reject the CEO’s recommendation, but if it rejects the recommendation it must give reasons. It is then up to the CEO to assess the reasons given and decide what action to take: Department of Local Government, Sport and Cultural Industries on the application of this Section quoted by James McGovern WALGA Manager Governance Officer.

Section 5.36(3) requires that the CEO be satisfied that other employees are suitably qualified for their positions, while section 5.41(g) gives authority to the CEO to supervise all other employees, including “designated senior employees”. It is therefore beyond the power of the Council to reject the CEO’s recommendation to employ or dismiss a designated senior employee for the reasons of qualification or performance, as the Act gives these functions to the CEO: Department of Local Government, Sport and Cultural Industries on the application of this Section quoted by James McGovern WALGA Manager Governance Officer.

The Council is therefore limited to certain principles, which are listed in section 5.40, when giving reasons for rejecting a recommendation of the CEO on these matters. The requirement to inform the Council does not apply to the renewal of a senior employee’s contract, as renewal is not a ‘proposal to employ or dismiss’ referred to in section 5.37(2) LGA s5.37; s5.36(3); s5.40; s5.41(g): Department of Local

Government, Sport and Cultural Industries on the application of this Section quoted by James McGovern WALGA Manager Governance Officer.

Section 5.40 provides as follows:

5.40. Principles affecting employment by local governments

The following principles apply to a local government in respect of its employees —

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity; and*
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and*
- (c) employees are to be treated fairly and consistently; and*
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the Equal Opportunity Act 1984 or on any other ground; and*
- (e) employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984; and*
- (f) such other principles, not inconsistent with this Division, as may be prescribed.*

9. The Local Government Act defines a designated employee to mean —
- a. a CEO; and
 - b. an employee, other than the CEO, to whom any power or duty has been delegated under Division 4; and
 - c. an employee who is a member of a committee comprising council members and employees; and
 - d. an employee nominated by the local government to be a designated employee;
10. The Local Government Act defines **relevant person** means a person who is a council member or a designated employee;
11. The Local Government Act defines S5.75 **start day** means —
- (a) in the case of a council member, the day on which he or she made the declaration referred to in section 2.29; or
 - (b) in the case of a designated employee, the day on which the person became a designated employee.

Staff Comment

The concept of having Senior Employees designated by Council is generally supported by the administration. However, as there are currently people in these positions, the timing of any change needs to be considered carefully.

If Council were to proceed with designating senior positions within the administration, it would be recommended that a review of the staff structures be undertaken prior to the designation taking place. The review should look at the reporting relationships for each position within the Town and make an assessment of the appropriateness of the current structure before proceeding.

PROCEDURAL MOTION

Moved Cr Rodda, seconded Cr Harkins

That this Item be deferred

CARRIED 8/0

Mr Mat Humfrey declared an impartiality interest in this Item.

11.3 Cr Boulter Notice of Motion - re The CEO Performance Review

This Item was withdrawn.

11.4 Cr Sadler – Notice of Motion - Grants Policy

That Council request the administration prepare a draft Grants Policy for its consideration which outlines how and when grants can be applied for and when Council's consideration is required.

Staff Comment

Staff are supportive of the notice of motion. A policy would be of great assistance to both staff and committees when funding opportunities become available.

There are many examples of policies of this nature in local government.

PROCEDURAL MOTION

Moved Cr Young, seconded Cr Boulter

That this motion be deferred

CARRIED 8/0

12 NEW BUSINESS OF AN URGENT NATURE

12.1 Elected Members

Nil.

12.2 Officers

PROCEDURAL MOTION**Moved Cr Boulter, seconded Cr Thomas****That this Item of Late Business be accepted by Council****CARRIED 9/0****12.2.1 LOT 1 (NO. 21) JOHN STREET – TWO-STOREY DWELLING**

File Ref: 3646
Attachments: Location map
 Site photos
 Application plans
 Neighbour correspondence
Responsible Officer: Andrew Jackson, Manager Development Services
Author: Ed Drewett, Senior Planning Officer
Proposed Meeting Date: 12 December 2017
Author Disclosure of Interest: Nil

SUMMARY

This development application is referred to Council after being “called-up” by Elected Members following its inclusion on the weekly Delegation List.

