

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

**ORDINARY MEETING OF COUNCIL
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
7.00 PM, Monday, 16 December, 2013**

MAT HUMFREY
A/Chief Executive Officer

20 December 2013

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 7:03 PM.

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Mayor conveyed her thanks to the Councillors for their time and input this year's work.

She reminded everyone of the Carols by Candlelight on Sunday 22 December 2013 which starts at 7:00pm.

The Mayor also wished everyone a happy Merry Christmas and safe New Years.

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

Nil

4.2 PUBLIC QUESTIONS

Nil

5 PUBLIC STATEMENT TIME

Mr David Caddy, 182 St Georges Terrace, Perth – Re item 10.3.1 No. 219 (Lot 34) Broome Street - Alterations and Additions to Three Units

Mr Caddy thanked Council for the opportunity to speak, acknowledged the support from staff and endorsed the recommendation for approval put to Committee. He concurred with the report that upgrading of the units was desirable to retain established housing stock and would enhance the streetscape. Council has the discretion to approve the application. A question at Committee was whether the non-conforming use may become less non-conforming with an approval, which he believed would not be the case as the RDC site coverage of 50% would not be exceeded. He noted proposed LPS3 recognised that non-conforming uses may be altered or redeveloped with the approval of Council, which is relevant to this proposal. Following advertising and discussion at Committee there appeared to be two concerns, the roof terrace (which has now been deleted) and verge parking. The officer report observed that the proposal could be supported as equivalent to a new two storey dwelling. The proposal technically conforms in many respects as several variations have been amended. Council's favourable consideration was requested.

Mrs Carol Knowles, 217 Broome Street, Cottesloe – Re item 10.3.1
No. 219 (Lot 34) Broome Street – Alterations and Additions to Three Units

Mrs Knowles presented written comments outlining her concerns with the proposal, including overshadow, privacy, parking/vehicular access, the roof terrace and lift, and possible strata titles, and spoke briefly to these points. She noted that only two changes have been made from the previous plan, and the bulk of the two storey building adjacent to her backyard will still affect amenity. The ground floor terraces are raised up to three steps or half a metre high alongside the southern fence, including near her outdoor area, which could cause visual and aural intrusion. Also the insufficient parking for the three dwellings is still a problem as acknowledged by staff and councillors.

Mr Andrew Pearce, 21B Mengler Avenue, Claremont – Re item 10.4.3 ROW
4A – Request for Reconsideration of Upgrading Cost for 218 Broome Street,
Cottesloe

Mr Peace believes that the policy is inequitable because one owner is responsible for upgrading a long section of the lane while others benefit from the improved access. The policy has been adopted since 2004 and five properties have since been built in this lane. His understanding is that in comparison 11 A and B Barsden Street have not had to comply with the policy. He believed upgrading should be a shared responsibility by those using a lane, contributing a small amount of money each, which he has no problem with. Council does receive significant ongoing requests for lanes to be upgraded.

6 ATTENDANCE

Present

Mayor Jo Dawkins
Cr Peter Jeanes
Cr Jack Walsh
Cr Helen Burke (7:05pm)
Cr Jay Birnbrauer
Cr Philip Angers
Cr Katrina Downes
Cr Robert Rowell

Officers Present

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

6.1 APOLOGIES

Cr Sally Pyvis

Officer Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Nil

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 DECLARATION OF INTERESTS

Cr Downes declared an impartiality interest in item 10.3.1 No. 219 (Lot 34) Broome Street - Alterations and Additions to Three Units, due to having some conveyancing done by Mrs Carol Knowles of 217 Broome Street.

Cr Walsh declared an impartiality interest in item 13.1.2 Tender for the Former Depot Site, 2B Nailsworth Street Cottesloe, due to knowing one of the Directors of a company that had submitted a tender.

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8 CONFIRMATION OF MINUTES

Moved Cr Rowell, seconded Cr Birnbrauer

[Minutes November 25 2013 Council](#)

The Minutes of the Ordinary meeting of Council held on Monday, 25 November, 2013 be confirmed.

Carried 8/0

9 PRESENTATIONS

9.1 PETITIONS

Nil

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

For the benefit of the members of public present, the Presiding Member determined to consider: Item 10.3.1 from the Development Services Committee which was withdrawn for consideration. The remaining items were dealt with 'En Bloc'.

From the Works & Corporate Services Committee items 10.4.1 and 10.4.3, were withdrawn for consideration. The remaining items were dealt with 'En Bloc'.

The officer report was dealt next followed by New Business of an Urgent Item 12.2.1. Confidential items 13.1.1 and 13.1.2 were considered behind closed doors at the end of the meeting.

10 REPORTS**10.1 REPORTS OF OFFICERS****10.1.1 METROPOLITAN LOCAL GOVERNMENT REFORM**

File Ref:	SUB/1647
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Carl Askew Chief Executive Officer
Proposed Meeting Date:	16 December 2013
Author Disclosure of Interest	The author has an interest in the matter as any potential amalgamation would directly relate to his employment

SUMMARY

This report advises of the current situation in relation to metropolitan local government reform.

This matter was last reported to Council in August 2013. Since that time local government elections have taken place and a new Council has been sworn in. In addition the Minister has reviewed the submissions made by a number of local governments to the Local Government Advisory Board (prior to the 4 October 2013 deadline) and has submitted a number of alternative proposals in line with the State Government's plan for reform of metropolitan local governments.

In addition a number of discussions and Mayoral meetings have taken place and, in light of the recent elections, Council is being asked to consider an initial response to the Local Government Advisory Board (LGAB), specifically the proposals to form one or two local government in the western suburbs.

This report recommends that Council note the position of the Minister / State Government, the current activity and resolutions of some members of the western suburbs Councils and maintain its previously resolved position. Specifically it recommends that Council;

- *Not support the Minister for Local Government's single local government amalgamation proposal for the Councils of the western suburbs (G7).*
- *Reaffirm Council's previously resolved position, including a preparedness to consider an amalgamation with the Towns of Claremont and Mosman Park and the Shire of Peppermint Grove (plus associated boundary adjustments) and subject to community endorsement.*
- *Authorise the Mayor and CEO to continue to discuss amalgamation options with the Councils of the western suburbs.*
- *Provide in principle support for a "two Council" model for the western suburbs in preference to the Minister's G7 model, should the proposal for a G4 (preferred) not be accepted.*

- *Notify the Minister for Local Government and Local Government Advisory Board of Council's position.*

BACKGROUND

The Metropolitan Local Government Review Panel (Robson Report) was completed in mid 2012 and contained 30 recommendations concerning the future structure and governance arrangements for local governments in metropolitan Perth. The Robson Report and its recommendations was released for comment until 5 April 2013 and after the State Government elections held in March 2013.

Recommendation 15(c) of the Robson Report proposed a reduction in the number of Councils in the Perth metropolitan area from 30 to 12. As part of this recommendation, it was proposed that the Town of Cottesloe would be amalgamated into a new Western Suburbs Council combining seven local governments being Cambridge, Subiaco, Nedlands, Claremont, Mosman Park, Cottesloe and Peppermint Grove.

In June 2013 the Town resolved;

THAT Council;

- 1. Note the officer report and impending announcement by the Minister for Local Government in relation to metropolitan local government reform*
- 2. Note the intention of the Town of Claremont to lodge an application with the Local Government Advisory Board (LGAB) in relation to a proposed change of boundaries and formalisation of its preferred position for a local scale merger and creation of three Councils in the western suburbs.*
- 3. Advise the Town of Claremont that the Town of Cottesloe will next consider its position after the Minister for Local Government has made his announcement on metropolitan local government reform.*
- 4. Reaffirm Council's previously resolved position, including a preparedness to consider an amalgamation with the Towns of Claremont and Mosman Park and the Shire of Peppermint Grove (plus associated boundary adjustments) inclusive of the need to ensure that the requirements of the Poll Provisions be maintained if any proposed amalgamations are initiated.*
- 5. Be prepared to consider a voluntary amalgamation process, subject to the interests of the Town of Cottesloe community not being adversely affected and there being sound, demonstrated economic and social justification for any such reform.*
- 6. Support a Transition and Business Plan being prepared on the basis that the Cottesloe Civic Centre, grounds and the War Memorial Town Hall being preserved as a community asset accessible to the general community.*

Carried 7/0

The State Government responded to the recommendations of the Robson Report at a briefing held with metropolitan Mayors, Presidents and CEOs on Tuesday, 30 July 2013 held at the City of Cockburn. The proposed changes to local government in the metropolitan area were significant in scale with only a few councils not affected by the Government's proposal. All the new Councils will be large, with most populations of more than 100,000 and with some LGA's being considerably more. It is proposed that Cottesloe be merged with the six western suburbs councils, being

the largest number of councils amalgamated (G7). Most other merger proposals are based on “two council” mergers. At a further briefing of metropolitan CEOs held at the Perth Convention and Exhibition Centre on 8th August 2013 the A/g Director General of the Department of Local Government advised that amending legislation would go before parliament in September 2013.

The Councils in the western suburbs have previously indicated they are opposed to one Council being created for this region and the Town of Cottesloe’s current resolved position is for a combination of the Towns of Cottesloe, Claremont and Mosman Park, and the Shire of Peppermint Grove plus minor boundary adjustments with the City of Nedlands and the City of Fremantle (North Fremantle). Community consultation to date has supported this position and has not supported a larger amalgamation of the seven western suburbs Councils.

The Minister has made it clear that the Government’s intention is to proceed with structural reform involving boundary changes to, and amalgamations of, most existing metropolitan local governments. In relation to the number of Councils in the metropolitan area, the government initially proposed to decrease the current number from 30 to 14. All metropolitan local governments were invited to make a submission to the Local Government Advisory Board (LGAB) and many chose to do so however most submissions or proposals were not in line with the Minister’s plan. Since the announcement there have been a number of meetings, media statements and comments, and most Councils have formally considered their position.

The Town of Cambridge had previously submitted a proposal to the Local Government Advisory Board for three Councils in the Western Suburbs of approximately 35,000 population each, centered on Cambridge, Subiaco and Claremont (G4). This proposal is still to be formally considered by the LGAB however the Town of Cambridge now considers that the scale of the Government’s plans to amalgamate Councils across the metropolitan area with populations around 100,000 has superseded their proposal. It now considers that the population sizes based on that model would not be large enough to be acceptable to the Government. Therefore the Town of Cambridge has submitted an alternative “two Council” model for the western suburbs. Under this model, the Town of Cambridge would be combined with the City of Subiaco and that part of the City of Stirling as proposed in the State Government’s merger proposal i.e. Wembley Downs, Churchlands and part of Woodlands as well as Herdsman and that part of Wembley currently not in the Town of Cambridge. The southern council would include the remaining five western suburbs councils (City of Nedlands plus G4). The population of these two councils would be about 55,000 to 60,000 each. The City of Stirling is understood to be in opposition to the loss of the proposed suburbs to Cambridge. Note: The LGAB is likely to consider this submission as part of all proposals for the metropolitan area including the Minister’s own submissions.

On 13 August 2013 the Town of Cambridge resolved;

That:-

- (i) the State Government’s merger proposal for the seven western suburbs councils to be combined into one local government be rejected;*
- (ii) the City of Subiaco be invited to discuss the possibility of creating a single council incorporating:-*
 - (a) City of Subiaco;*
 - (b) Town of Cambridge; and*

*(c) that part of the City of Stirling as proposed in the State Government's merger proposal,
as a part of a two council solution in the western suburbs.*

A meeting of the western suburbs Mayors, President and CEO's held on 7 August 2013 discussed the government's proposal. After their meeting the Mayors agreed to the following statement:

"The Mayors of Cambridge, Claremont, Cottesloe, Mosman Park, Nedlands, Peppermint Grove and Subiaco, have met to discuss the implications of the Government's proposal for a G7 amalgamation and unanimously agreed that:-

- 1. We do not agree with the G7 proposal being forced on our communities;*
- 2. We oppose the removal or dilution of the Dadour Poll provision in the Local Government Act; and*
- 3. We will now talk to our respective Councils about developing an alternative model that may be acceptable to our communities and the Government."*

On 15 August 2013 the City of Subiaco resolved;

That Subiaco Council:

- 1. writes to all state parliamentarians informing them that Subiaco Council strongly objects to Colin Barnett and Tony Simpson's proposal to amalgamate under duress the seven western suburb councils.*
- 2. confirms the preferred position of the City of Subiaco is to remain an independent Council in its own right with no amalgamation.*
- 3. strongly objects to the suggestion the Local Government Act 1995 may be amended to affect or reduce people's right to referendums to oppose boundary changes and amalgamations.*
- 4. under duress, may enter into discussions to develop an alternative model to the proposed amalgamation of the seven western suburbs local governments.*
- 5. inserts a full page advertisement in a local paper to inform our ratepayers and others of our opposition to the above matters.*

On 20 August 2013 the Town of Claremont resolved;

- 1. The preference for the Town of Claremont is to retain its independence and to continue the level of service to the community that has marked Council's provision of good governance since 1893.*
- 2. Council notes the Minister for Local Government's announcement of a forced amalgamation with a deadline of 4 October 2013, without supporting evidence for such an amalgamation, of 7+ Councils in the western suburbs.*
- 3. In the event of a forced amalgamation, Council prefers the proposal currently before the Local Government Advisory Board that would join Claremont, Cottesloe, Peppermint Grove, Mosman Park and parts of Nedlands.*

The Town of Claremont had previously submitted a proposal to the Local Government Advisory Board for a G4 Council comprising of the Towns of Claremont, Cottesloe, Mosman Park and Peppermint Grove and parts of Nedlands (Swanbourne and Mount Claremont) and North Fremantle and with a population of approximately 35,000 population. This proposal is still to be formally considered by the LGAB.

In a letter from the Minister to the Mayor received on 22 August 2013 the Town was invited to lodge a proposal for boundary reform with the LGAB that was consistent with the State Government model, by 4 October 2013. In addition the Minister reiterated that if a proposal had not been lodged or did not conform to the Government model then the Minister would make his own proposal. It is interesting to note that the letter also stated *"It is also possible that Commissioners may be appointed earlier than 1 July 2015. This need may arise from a request by the local government concerned, or it may arise from an existing local government's inability to plan for the future of the new local government. I anticipate that I will be in a position to respond to such circumstances from mid-2014."*

In August 2013 Council received a briefing prior to its Ordinary Council meeting together with a range of supporting documents provided by the CEO, including the Minister's media statement, presentation notes and associated correspondence related to the Government's reform agenda. As a consequence the following resolution was passed by Council.

THAT Council;

- 1. Not support the Minister for Local Government's amalgamation proposal for the Councils of the western suburbs being forced on our community.*
- 2. Oppose the removal or dilution of the Dadour Poll provisions in the Local Government Act.*
- 3. Lobby State parliamentarians, encouraging them to not support the amending legislation as it relates to the Poll provisions (the Dadour amendment) contained in Local Government Act 1995.*
- 4. Encourage elected members within rural and remote areas to lobby local State parliamentarians to oppose the removal of the Poll provisions.*
- 5. Call upon the State Government to suspend the existing 4 October 2013 deadline for submissions to the Local Government Advisory Board, until the outcome of any process to remove or amend the Poll provisions is determined.*
- 6. Recommend to WALGA via the Central Metropolitan Zone, and via support from other affected metropolitan local governments, for adoption by WALGA State Council to lobby State parliamentarians for retention and no dilution of the Poll provisions, and promote this view to the State Government.*
- 7. Encourage members of the Cottesloe community to Lobby State parliamentarians to not support the amending legislation as it relates to the Poll provisions (Dadour provisions) contained in Local Government Act 1995.*

Carried 5/3

After the October 2013 submission period the Minister reviewed the submissions made by various Councils and on 12th November 2013 issued a revised blueprint for metropolitan Council amalgamations and boundary changes. Under this model, Joondalup, Wanneroo and Rockingham continue to not be affected. Stirling will not be part of a merger but will have its boundaries adjusted. The remaining Councils are proposed to be involved in mergers to create eleven (11) new local governments. There were significant changes to the Government's proposals for Fremantle,

Melville, Canning, Kwinana and Cockburn as well as Vincent, Perth and Serpentine Jarrahdale. It would appear that some Council submissions were listened to and changes made whilst other submissions i.e. Victoria Park, Bassendean, were not. Aside from removing North Fremantle from the G7 proposal for the western suburbs the Government's proposal for a single Council in the western suburbs remains unchanged.

The next stage is for the Local Government Advisory Board (LGAB) to undertake its investigations and consultation prior to making a report to the Minister for Local Government by June 2014. As a consequence it is possible that Council will not know its fate until July 2014 at the earliest.

Cottesloe is proposed to be included in a new Western Suburbs Council with a population of approximately 110,000. The key points and timeframe for the State Government's proposal are:

- 15 Councils modelled on around 100,000 population, but not all the same size.
- Minister has submitted merger proposals that reflect the Government's position.
- Local Government Advisory Board to review proposals commencing December 2013 and make recommendations to the Minister by July 2014.
- Minister decides on new merged Councils and recommends the Governor makes an Order to be issued in August 2014.
- New Councils come into being on 1 July 2015.
- Commissioners appointed from 1 July 2015.
- Elections for new councils in October 2015.

On 26 November 2013 the Town of Mosman Park resolved;

That Council:

1. *Note the recent developments associated with the State Government's Local Government Reform program*
2. *Request the Chief Executive Officer, in conjunction with interested Councillors, to revise the Town's communication for this program*
3. *Authorise the Mayor to explore alternatives to a G7 model, with other Mayors, at the WESROC Mayoral Forum to be held on 27 November 2013*
4. *Authorise the Chief Executive Officer to expend \$300, as a contribution to a City of Nedlands exercise to obtain legal advice on proposed amended State Government legislation*

On 26 November 2013 the City of Subiaco resolved;

That Council

1. *Reaffirms that the preferred position of the City of Subiaco is to remain an independent Council in its own right with no amalgamation.*
 2. *Resolves to consider the following options of possible proposals to the Local Government Advisory Board;*
 - a) *To assess an amalgamation of the whole of the City of Subiaco with the City of Perth*
 - b) *To assess an amalgamation of the whole of the City of Subiaco with the Town of Cambridge*
 3. *Review the possible proposals prior to lodgement.*
-

4. *Carries out an independent survey of the community on this matter.*

STRATEGIC IMPLICATIONS

The potential strategic implications of local government reform for the metropolitan Councils are significant. Council has recently endorsed the development of a new Community Strategic Plan in line with the Framework from the Department of Local Government however any future strategic planning and subsequent action plans will now need to address the issue of local government reform and amalgamation.