The application involves just two aspects to be determined under the Design Principles of the Residential Design Codes:

-) Side setback to western boundary – front portion of first floor only; and
-) Eaves setback.

The recommendation is to conditionally approve the application.

BACKGROUND

Property Address:	Lot 1 (No. 21) John Street, Cottesloe
Zoning MRS:	Urban
LPS:	Residential R20
Use Class:	Single house – ‘P’ use (means that the use is permitted by the Scheme providing the use complies with relevant development standards and the requirements of the Scheme).
Scheme:	Local Planning Scheme No. 3 (LPS 3)
Lot Size:	594.7m ²
Existing Land Use:	Single house
Value of Development:	\$1.6M

STRATEGIC IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

STATUTORY ENVIRONMENT

-) Local Planning Scheme No. 3
-) Residential Design Codes

FINANCIAL IMPLICATIONS

Nil.

STAFFING IMPLICATIONS

Nil.

SUSTAINABILITY IMPLICATIONS

Nil.

CONSULTATION

The application was advertised to 8 owners and 4 occupants of the adjacent properties.

One submission was received from the western neighbour, requesting that the proposed ground-floor boundary wall be limited in height to 2.6m, and that a dilapidation report be required.

This is the section of boundary wall to the pantry and wine store on the ground floor – it is a separate matter to the portion of the first-floor wall setback from the western boundary that is mentioned above.

In response, the owners' architect has met and discussed the design and effect of the western boundary wall with that neighbour. The owners have also agreed to provide a dilapidation report. In this respect the architect has advised the Town as follows:

-) *In response to the letter you forwarded to me from the owners of 19 John Street, I met with them today, discussed the height and location of the proposed parapet wall and showed them two sun study videos I had prepared for them.*
-) *In regard to their request for a dilapidation report, I assured them that my client will arrange for one prior to the commencement of any work on site, which in this case would be the demolition of the existing house.*
-) *It is my understanding that the discussion and video satisfied the concerns raised in their letter.*

As a result, on 5 December 2017 the western neighbour emailed the Town advising that he is satisfied with the proposal and thanked the Town and the owners for allaying his concerns.

In any case, this ground-floor boundary wall achieves the deemed-to-comply average height of 3m and at 6.9m long is less than the deemed-to-comply maximum length permitted of 9m or one-third the length of the balance of the lot boundary behind the front setback.

STAFF COMMENT

The table below is a summary of the planning assessment of the proposal against the provisions of the Town's Local Planning Scheme No. 3 and the Residential Design Codes.

In each instance, where the proposal requires the exercise of discretion, the relevant planning element is discussed in the section of the report following this table.

Planning assessment	Complies	Requires exercise of discretion
Single dwelling	✓	
Building height	✓	
Number of storeys	✓	
Street setback	✓	
Lot boundary setbacks		✓
Open space	✓	
Parking	✓	
Outdoor living areas	✓	
Street Surveillance	✓	
Sightlines	✓	
Vehicle access	✓	
Visual privacy	✓	
Solar access	✓	
Site works	✓	
Retaining walls	✓	
External fixtures	✓	
Utilities and facilities	✓	
Matters to be considered by local government	✓	

RDC – Lot boundary setback	Deemed-to-comply provision	Design Principles
Requirement	<u>Western setbacks:</u>) 1.8m (TV room to stairs section of wall).) Eaves not projecting more than 0.75m into a setback area.	Buildings set back from lot boundaries so as to: <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties

Applicant's proposal	<u>Western setbacks:</u>) 1.6m (TV room to stairs section of wall).) Western eave projects 1m into the setback area.
<u>Comment</u>) The front portion of the upper-floor has a 1.6m setback from the western boundary, in lieu of 1.8m, which is 0.2m less.) The remainder of the upper-floor is setback 2.8m to 3.3m from the western boundary, which complies with the Residential Design Codes and reduces the impact of building bulk on the adjoining property.) As the existing dwelling is setback 0.9m from the western boundary the proposed development will be an improvement to that.) The proposed development complies with the overshadowing, ventilation and open space requirements of the Residential Design Codes.) The western neighbouring property is single-storey and will not be affected by any loss of privacy.) The proposed planter/eave towards the western boundary are approximately 4.9m and 9m respectively in length and project 1m from the dwelling, in lieu of 0.75m, which is a variation of 0.25m. They contribute to the contemporary design of the development and will not affect the adjacent property.) In summary, there was no submission from any neighbour about these aspects, and there is no remaining concern regarding the proposed development from any neighbour.	

CONCLUSION

The proposed dwelling complies with Local Planning Scheme No. 3 and the deemed-to-comply provisions of the Residential Design Codes, except for minor setback variation in relation to a portion of the first floor wall and the planter/eave from the western boundary, which is supported under the Design Principles.

The western neighbour is now satisfied with the proposal in relation to the ground-floor western boundary wall, which is fully-compliant for approval.

In addition, the proposed dwelling will result in an improved front setback from John Street, corresponding to the average of the setbacks of the adjoining dwellings. This is because the existing dwelling has a 2.5m front setback, whereas the proposed dwelling will be setback at least 6m on the ground floor and 5.5m on the first floor, with a 1m deep planter to enhance the appearance to the street.

Overall, the application is representative of designs submitted to satisfy the deemed-to-comply requirements and Design Principles of the Residential Design Codes and the Scheme provisions in a manner so as to not raise major concerns.

VOTING

Simple Majority

OFFICER RECOMMENDATION**Moved Cr Rodda, seconded Cr Harkins**

That Council GRANT planning approval for the two-storey dwelling on Lot 1 (No. 21) John Street, Cottesloe, as shown on the plans received on 8 November 2017, subject to the following conditions:

1. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. – Construction sites.
2. The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.
3. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site, where climatic and soil conditions allow for the effective retention of stormwater on-site.
4. The roof surface shall be treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
5. The finish and colour of the western boundary wall shall be to the satisfaction of the Town.
6. A comprehensive Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit, and shall address (amongst other things): maintaining lane access for residents; traffic management and safety for the streets, lane and site; worker parking, including off-site parking in consultation with and approval by the Town.
7. The applicant/owner shall be responsible for producing a comprehensive dilapidation report, to the satisfaction of the Town, to ascertain and monitor any damage caused to neighbouring properties as a result of the demolition and construction works, with copies being provided to the Town and relevant neighbours in order to consider any repairs required.
8. The owner/applicant shall contribute to the Town a sum of money equal to the cost of sealing and draining the full length and width of the sealed right of way for its extent abutting the southern boundary of the property, prior to the issue of a Building Permit.

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 is constructed entirely within the owner's property.
2. The owner/applicant is responsible for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.
3. In relation to this planning approval, the owner/applicant is advised that the Town operates a notification system for intended demolitions, including letters to nearby owners/occupiers and a sign(s) on site. The Town sends an initial letter to those owners/occupiers, arranges for signage as appropriate, and requests the demolition contractor to also provide follow-up notification letters to those

owners/occupiers ahead of the demolition works to confirm the timing and any other aspects.

The Presiding Member granted Elected Members 10 minutes of question time for this item.

PROCEDURAL MOTION

Moved Cr Rodda, seconded Mayor Angers

That the Item be put to the vote.