The recommendations of the Robson Panel together with recent statements by both the Minister for Local Government and the Premier have brought into sharp focus the need for the Town to consider its position. Any significant change to existing boundaries or an amalgamation of Councils will require a complete review of all strategic and financial plans and priorities. The reform options as announced by the Minister for Local Government will see the end of the Town in its current form.

POLICY IMPLICATIONS

None Known.

STATUTORY ENVIRONMENT

Local Government Act 1995 – particularly Section 2.1, Schedule 2.1 and Section 3.1 (2).

Division 1 — Districts and wards

2.1. State divided into districts

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

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

[Section 2.1(2)]

DIVISION 1 — GENERAL

3.1. General function

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

any constraints imposed by this Act or any other written law on the performance of its functions.

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

DIVISION 8 — LOCAL GOVERNMENT ADVISORY BOARD

2.44. ESTABLISHMENT OF ADVISORY BOARD

- (1) There is established a body to be known as the Local Government Advisory Board.
- (2) Schedule 2.5 (which contains provisions about the Local Government Advisory Board) has effect.

2.45. FUNCTIONS OF ADVISORY BOARD

- (1) The functions of the Advisory Board include —
- (a) considering and, if required by this Act, inquiring into any proposal made to it under this Act that an order be made to do any or all of the matters in section 2.1, 2.2, 2.3, 2.18(1) or 2.18(3);
 - (b) making recommendations to the Minister on those proposals;
 - (c) carrying out any other inquiries the Minister may direct; and
 - (d) considering whether as a consequence of any recommendation the Board proposes to make to the Minister, the making of an order to do any or any other of the matters in section 2.1, 2.2, 2.3, 2.18(1) or 2.18(3) in respect of a relevant district is or may be necessary.
- (2) In subsection (1)(d) —
- relevant district means a district to which the proposed recommendation relates or an adjoining district.*
- (3) *If the Advisory Board considers that the making of an order referred to in subsection (1)(d) is or may be necessary, the Board is to consider or inquire into the making of any such order as if it had received a proposal that such an order be made.*

The current proposal by the Government for legislative changes to the Local Government Act (Local Government Amendment Bill 2013) will see significant changes including;

- An increase in the number of direct ministerial appointments to the Local Government Advisory Board
- The introduction of a requirement for the Board to have regard to government policy and provision for the minister to notify the Board in writing of that policy
- A significant reduction in community consultation requirements including allowing the Board to change the scope of a merger inquiry without calling for further comment
- An ability to deal with multiple enquiries as one investigation/report.

The proposed legislative changes do not include the removal or amendment of the poll provisions (as announced by the Minister in July 2013) however the future of these provisions remains uncertain. The current Act provides the opportunity for

residents to call a poll if the Local Government Advisory Board recommends the amalgamation of their Council with a neighbouring Council.

FINANCIAL IMPLICATIONS

The proposal by the Government to force all western suburbs councils to amalgamate will have a significant financial impact on the Town by potentially incurring substantial implementation costs. To date the State Government has only offered \$200k (conditional) per merger group, to assist with the development and lodgement of a proposal to the Local Government Advisory Board in line with the Minister's proposal. These funds were not available for alternate proposals.

The significant costs of merging local governments are not yet identified, calculated or funded, however previous comments from the State Government, and more recently by the Minister and the Premier, indicate some level of State funding may be available. However it was not identified in the recent State Government's future budget projections. In addition it was suggested by the Minister that part of any merger costs will be realised from the merger process i.e. from the respective Councils.

Merger costs may include the development of an Administration Centre suitable for the combined staff or a refurbishment of existing premises in order to accommodate and manage a diversified workforce, shared depot facilities, integration of IT systems (including software) and migration of data and records, aligning policies, local laws and planning schemes, and staff redundancies.

No recent work has been attempted on financial modelling for a new western suburbs local government. While there are some obvious savings such as executive salary packages much of what transpires will depend upon:

- The level of Government funding to offset merger costs
- Decisions of an incoming Council
- Decisions by an incoming CEO regarding the new organisational structure to implement the Council's decisions.

Overall, the financial implications of change associated with local government reform have the potential to be both significant and dramatic and both the State Government and the respective Councils will need to meet these costs. In the immediate term there will continue to be ongoing human resource costs to Council in responding to the Minister's reform agenda and these are currently being "absorbed" into its existing budgets.

In addition there would be a higher level of complexity in bringing together seven organisations with respect to the differing communities, organisational cultures, rating and charging regimes, staffing as well as business systems. The challenge and cost presented by combining these organisations into one should not be underestimated.

STAFFING IMPLICATIONS

The Local Government Act 1995 includes safeguards for most staff during amalgamations. This provides a guarantee of two years employment or relevant compensation. For contracted executive officers the payouts are, in some cases, limited and potentially subject to contract terms or conditions. In addition, the current proposal by the Government for legislative changes to the Local Government Act (Local Government Amendment Bill 2013) could see significant changes to the Local

Government Advisory Board and a cap on termination payments for all local government officers made redundant by amalgamations.

As indicated above, there are potentially significant changes in any reform/amalgamation process, with all staff impacted in some way. Officer time to date would be increased as part of supporting a reform process and some redundancies will be likely.

SUSTAINABILITY IMPLICATIONS

The final outcome in regard to the implementation of the recommendations of the Minister's proposals all indicate a potential impact upon Council's future sustainability objectives and plans, however until decisions are made the exact impacts and implications are unknown.

CONSULTATION

Consultation has previously occurred with;

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

The Mayor and CEO have previously met with the Minister for Local Government and other metropolitan Mayors and CEOs in various forums that have discussed a range of responses to the Minister's announcement and recommendations on metropolitan local government reform.

COMMUNITY CONSULTATION

Significant community consultation occurred as part of Council's Reform Submission stage (September 2009) including questionnaires to all residential homes and business premises throughout the Town of Cottesloe.

In December 2012 the Town commissioned Catalyse Research and Strategy to undertake a community perspectives survey. This survey was the first step in the production of a Strategic Community Plan, as is now required under the Local Government (Administration) Regulations 1996. Of the themes and questions to come from the survey there was one section on local government reform which included asking residents about their awareness of the issue and community preferences on amalgamation options. From the survey 48% were supportive of a local scale amalgamation involving Mosman Park, Peppermint Grover and Claremont (G4) and a further 9% supportive of a broader amalgamation inclusive of all the western suburbs (North Fremantle to City Beach).

The impact of the merger proposal on the community will be significant. The State Government required local governments to submit boundary proposals to the Local Government Advisory Board by October 2013 and the LGAB is now collecting information in relation to all submitted proposals as part of its enquiries and prior to consulting with local governments in the new year with a view to making its final report to the Minister in June 2014.

STAFF COMMENT

Since the Council resolution in August 2013 local government elections have taken place and a new Council has been sworn in. The Minister has reviewed the submissions made by a number of local governments to the Local Government Advisory Board (prior to the 4 October 2013 deadline) and has submitted a number of alternative proposals in line with the State Government's plan for reform of metropolitan Perth. In addition a number of discussions and Mayoral meetings have taken place and Council is now being asked to consider an initial response to the Local Government Advisory Board (LGAB) in relation to the range of proposals lodged with it, specifically the proposals to form either one or two local government in the western suburbs.

It is the officer's advice that Council should continue to indicate in any submission to the Minister and/or LGAB that it would be prepared to consider a voluntary amalgamation process, subject to the interests of the Town of Cottesloe community not being adversely affected and there being sound, demonstrated economic and social justification for any such reform. This would be in line with existing Council resolutions. In addition Council has consistently affirmed its support for the Minister and Government to abide by the intent of the existing Local Government Act in relation to the poll provisions (schedule 2.1) and this position should continue to be supported and advocated. Council should also seek clarification from the Minister in relation to the cost and funding of any proposed amalgamation.

It is understood that the LGAB now has three submissions before it for the western suburbs including the proposal from Claremont for a G4, the proposal from Cambridge for a two Council model and the proposal from the Minister for a G7. The upcoming consultation with the LGAB, proposed for early in 2014, will in all likelihood include a request for its formal position with regard to these three proposals.

OPTIONS

Recent meetings of the Mayors of the western suburbs as well as recent individual Council resolutions clearly shows that all Councils oppose the Minister's proposed G7 model and that many would prefer to remain as they are however there is also a recognition that, unless an alternative model is proposed and accepted by the LGAB, it is probable that the Minister's model will be favourably considered.

The two council model for the western suburbs based on a northern Council (Cambridge and Subiaco – G2) and a southern Council (Nedlands, Claremont, Cottesloe, Mosman Park and Peppermint Grove – G5) represents a *compromise* position for the Town (given its existing support for a G4) and could be considered a more acceptable outcome for our community when compared with the alternative of a G7, notwithstanding that a majority of those Councils still wish to remain independent. However until a detailed analysis and business case is completed this cannot be considered.

The short timeframes to lodge any further comment or submission with the LGAB will mean that no proposal could be thoroughly investigated and/or "tested" with our community. However previous feedback from the Town's 2012 Catalyse survey did provide support for at least a G4 (48%) with a further 9% in favour of a larger scale amalgamation but this is not "support" for a G5 or other proposal. The only clear community message was not for a G7. As emphasized previously, there has been little evidence as to why such a proposal by the Minister (G7) or any alternate model

(G5) is beneficial or desirable, and even less indication of the overall costs to the community to deliver such a proposal.

The Ministers statements have suggested that there will be improved economies of scale and better coordination across the metropolitan area and, according to the Premier, *“the key objective is to create stronger Councils to provide the best possible services to residents with maximum efficiency – and modern Councils to meet the needs of a rapidly growing city”*. However without empirical data and analysis to support such claims this makes it difficult, if not impossible, for the community, or Council, to make an informed decision about such outcomes and plans. It is equally uncertain if the proposed benefits will indeed be so until after implementation and when *“reversal”* will be equally difficult or impossible to achieve

The LGAB is an independent body which is required to assess all submissions lodged with it, and it can make recommendations to the Minister about boundary changes and amalgamations, which the Minister can either accept or reject. Given the Minister, through the current legislative changes being debated by parliament, intends to make changes to the LGAB terms and membership there is an assumption that any proposal by the Minister to the LGAB would be *favorably* considered.

Under the Local Government Act 1995, the Local Government Advisory Board must consider a range of prescribed matters when undertaking a formal inquiry. These include:

- (a) community of interest;*
- (b) physical and topographic features;*
- (c) demographic trends;*
- (d) economic factors;*
- (e) the history of the area;*
- (f) transport and communication;*
- (g) matters affecting the viability of local governments; and*
- (h) the effective delivery of local government services.*

The Board applies these factors to the issues of boundary definition, ward representation and the structure of local government.

It is understood that as part of the proposed changes to the Local Government Act by the Minister there will also be changes to the LGAB prescribed matters as outlined above, to include an additional category for *“alignment with State Government Policy”*. It is unclear, if such a change is made, what *“priority”* will be attributed to this new condition.

In relation to the above criteria the Town would be able to demonstrate how a G4, and potentially a G5, could meet them and it is understood that this has been addressed in the current submissions by Claremont and Cambridge. It is much less clear that a G7 can sufficiently satisfy some of the above criteria, such as community interest and physical features, especially in light of the overwhelming community feedback and Council resolutions against this proposal.

The following range of options are proposed for consideration and discussion;

- Council maintain its current resolved position (G4) and/or support the LGAB submission by the Town of Claremont

- Advise the Minister and/or Local Government Advisory Board that Council opposes the forcing of a G7 amalgamated Council on our community.
- Consult with the community about the current Government proposal (noting the limited time available, potential cost and recent survey already undertaken).
- Lodge an individual proposal to the LGAB supporting a G7 proposal, in line with the Minister's proposal (not recommended or supported by Council's previous resolutions)
- Lodge an individual proposal to the LGAB supporting a G5 proposal, in line with the Cambridge proposal, should the proposal for a G4 (preferred) not be accepted.
- Make no submission either alone or with any of the western suburbs Councils and await the changes to the legislation, recommendation of the LGAB and decision of the Minister.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Mayor Dawkins, seconded Cr Birnbrauer

THAT Council;

- 1. Not support the Minister for Local Government's single local government amalgamation proposal for the Councils of the western suburbs (G7).**
- 2. Reaffirm Council's previously resolved position, including a preparedness to consider an amalgamation with the Towns of Claremont and Mosman Park and the Shire of Peppermint Grove (plus associated boundary adjustments) and subject to community endorsement.**
- 3. Authorise the Mayor and CEO to continue to discuss and explore amalgamation options with the Councils of the western suburbs.**
- 4. Provide in principle support for a "two Council" model for the western suburbs in preference to the Minister's G7 model, should the proposal for a G4 (preferred) not be accepted.**
- 5. Notify the Minister for Local Government and Local Government Advisory Board of Council's position.**

AMENDMENT

Moved Cr Walsh, seconded Cr Birnbrauer

That condition 4 of the officer recommendation be deleted.

Lost 2/6

COUNCIL RESOLUTION

THAT Council;

- 1. Not support the Minister for Local Government's single local government amalgamation proposal for the Councils of the western suburbs (G7).**
- 2. Reaffirm Council's previously resolved position, including a preparedness to consider an amalgamation with the Towns of Claremont and Mosman Park and the Shire of Peppermint Grove (plus associated boundary adjustments) and subject to community endorsement.**
- 3. Authorise the Mayor and CEO to continue to discuss and explore amalgamation options with the Councils of the western suburbs.**
- 4. Provide in principle support for a "two Council" model for the western suburbs in preference to the Minister's G7 model, should the proposal for a G4 (preferred) not be accepted.**
- 5. Notify the Minister for Local Government and Local Government Advisory Board of Council's position.**

THE SUBSTANTIVE MOTION WAS PUT

Carried 8/0

10.2 REPORTS OF COMMITTEES**10.3 DEVELOPMENT SERVICES COMMITTEE MINUTES - 09 DECEMBER 2013**

Cr Downes declared an impartiality interest in item 10.3.1 No. 219 (Lot 34) Broome Street - Alterations and Additions to Three Units, due to having some conveyancing done by Mrs Carol Knowles of 217 Broome Street, and stated that as a consequence there may be a perception that her impartiality may be affected and declared that she would consider the matter on its merits and vote accordingly.

10.3.1 NO. 219 (LOT 34) BROOME STREET - ALTERATIONS AND ADDITIONS TO THREE UNITS

File Ref:	2765
Attachments:	Aerial Plans Property Photos
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Ronald Boswell, Planning Officer Andrew Jackson, Manager Development Services
Proposed Meeting Date:	09 December 2013
Author Disclosure of Interest:	Nil
Property Owner:	David Sharp
Applicant:	The Planning Group
Date of Application:	17 September 2013
Zoning:	Residential R20
Lot Area:	742m²
M.R.S. Reservation:	N/A

SUMMARY

This application is seeking the following variations to Council's Town Planning Scheme No. 2 (TPS 2) and Residential Design Codes (RDC):

- Building height.
- Setback to southern boundary.
- Visual privacy.
- Overshadow.

These aspects are discussed in this report and refer to a series of plans as received on 17 September, 15 October, 28 November and 2 December 2013.

While certain aspects of the proposal don't automatically comply with TPS 2 and the RDC, the proposal does comply with Council's Fencing Local Law and retains the existing dwellings.

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

PROPOSAL

This development application is for alterations and additions to three older triplex units and entails:

Unit 1

Additions:

- Extension to the front.
- Enclose existing sleep-out.
- Decks to the front and rear; rear screened.
- Front carport.
- External storage space/bin space.
- Semi-permeable front fencing and screen fence to carport.
- Light scoop/highlight window to top of roof.

Alterations:

- Internal fit-out/layout.

Unit 2

Additions:

- Enclose existing sleep-out.
- Deck to the rear of unit, screened.
- Front carport.
- External storage space/bin space.
- Light scoop/highlight window to top of roof.
- Extension to living room to include daybed.

Alterations:

- Internal fit-out/layout.

Unit 3

Additions:

- Extension to the rear including carport, second store with balcony and roof terrace.
- Store/workshop to rear.
- External storage space/bin space.

Alterations:

- Internal fit-out/layout.

Buildings to be demolished

- External laundry.
- Shed to the rear.

BACKGROUND

Following discussions with the Town, the applicant has submitted revised plans addressing the design and appearance of the proposed improvements to the units, to better satisfy TPS 2 and the RDC. These are relatively minor though beneficial changes, whereby a number of concessions are still sought.

The Town's records do not indicate planning approval for the existing three units built sometime in the 1950s which, density-wise, exceed today's R20 standard. Although

the units are a given and upgrading of dwellings is desirable, the proposal would reinforce this anomaly. Nonetheless, retaining established housing stock and enhancing streetscapes by transforming older dwellings are broad planning objectives.

Initially, the current owner applied to the WAPC for the units to be survey-strata subdivided, but has deferred that application pending this development proposal. The Town's position is that it is difficult to support such a survey strata subdivision in this predominantly low density single residential area of lots greater than 600m² with 15m frontages.

To elaborate, the lot is 742m² and Residential R20 under TPS 2. The RDC require new survey strata lots to be a minimum of 350m² and average of 450m². The intended survey strata lots would fall far short of these sizes and be inconsistent with the density coding and single residential character of the area (ie U1 – 234m²; U2 – 165m²; U3 – 289m²; common property – 54m²).