CARRIED 8/1

**For: Mayor Angers, and Crs Rodda, Pyvis, Sadler, Tucak, Thomas, Harkins and Young
Against: Cr Boulter**

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda, Seconded Cr Harkins

That Council GRANT planning approval for the two-storey dwelling on Lot 1 (No. 21) John Street, Cottesloe, as shown on the plans received on 8 November 2017, subject to the following conditions:

- 1. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. – Construction sites.**
- 2. The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.**
- 3. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site, where climatic and soil conditions allow for the effective retention of stormwater on-site.**
- 4. The roof surface shall be treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.**
- 5. The finish and colour of the western boundary wall shall be to the satisfaction of the Town.**
- 6. A comprehensive Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit, and shall address (amongst other things): maintaining lane access for residents; traffic management and safety for the streets, lane and site; worker parking, including off-site parking in consultation with and approval by the Town.**
- 7. The applicant/owner shall be responsible for producing a comprehensive dilapidation report, to the satisfaction of the Town, to ascertain and monitor any damage caused to neighbouring properties as a result of the demolition and construction works, with copies being provided to the Town and relevant neighbours in order to consider any repairs required.**

8. The owner/applicant shall contribute to the Town a sum of money equal to the cost of sealing and draining the full length and width of the sealed right of way for its extent abutting the southern boundary of the property, prior to the issue of a Building Permit.

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 is constructed entirely within the owner's property.
2. The owner/applicant is responsible for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.
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CARRIED 9/0

Cr Sadler left the room at 11.08 PM and did not return.

PROCEDURAL MOTION**Moved Cr Rodda, seconded Cr Harkins****That this Item of Late Business be accepted by Council****CARRIED 8/0****12.2.2 2017/18 BUDGET AMENDMENT - FORESHORE RENEWAL (CAR PARK ONE)**

File Ref: SUB/2114
Attachments: Opportunities Plan (Car Park One)
Cost Options
Foreshore Renewal Masterplan (Dr Lutton Plan)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Nick Woodhouse
Manager Engineering Services
Proposed Meeting Date: 12 December 2017
Author Disclosure of Interest: Nil

SUMMARY

Council is requested to consider an amendment to the 2017/18 Budget for renewal works at the Cottesloe Foreshore Car Park One.

BACKGROUND

At the November 2017 Ordinary Council Meeting it was resolved:

7. *That Council request that the Foreshore Precinct Implementation Committee in consultation with Emerge develop preliminary design (having regard to Dr Lutton's plan) and costings for the part/complete closure of Car Park 1 that will include the removal of bitumen and replacement with grass, trees, shade structures and public amenities, for the December 2017 Ordinary Council Meeting.*

STRATEGIC IMPLICATIONS

The implementation of the Foreshore Masterplan is identified as a community priority in the Strategic Community Plan.

Strategic Community Plan (2013 to 2023)

Priority Area Three: Enhancing beach access and the foreshore.

Corporate Business Plan (2014 to 2018)

Priority Area Three: Enhancing beach access and the foreshore.

3.1 Implement the 'Foreshore Redevelopment Plan' in consultation with the community.

POLICY IMPLICATIONS

Beach Policy – the Foreshore Renewal Masterplan complies with the policy as adopted by Council.

STATUTORY ENVIRONMENT*Local Government Act 1995*

As the cost of the works is not currently included in the adopted 2017/18 Budget, a budget amendment is required which requires an absolute majority of Council.

All works in the Cottesloe Foreshore Precinct will require planning approval from the Western Australian Planning Commission (WAPC) as the land sits under the Metropolitan Region Scheme. As the changes are minimal and do not significantly alter the purpose for which the land is to be used, there are no significant challenges that are expected when approvals are sought.

Much of the land contained within the Cottesloe Foreshore Precinct is also listed on the State Heritage Register. The Town will work with the State Heritage Office during the detailed design phase of every element to ensure heritage considerations are met.

FINANCIAL IMPLICATIONS

This project is expected to require significant resources over the next five years. To enable the Town to progress with the Car Park One works it is necessary to allocate \$955,500 to the 2017/18 Capital Works Budget.

\$4,383,599 exists in the Town's Long Term Financial Plan to fund works in the foreshore area.

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the Officer Recommendation.

SUSTAINABILITY IMPLICATIONS

The design approach for the Foreshore Masterplan has covered issues such as sustainability and the long term maintenance and management of the precinct. The design will need to include selected materials that have been chosen to ensure sustainability, longevity and ease of maintenance.

The implementation of the upgrade to Car Park One will increase shade and the permeable surface area and also reduce the heat island effect.