Also, they would not satisfy the RDC criteria for a marginal reduction in minimum and average site areas for existing grouped dwellings. On this basis, further development of such survey strata lots would be contrary to TPS2, the objectives of the RDC and the orderly and proper planning of the locality.

Putting aside the question of a possible survey-strata subdivision, this development application in itself can be considered due to the existing use right for the three dwellings, in assessing the usual parameters under TPS 2 and the RDC.

In this regard the existing triplex building is of relatively modest footprint and scale, consistent with the single storey height regime of TPS 2, whereby ground floor extensions and a partial second storey would be essentially compatible with the streetscape context of larger dwellings and the trend towards two-storeys – subject to the degree of compliance with planning requirements and the effects of the design, as assessed below.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY ENVIRONMENT

- TPS 2
- RDC
- Fencing Local Law

PROPOSED LOCAL PLANNING SCHEME NO. 3

No change is proposed to the zoning or density of this lot.

HERITAGE LISTING

N/A.

APPLICATION ASSESSMENT**Areas of non-compliance:****TPS 2**

<i>Building Height</i>	<i>Permitted</i>	<i>Proposed</i>
	<u>Single storey:</u> Max. height: 6m.	Unit 1 – 6.35m – light scoop. Unit 2 – 6.45m – light scoop.
	<u>Two storey:</u> Max. wall / flat roof height – 7m.	Unit 3 – 8.45m – lift and stairwell.

RDC

<i>Design Element</i>	<i>Deemed-to-comply</i>	<i>Proposed</i>	<i>Design Principles</i>
5.1.3 Lot boundary setback.	1.5m 1.2m 3.5m	1m – unit 1 southern wall. 1m – unit 3 wall to stairwell. 2.5m – unit 3 roof terrace.	Clause P3.1 Buildings set back from lot boundaries.
5.4.1 Visual privacy.	4.5m 6m 7.5m	3.96m – master bedroom eastern window. 4.86m – upper floor western window. 7.25m, 5.04m – roof terrace northern and western elevations. 5.91m – balcony, northern elevation.	P1.2 Maximum visual privacy to side and rear boundaries.
5.4.2 Solar access for adjoining sites.	25% overshadow.	28% overshadow.	P2.1 Effective solar access for the proposed development and protection of solar access.
TPS2 Policy 3 front carports.	6m	1.2m	Clause 4 (b).

ADVERTISING OF PROPOSAL

The application was advertised in accordance with TPS 2 by letter to five adjoining property owners. Three submissions were received, from the northern, eastern and southern neighbours. The main comments received are summarised below:

T & C Knowles, 217 Broome Street

- Strongly objects to any overshadow concession from the proposed addition to the rear unit. The development should comply with the 25% overshadow allowance.
- Objects to the bulk and scale of the rear addition as it will be an eyesore affecting the enjoyment of our backyard.
- Objects to the roof terrace, including that it may become enclosed or a roofed structure could be sought in the near future if approved.
- Objects to increasing the size of the units as they are already over-dense on a lot that should support only a single residence at R20 – disagrees with allowing a non-conforming development to become larger.
- The three units have an already increased vehicle impact on neighbour amenity. Parking on the lot would be more favourable than using the verge.
- Objects to the units becoming survey strata or green title.
- Concerned that the carport at the rear may become enclosed.
- Objects to concession for the units to be over-height.
- There is insufficient land to support two car parking bays for the two front units, therefore the owner/applicant is seeking a concession from Council for two car parking bays to be located on the verge. Therefore this clearly demonstrates that there is insufficient land for the proposed development.
- Objects to vehicles driving over the 217 Broome Street verge to park on the 219 Broome Street verge.

P & K Law, 26 Ozone Parade

- Strongly objects to the roof terrace to rear unit.
- Objects to the rear unit being over-height.
- Concerns with use of the roof terrace as a habitable area as indicated on the plans with a table, chairs and shower.
- Objects to any overlooking onto their property that does not meet the RDC requirements.
- Requests that the rear unit be built within the compliant building envelope for height and setbacks as defined in the RDC.

G & B Leclezio, 221 Broome Street

- Strongly objects to the triplex increasing in size beyond the density of other houses in the street – no concessions should be given to this non-conforming dwelling.
- Objects to the roof terrace and balcony overlooking their private courtyard and outdoor living areas.
- Objects to the extension to the rear unit, as overlooking will occur into their lounge room, kitchen, master bedroom and ensuite.

APPLICANT'S JUSTIFICATION

A summary of the applicant's comments regarding the revised plans is as follows:

Roof terrace and lift shaft access

- The lift shaft access is located in the centre of the site, it is not considered to have any adverse impact on the adjoining properties or the streetscape in terms of bulk and scale and will be considerably less imposing than the adjoining two-storey dwelling.
- Horizontal screening to the south has been provided, and only marginally encroaches upon the northern property. This will be addressed by providing screening on the boundary.
- Encroachment to the west is more significant, but doesn't seem to impact on outdoor habitable areas. However, this will be addressed by installing privacy screens to the west.
- The roof terrace does not look over any habitable areas of No. 26 Ozone Parade.

Overlooking

- Balcony:
 - Addressed by screening on the northern boundary.
 - The cone of vision does not encroach upon any habitable spaces at No. 221 Broome Street, as it faces a blank wall.
- Windows to the first floor on the western elevation:
 - Fixed privacy fins that extend from the edge of the opening to direct sight-lines away from the openings /outdoor living areas of neighbours are proposed.

Overshadow

- Is not considered to have an adverse impact on the adjoining property. The adjoining property to the south has large trees on the boundary which already cast a shadow over the back yard of No. 217 Broome Street.

Bulk and scale

- Bulk and scale has been reduced from the streetscape as the two-storey competent is located to the rear of the lot.

Building height of units one and two

- There is no overshadowing or visual privacy issue due to the angle of the skylights, nor is height an issue of bulk and scale as they are set back considerably.

Unit one verge parking bays

- This will form a separate application to the Engineering Department for approval.

Pedestrian access (common property for units if a survey strata)

- Residents from unit one arriving by car can access directly through the unit one carport and residents arriving on foot go around the unit two carport to the north, not through it.
- Any shared property would be dealt with by implementing cross-easements in favor of each unit.
- A survey strata application can show amendments to allow adequate maneuverability between objects such as meter box/mailboxes.

Concerns regarding additional vehicle movements

- The proposal formalises parking on the lot as at present no on-site parking is available and vehicles use the verge.

Unit one setback

- The southern wall requires a 1.5m setback, while 1m is proposed. This is an extension of an existing wall and is not considered to have any adverse impact on the adjoining neighbour.

Unit three setback

- The southern elevation stairwell requires 1.2m, while 1m is proposed. This could be treated as a minor architectural projection and can be reduced in depth by 200mm to comply.

Rear on-site vehicle turning circle

- Adequate manoeuvrability from the carport of unit three to the ROW has been achieved and is supported by the Manager Engineering services.

OFFICER'S COMMENT

The following technical assessment is made regarding this development application:

Site cover

It is noted that despite the additions made to each unit the site cover has not been compromised, as 50% open space is available for the lot in total and for each unit, calculated on the site area provided.

Boundary Setbacks

The proposal involves setback variations for the southern and western elevations. They are assessed as satisfying the RDC design principles.

For unit one, the front addition has created a continuation of the southern wall. The required setback is 1.5m from the southern boundary and 1m is proposed. This extension is modest and the setback would not affect the neighbouring property.

For unit three, the rear addition stairwell on the south has a setback requirement of 1.2m and 1m is proposed. The 0.2m reduction is minor and the window is to be obscure-glazed. This could be allowed or designed to comply – a condition for the latter is recommended.

For the upper level western wall, a 3.5m setback is required and 1m is proposed from the boundary; however, under the RDC half the width (1.5m) of the lane can be claimed, hence the setback equates to 2.5m or a 1m reduction. In terms of built form, due to the physical separation of the lane this may be supported as the bulk and scale of the building is ameliorated compared with buildings separated by a shared boundary.

Building Height

The calculation of building height stems from the determination of the natural ground level (NGL). Under TPS 2 variations may be permitted in the case of extensions to existing buildings, subject to satisfactory amenity. For this proposal the NGL has been determined from the location of each unit as derived from the site survey plan (being U1 – RL: 17.2m; U2 – RL: 17.3m; U3 – RL: 17.4m).

Units one and two, to the front and middle of the lot, are over-height due to the addition of their light scoop/highlight window roof forms, which at their apex are 0.35m and 0.45m above the 6m height standard for a single-storey dwelling. These may be considered as an architectural feature under the design principles of the RDC, which state:

Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains:

- *Adequate access to direct sun into buildings and appurtenant open spaces;*
- *Adequate daylight to major openings into habitable rooms; and*
- *Access to views of significance.*

However, whilst the purpose of the light scoops/highlight windows can be supported, their form appears discordant and adds to the mass of the overall roof-scape. To address this, their redesign to follow the existing roof pitch and not exceed the height standard is conditioned accordingly in the recommendation.

Unit 3 at the rear is a flat roof design which complies with the 7m height standard of the RDC, including the roof terrace element except for the lift shaft/stairwell extension. This element is a fairly substantial wall/roof form taking the height another 1.45m to 8.45m. This is just under the 8.5m roof height standard for a two-storey pitched-roof design, albeit not directly comparable.

On the one hand this element could be allowed as a projection which occupies a relatively small area albeit as a relatively large height variation. On the other hand the degree of height variation could be considered excessive and the form of the element as too bulky or even awkward. One way of addressing this would be to condition an approval to maybe delete or at least substantially modify the lift shaft/stairwell projection and possibly rely on a stairwell with access hatch instead. This would achieve height compliance and reduce overshadow whilst allowing the roof terrace, though perhaps functioning less conveniently.

Roof terraces are becoming quite popular, for innovative use of space and the enjoyment of the climate and views. They can, however, be contentious in relation to building height/bulk, overlooking, overshadowing and amenity. The RDC recognise roof terraces as open space and subject to privacy controls. The Town has experience with roof terrace proposals. Those at the front of dwellings looking to the street tend to be acceptable, while those to the side or rear of dwellings tend to be more problematic.

The proposed roof terrace is a nice idea for the lifestyle of the rear unit. It is in addition to the ground floor private open space and upper floor balcony, and is not needed in order to provide the minimum required amount of private open space. The terrace balustrade is formed by the walls of the two-storey addition, within the 7m

height measure. If the height of the lift shaft/stairwell is resolved, consideration of the roof terrace remains a privacy matter, as discussed below.

Visual Privacy

Technically privacy aspects do not arise for the single-storey units one and two, due to a compliant design and supplementary screening.

The introduction of a rear second storey and roof terrace give rise to privacy considerations. The setbacks to windows, the balcony and roof terrace are less than the RDC deemed-to-comply standards, whereby the cones of vision affect adjacent properties and this is of concern to neighbours.

The western window overlooks mainly the rear lane and the cone of vision falls to the roof or the dwelling opposite, which has an obscure-glazed window. The applicant has provided widow box type screens to this window to reduce the field of view. This privacy interrelationship is considered acceptable.

The northern balcony is setback 6m in lieu of 7.5m, with full height solid screening to its eastern and western ends, which restricts the cone of vision. The privacy intrusion extends into the northern property, falling between the boundary fence and a two-storey rear outbuilding (ground floor garage and upper floor ancillary accommodation, which has one window looking towards the subject property. This privacy interrelationship can be considered reasonable, as the balcony is not deep and the interface between the neighbouring buildings is fairly discrete. This arrangement of locating habitable rooms on the southern side of a lot, with openings gaining northern exposure, and overlooking private open space before reaching a northern adjacent property, is a sound design approach.

The roof terrace is setback 7.25m from the northern boundary, just shy of the 7.5m deemed-to-comply standard. This could be accepted as a minor variation or conditioned for a minor design change to comply. To the east the roof terrace overlooks the subject property falling mainly to the roof-scape, which is of little consequence. To the south the roof terrace overlooks the neighbouring back yard but more as a “view over” due to the line of sight being setback, yet the sense of privacy being affected may prevail. To west the outlook is upon the lane and roof of the dwelling opposite, again for a somewhat “distant” view which may also create a sense of privacy intrusion.

Deletion of the roof terrace altogether would obviously remove this privacy situation. Alternatively, the design could be modified to limit the size of the roof terrace, increasing its setbacks or adding screening devices. For example, extending the horizontal plane of the southern edge of the roof terrace would deflect the overlooking above the adjacent property. To the west a greater setback, such as in the form of a fixed/built-in planter box would achieve a similar positive outcome. A condition is recommended accordingly.

Overshadow

The second storey with roof terrace rear addition creates 28% overshadow to the southern property, which is marginally in excess of the RDC standard of 25%. Two-

storey proposals on east-west orientated lots typically cause overshadowing, often exceeding the standard, which design may address to some extent.

This extra overshadow could, however, be allowed under the design principles of the RDC. Lowering and reconfiguration of the lift shaft/stairwell as recommended should reduce overshadow onto the southern property.

Vehicle parking

At present there is no on-site parking and occupants park on the verge, which is unsightly and has caused neighbour concern. The proposal addresses this in providing four parking bays on the lot. The parking arrangement comprises:

- Open-aspect single carports in the front setback for units one and two, setback 1.2m.
- An open-aspect double carport at the rear off the ROW for unit three.
- One additional parking bay each for units one and two formalised on the verge.

This is supported to satisfy the RDC requirement of two parking bays per dwelling. The verge bays will require detailed design to satisfy the Town's engineering/works requirements, including protection of the street tree. Council can support the front carport under its planning policy for such, as approved next door at 217 Broome Street.

CONCLUSION

The thrust of the proposal to upgrade the traditional triplex can be supported in-principle. Although the number of dwellings is over-density, the footprint and massing of the additions and alterations as one overall built form reflects modern large single dwellings in the locality and the emergent two-storey norm.

The proposal is technically compliant in many respects and several of the variations sought can be supported where they have little effect.

Building height complies for the predominant portion of the overall development, with the variations sought being due to novel design elements, which while intelligent solutions in themselves do generate valid concerns and could be addressed by design modifications.

In conclusion, the basic intent to upgrade the dwellings and the design concept is supported, conditional upon certain revisions to address the aspects identified in order to deliver appropriate aesthetics and amenity.

COMMITTEE COMMENT

Committee discussed the matter at length having regard to the officer report, presentations and neighbour concerns. Committee considered that the existing over-density, non-conforming triplex and the significant concessions sought indicated that the proposal was excessive and should not be supported. Issues included the height, setbacks, privacy (including roof terrace), overshadow and parking; whereby the development would be overpowering and amount to a medium density contrary to the existing R20 character and amenity expectations of residents.

The Manager Development Services confirmed that under the TPS2 R20 zoning three new dwellings could not be approved. He went on to advise that given Committee was not inclined to support the proposal the options were deferral for redesign or refusal with reasons. Noting that the revised plans tabled had not been assessed he advocated deferral to allow discussion with the applicant towards further advice to Council, either at the 16 December 2013 meeting or the 24 February 2014 meeting – adding that a significantly modified design that is largely compliant might be able to be considered under Special Delegation during the holiday recess, although if still contentious it would be referred to the February Council meeting.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Birnbrauer, seconded _____

THAT Council GRANT conditional approval to commence development for alterations and additions to three units, including second storey and roof terrace to rear unit, carports, decks, storage/bin spaces and front fencing, at 219 (Lot 34) Broome Street, Cottesloe, in accordance with the plans received on 17 September 2013, 15 October 2013, 28 November 2013 and 2 December 2013, subject to the following conditions:

- (1) At building permit stage, revised plans shall be submitted for approval to the satisfaction of the Manager Development Services addressing the following:
 - a. the lift shaft and stairwell element shall be redesigned to: substantially reduce its excess height above 7m; substantially reduce its bulk and scale; and be setback a minimum of 1.2m from the southern boundary;
 - b. the roof terrace shall be redesigned to: achieve a 7.5m setback from the northern boundary; substantially reduce overlooking towards the southern property (such as by an increased setback or increased horizontal screening; and substantially reduce overlooking towards the western property across the lane (such as by an increased setback, horizontal screening or an in-built/fixed planter box); and
 - c. the light scoops/highlight window roof forms shall be reduced in height to not exceed 6m and modified to follow the existing roof pitch.
 - (2) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (3) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (4) 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.
 - (5) Where climatic and soil conditions allow for the effective retention of stormwater on-site, all water draining from roofs and other impermeable
-

surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site.

- (6) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (7) The finish and colour of the boundary walls facing the southern neighbour and the ROW shall be to the satisfaction of the Manager Development Services.
- (8) All fencing in the 6 metre front setback area of the site shall be of open-aspect design in accordance with the Town's *Fencing Local Law*, with compliance to be clearly shown on the drawings submitted at building permit stage.
- (9) Existing street trees shall be retained and protected during building works by barriers around the bases of the trees, to the satisfaction of the Town's Works Supervisor.
- (10) A separate application for a new or reconstructed crossover meeting the Town's specifications shall be submitted for approval by the Manager Engineering Services or an authorised officer. The precise location and width of the crossover shall protect the street tree, to the satisfaction of the Town.
- (11) A separate application for two car parking bays in the verge meeting the Town's specifications shall be submitted for approval by the Manager Engineering Services or an authorised officer, and shall ensure the retention and protection of existing street trees.
- (12) Prior to the issue of a building permit, the landowner shall make a cash contribution to the Town towards the upgrade of the adjoining right-of-way, equivalent to 50% of the cost of constructing a portion of standard right-of-way for an area of 4m wide by 20m, as determined by the Manager Engineering Services.

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 with the subject property.
- (2) The owner/applicant is responsible to apply to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development. Proper and accurate scaled, dimensioned and annotated construction plans are required for that purpose.
- (3) The owner/applicant is advised that this development approval shall not be construed as any indication that the Town may support a subsequent survey strata subdivision application for the property. The Town and the Western Australian Planning Commission may not be able to support such an application, irrespective of this development approval.