CONSULTATION

Foreshore Precinct Implementation Committee
Town of Cottesloe Staff
Elected Members
Community*

* Whilst the community has not been consulted on the plan attached, they were consulted in January 2017 when the Cottesloe Foreshore Renewal Masterplan was advertised. The Masterplan showed a significant size reduction of Car Park One but still provided for a minimal number of parking bays. The community feedback received at the time revealed a broad base of support for a significant reduction in the size of Car Park One. The two alternative designs that were submitted (Saleeba Adams and Cott + Plus) also showed a reduction of Car Park One. These alternative designs had over 450

letters of support. In general, there was support for reducing the overall area of bitumen within the Foreshore Precinct.

STAFF COMMENT

Emerge Associates has prepared an Opportunities Plan and an Opinion of Probable Costs. Please refer to the attachments for details.

Costs

Car Park One is in an extremely poor state of repair. It is estimated that the cost to repair the existing car park pavement is in the order of \$319,000 (\$73.30/m²). This figure will continue to increase as time passes due to the ongoing wear and tear to the surface.

Three options have been presented by Emerge Associates for the upgrade of Car Park One. The options consider three levels of parkland finish over the car park (low / medium / high level finish). To progress with either of these options requires the partial removal of the car park pavement and kerb (to allow for turf placement) which will cost in the order of \$152,075. This figure has been included in the below costs. Please refer to the attachment for details.

Option A (low level finish - \$110/m²) includes irrigation, grass, 100lt trees and a path. The cost to implement this option is \$477,950.

Option B (medium level finish - \$220/m²) includes turf, planting, 200 - 500lt trees, path network, off the shelf furniture, a recreation facility (play/skate/multi-use sports court), irrigation and lighting. The cost to implement this option is \$955,900.

Option C (high level finish - \$275/m²) includes turf, planting, 500-1000lt trees, path network, plaza areas, BBQ, bespoke furniture, a recreation facility (play/skate/multi-use sports court), a water-play, irrigation and lighting. The cost to implement this option is \$1,194,875.

These prices are based on the full closure of Car Park One. The prices are scalable therefore, if Council resolves to close 90% of Car Park One then the cost will be in the order of 90% of the total cost of the preferred option listed above. However, a cost to repair the remaining 10% of the car park would need to be included in the budget amendment also (\$31,900).

It is thought that Council may wish to proceed with Option B. Option A is the basic option which just includes a grassed area and small trees. This would not meet Council's resolution to include shade structures and amenities. Option C may be considered too expensive at this stage. To enable the Town to progress with the Council resolution it is necessary to allocate \$955,900 to the 2017/18 Capital Works Budget.

Consultation

It is noted that the Town has never previously consulted the community on the option to fully close Car Park One. The Town consulted with the community in January 2017 where the plan showed a partial closure. The community feedback received at the time revealed a broad base of support for a significant reduction in the size of Car Park One. Given that Council is entering into recess and there is time available for consultation

prior to the February 2018 Ordinary Council Meeting it is recommended to include 14 days of community consultation prior to progressing to detailed design. Please refer to the timeline below.

Consultation period – 29 January 2018 to 12 February 2018

Council Agenda meeting - 20 February 2018

February Ordinary Meeting of Council – 27 February 2018

It is envisaged that there is adequate time to consult with the community and still begin construction in winter 2018.

VOTING

Absolute Majority

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Boulter

That Council:

- 1. Amend the 2017/18 Budget to include \$955,900 for the 'Car Park One Upgrade' component of the Cottesloe Foreshore Renewal Project.**
- 2. Approve the Car Park One Opportunities Plan for advertising for a period of no less than 14 days (commencing 29 January 2018) and the Town of Cottesloe administration to prepare a report to Council for the February 2018 Ordinary Council Meeting.**
- 3. Amend the 2017/18 Budget to reflect the above allocation being taken from the Depot Funds Reserve.**
- 4. Endorse the seeking of grants to assist with funding the project listed above.**

CARRIED 8/0

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

14 MEETING CLOSURE

The Presiding Member declared the Meeting closed at 11.30 PM.