The motion lapsed for want of a seconder

NEW MOTION AND COMMITTEE RECOMMENDATION

That the item be deferred for further liaison between the applicant and the Town, with a view to further revised plans and another report to Council for determination of the proposal.

COUNCIL DISCUSSION

Prior to considering the Committee Recommendation, Council discussed the memo from Manager of Development Services which contained a set of 'alternative recommendations'. Council then discussed these alternatives.

ALTERNATIVE MOTION

Moved Cr Jeanes, seconded Cr Birnbrauer

THAT Council GRANT approval to commence development for alterations and additions to three existing units at 219 (Lot 34) Broome Street, Cottesloe, in accordance with the further revised set of plans received on 12 December 2013, subject to the following conditions:

- (1) At building permit stage, revised plans shall be submitted for approval to the satisfaction of the Manager Development Services addressing the following:**
 - a. the light scoop/highlight window roof forms shall be reduced in height to not exceed 6m from natural ground level as determined by the Town and be modified to follow the existing roof pitch;**
 - b. the lift shaft and stairwell shall be setback a minimum of 1.2m from the southern boundary;**
 - c. deletion of the proposed two dedicated parking bays on the proposed crossover;**
 - d. the rear carport with lane access shall be redesigned to accommodate four cars by way of angle parking, to the satisfaction of the Town; and**
 - e. the levels of the three terraces along the southern side of the lot shall be as low as reasonably possible and their privacy screens shall be of sufficient height, having regard to ground levels, fence heights and vegetation in relation to the southern adjacent property.**
- (2) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
- (3) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- (4) 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.

- (5) Where climatic and soil conditions allow for the effective retention of stormwater on-site, all water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site.
- (6) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (7) The finish and colour of the boundary walls facing the southern neighbour and the ROW shall be to the satisfaction of the Manager Development Services.
- (8) All fencing in the 6 metre front setback area of the site shall be of open-aspect design in accordance with the Town's *Fencing Local Law*, with compliance to be clearly shown on the drawings submitted at building permit stage.
- (9) Existing street trees shall be retained and protected during building works by barriers around the bases of the trees, to the satisfaction of the Town's Works Supervisor.
- (10) A separate application for a new or reconstructed crossover meeting the Town's specifications shall be submitted for approval by the Manager Engineering Services or an authorised officer. The precise location and width of the crossover shall protect the street tree, to the satisfaction of the Town.
- (11) A separate application for two car parking bays in the verge meeting the Town's specifications shall be submitted for approval by the Manager Engineering Services or an authorised officer, and shall ensure the retention and protection of existing street trees.
- (12) Prior to the issue of a building permit, the landowner shall make a cash contribution to the Town towards the upgrade of the adjoining right-of-way, equivalent to 50% of the cost of constructing a portion of standard right-of-way for an area of 4m wide by 20m, as determined by the Manager Engineering Services.

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 with the subject property.
- (2) The owner/applicant is responsible to apply to the Town for a Building Permit and to obtain approval prior to undertaking construction of the

development. Proper and accurate scaled, dimensioned and annotated construction plans are required for that purpose.

- (3) The owner/applicant is advised that this development approval shall not be construed as any indication that the Town may support a subsequent survey strata subdivision application for the property. The Town and the Western Australian Planning Commission may not be able to support such an application, irrespective of this development approval.
- (4) The owner/applicant is advised that in granting this approval Council is not inclined to favourably consider any roof terrace addition to the property that may be proposed in the future.

AMENDMENT

Moved Mayor Dawkins, seconded Cr Birnbrauer

That the condition 11 of the alternative recommendation be deleted.

Carried 8/0

SUBSTANTIVE MOTION

THAT Council GRANT approval to commence development for alterations and additions to three existing units at 219 (Lot 34) Broome Street, Cottesloe, in accordance with the further revised set of plans received on 12 December 2013, subject to the following conditions:

- (1) At building permit stage, revised plans shall be submitted for approval to the satisfaction of the Manager Development Services addressing the following:
 - a. the light scoop/highlight window roof forms shall be reduced in height to not exceed 6m from natural ground level as determined by the Town and be modified to follow the existing roof pitch;
 - b. the lift shaft and stairwell shall be setback a minimum of 1.2m from the southern boundary;
 - c. deletion of the proposed two dedicated parking bays on the proposed crossover;
 - d. the rear carport with lane access shall be redesigned to accommodate four cars by way of angle parking, to the satisfaction of the Town; and
 - e. the levels of the three terraces along the southern side of the lot shall be as low as reasonably possible and their privacy screens shall be of sufficient height, having regard to ground levels, fence heights and vegetation in relation to the southern adjacent property.
- (2) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.

- (3) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (4) 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.
- (5) Where climatic and soil conditions allow for the effective retention of stormwater on-site, all water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site.
- (6) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (7) The finish and colour of the boundary walls facing the southern neighbour and the ROW shall be to the satisfaction of the Manager Development Services.
- (8) All fencing in the 6 metre front setback area of the site shall be of open-aspect design in accordance with the Town's *Fencing Local Law*, with compliance to be clearly shown on the drawings submitted at building permit stage.
- (9) Existing street trees shall be retained and protected during building works by barriers around the bases of the trees, to the satisfaction of the Town's Works Supervisor.
- (10) A separate application for a new or reconstructed crossover meeting the Town's specifications shall be submitted for approval by the Manager Engineering Services or an authorised officer. The precise location and width of the crossover shall protect the street tree, to the satisfaction of the Town.
- (11) Prior to the issue of a building permit, the landowner shall make a cash contribution to the Town towards the upgrade of the adjoining right-of-way, equivalent to 50% of the cost of constructing a portion of standard right-of-way for an area of 4m wide by 20m, as determined by the Manager Engineering Services.

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 with the subject property.
- (2) The owner/applicant is responsible to apply to the Town for a Building Permit and to obtain approval prior to undertaking construction of the

development. Proper and accurate scaled, dimensioned and annotated construction plans are required for that purpose.

- (3) The owner/applicant is advised that this development approval shall not be construed as any indication that the Town may support a subsequent survey strata subdivision application for the property. The Town and the Western Australian Planning Commission may not be able to support such an application, irrespective of this development approval.
- (4) The owner/applicant is advised that in granting this approval Council is not inclined to favourably consider any roof terrace addition to the property that may be proposed in the future.

Lost 1/7

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

That the item be deferred for further liaison between the applicant and the Town, with a view to further revised plans and another report to Council for determination of the proposal.

THE MOTION WAS PUT

Carried 7/1

**10.3.2 PLANNING INSTITUTE OF AUSTRALIA 2014 NATIONAL CONGRESS –
CONNECTING PEOPLE AND IDEAS**

File Ref: SUB/38
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Ed Drewett
Senior Planning Officer
Proposed Meeting Date: 09 December 2013
Author Disclosure of Interest: Author is nominee to attend conference.

SUMMARY

Every year a major national congress is arranged by the Planning Institute of Australia (PIA). For the 2014 congress, delegates will hear from national and international leaders talking about innovative solutions to the challenges facing planners and planning. The conference will be held in Sydney from 16 - 19 March 2014.

This report recommends Council endorsement for the Senior Planning Officer to attend.

STATUTORY ENVIRONMENT

Relates to the global town planning system.

POLICY IMPLICATIONS

Council's *Conferences Policy* applies.

STRATEGIC IMPLICATIONS

Fosters strategic planning knowledge and skills, and keeps up-to-date with planning issues, trends, topics and practices.

FINANCIAL IMPLICATIONS

The estimated cost of registration, accommodation, meals and travel for the congress is \$3400 (including 'early bird' savings) and can be met by the current budget for training and conferences for Planning staff.

BACKGROUND

The PIA is recognised nationally and internationally as the peak professional body representing town planners in Australia.

This conference is the major annual local government planners' event and attracts a variety of overseas representatives and speakers.

The program, over four days, is comprehensive and includes such topics as:

- The role of the public and private sector in delivering successful local town centres;
- The role of visionary planning and place-making;

- Optimum building coverage in coastal areas to respond to changing sea levels;
- Policy transference and design interplay – connecting people and ideas;
- Citizen-led decision-making online;
- The influence of mega councils on urban planning outcomes;
- Community engagement practices;
- The economic value of good planning in sustaining communities; and
- The planning profession and the challenges of the 21st Century;

There are a number of additional papers being delivered and several concurrent sessions with a range of themes and speakers. Virtually all the topics listed cover a worthwhile combination of strategic and practical aspects.

STAFF COMMENT

One of the most important sources of current information and training for experienced local government planners is conferences and seminars, particularly if delivered by high quality, practicing experts working in the industry, from both Australia and overseas. The opportunity to attend an international-standard conference targeted at planners is an excellent form of professional development.

In addition, new ideas are acquired from these presentations, as trends occurring become obvious and new ways of thinking or techniques are presented. For staff from small local governments such as Cottesloe it is also a welcome way to avoid becoming too isolated or insular by gaining exposure to the bigger picture.

Another advantage for Cottesloe is that the development areas and projects in the district will be assisted by broader exposure to industry knowledge. This includes environmental considerations such as design-for-climate, sustainability and coastal factors. Professional fraternity is equally valuable to swap notes, make contacts and develop a network of colleagues and resources.

The Senior Planning Officer is committed to the role and is motivated to maintain and enhance his professional knowledge and experience. Both he and the Town would gain from attendance at the PIA Congress. For these reasons the request for approval is supported.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Downes

THAT Council APPROVE the attendance of the Senior Planning Officer at the Planning Institute of Australia 2013 National Congress in Sydney from 16-19 March 2013, and request that a report on the congress be provided within two months of attending the event.

Carried 8/0

10.3.3 DELEGATION OF POWERS FOR DETERMINATION OF PLANNING APPLICATIONS DURING THE 2013-2014 HOLIDAY PERIOD RECESS OF COUNCIL

File Ref: SUB/39
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Ed Drewett
Senior Planning Officer
Proposed Meeting Date: 09 December 2013
Author Disclosure of Interest: Nil

SUMMARY

A recommendation is made to delegate authority to the Manager Development Services, or the Senior Planning Officer in his absence, and the Chief Executive Officer to make determinations on those applications for planning consent that are assessed during the period from Tuesday 17 December 2013 to Friday 14 February 2014 while Council is in recess. This arrangement is presented in a report to Council each December for ratification.

BACKGROUND

The following resolution was passed by Council at its December 2012 meeting:

That Council:

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

STAFF COMMENT

As approved by Council in 2012, it is requested that the Manager Development Services, Senior Planning Officer and Chief Executive Officer be granted additional

delegated authority to determine applications beyond their current delegation powers, subject to consultation with the Development Services Chairperson or Deputy, during the 2013-2014 Christmas and New Year recess (ie, until the cycle for referral to the February round of meetings commences).

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

This special delegation is only useful if the Chair and/or Deputy are available during the holiday period to be consulted and satisfied with delegated decisions.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Downes

THAT Council:

- (1) In addition to the existing delegated authority for determination of applications for Planning Consent and subject to (2) below, hereby further delegates to the Manager Development Services, the Senior Planning Officer in the absence of the Manager Development Services, and the Chief Executive Officer, under Clause 7.10.1 of Town Planning Scheme No. 2, authority to determine those applications for Planning Consent that are beyond their current delegated powers, for the period from Tuesday 17 December 2013 to Friday 14 February 2014.**
- (2) Stipulates that the exercise of those powers referred to in (1) is granted subject to:**
 - (a) The relevant officer discussing those applications that fall within the extended powers of delegated authority with the Chairperson of the Development Services Committee or the Deputy, prior to a decision being made on the applications; and**
 - (b) A list of items to be dealt with under this special delegation being identified and included in the weekly list of Delegated Authority, that is:**
 - (i) circulated to all Councillors; and**
 - (ii) subject to the current call-in arrangements for Delegated Authority items.**

Carried 8/0

10.4 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 10 DECEMBER 2013**10.4.1 STRATEGIC COMMUNITY PLAN FINAL ADOPTION**

File Ref: SUB/1688
Attachments: [Draft Strategic Community Plan](#)
[Minutes Council Meeting September 23 2013](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate & Community Services
Proposed Meeting Date: 10 December 2013
Author Disclosure of Interest: Nil

SUMMARY

This report presents the Town of Cottesloe Strategic Community Plan for adoption by Council.

BACKGROUND

As per the Local Government (Administration) Regulations 1996, the Town is required to have a Strategic Community Plan that covers not less than 10 years. Following a review of the last Plan for the Future that Council had (May 2011) and receiving the results of the Community Perceptions Survey earlier this year, the Council through several workshops, constructed a Draft of a Strategic Community Plan.

At its September 2013 Ordinary Meeting, Council resolved to endorse the Draft Community Strategic Plan for advertising. Under the regulations, Council is required ensure that the electors and ratepayers of its district are consulted during the development of a community strategic plan.

The Draft Strategic Community Plan was advertised in September and October, with a lengthy submission period provided. At the close of the advertised period, only two submissions were received.

STRATEGIC IMPLICATIONS

If adopted, the Strategic Community Plan will set the strategic direction of Council.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT**Local Government Act 1995****5.56. Planning for the future**

- (1) A local government is to plan for the future of the district.
-

- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Local Government (Administration) Regulations 1996

Division 3 — Planning for the future

19C. Strategic community plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —
- (a) the capacity of its current resources and the anticipated capacity of its future resources; and
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
 - (c) demographic trends.
- (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
*Absolute majority required.
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.

- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
- (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
- *Absolute majority required.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

19D. Adoption of plan, public notice of to be given

- (1) After the adoption of a strategic community plan, or modifications of a strategic community plan, under regulation 19C, the local government is to give local public notice in accordance with subregulation (2).
- (2) The local public notice is to contain —

- (a) notification that —
 - (i) a strategic community plan for the district has been adopted by the council and is to apply to the district for the period specified in the plan; and
 - (ii) details of where and when the plan may be inspected;or
- (b) where a strategic community plan for the district has been modified —
 - (i) notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for the period specified in the plan; and
 - (ii) details of where and when the modified plan may be inspected.

FINANCIAL IMPLICATIONS

There will be minor costs in the adopting of the recommendation, however these can be met within current operational budgets.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

During the public comment period, only two submissions were received on the Draft Strategic Community Plan. The first of these comments called for more detail, in particular more detail on the proposal to sink the railway line and develop the land that would result. As this plan sets the aspirational position of the Council, it is not appropriate to have that level of detail contained within the plan. However, the comment will be considered and addressed as the Corporate Business Plan is developed where that level of detail can be accommodated. The second submission outlined several documents that were not referenced in the original draft as supporting documents. The suggested changes have been included in the final draft where appropriate.

The relatively low level of feedback received could be a result of several possibilities. The first being the advertising was not effective. The advertisements ran over several weeks in two local papers, as well as in the West Australian, on the Council's website and was mentioned in Council's regular advertising feature. It also received editorial attention when the plan was endorsed for advertising.

The other possibilities are that the community are largely satisfied with Council's overall performance or that the plan raised no concerns with community members. A

combination of these two factors is more likely than not the cause of the low level of feedback received. A regularly observed phenomenon in public consultation is that when the public are generally satisfied with a service, or are not concerned about the introduction or change of a service, a very low level of feedback will be received. This is generally due to the fact that many people are busy and unless they feel they need to provide input, will generally focus their energies in other directions.

The Strategic Community Plan represents the first part in the new planning process. It provides the overall direction, which then allows more specific plans to be drawn up and finalised. It is likely that the more detailed plans that will follow, will have more measurable impacts on residents and will attract a higher level of feedback.

While the attached document is largely only a text document, if the plan is adopted, a final colour version with pictures will be developed and ready for release at the annual general meeting of electors.

At this stage, no impediment can be seen to Council adopting the Strategic Community Plan. It provides a clear direction for the administration in developing the further plans required by the Regulations. As such, it is recommended that the plan be adopted.

VOTING

Absolute Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council, by Absolute Majority, adopt the Strategic Community Plan as attached and provide the public notices as required.

Carried 8/0

10.4.2 NORTH COTTESLOE PRIMARY SCHOOL - REQUEST FOR CROSSING ISLANDS - ERIC STREET AND CURTIN AVENUE, COTTESLOE

File Ref: PR53674
Attachments: [Copy of Request from North Cottesloe Primary School](#)
[Plan of Eric Street and Charles Street Intersection Island](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 10 December 2013
Author Disclosure of Interest: Nil

SUMMARY

The North Cottesloe Primary School is developing safer pedestrian access routes to the school site, including improved crossing points over busy roads, in particular Curtin Avenue at Florence Street and Eric Street opposite the new Scout Hall. Pedestrian crossing islands have been requested for both sites.

The officer recommendation is that Council:

1. Contact the owners of 70, 72 and 74 Eric Street to explain the proposal for a median island and connecting path on the north side verge and request comments.
2. Subject to the comments received, arrange for the appropriate site survey and island designs, to be available for Council consideration in February 2014.
3. Refer the matter of the cost of the median island to the mid year budget review for consideration.
4. Inform the North Cottesloe Primary School of its decision regarding an Eric Street crossing island and the Blackspot proposal on Curtin Avenue which will include islands at the Florence Street intersection.
5. Reconsider this matter in February 2014.

BACKGROUND

The North Cottesloe Primary School has been developing, over several years, promotion systems for children to walk or ride to school, rather than be transported by vehicles.

Part of this promotion is to maximise the safety of walking and cycling routes to school, including the crossing of busy roads by individual children or children walking in a walking school bus arrangement. On Curtin Avenue, the existing traffic warden crossing near Florence Street has no protective pedestrian island to offer the warden and children crossing at that point a mid-way protective space.

On Eric Street, where children use the footpath on the west side of Charles Street to deliver them to the south side of Eric Street, there is no safe pedestrian island protection to cross Eric Street.

This, if installed, should attract more children to cross at that point and therefore build up the crossing numbers to justify a new traffic warden to provide the extra safety required for that crossing point.

The school is also supporting the Principal Shared Path extension from Grant Street to Eric Street and is currently working with the Education Department to shift some parking and access from Eric Street to Railway Street as part of the development of new classrooms and entrance to the school.

STRATEGIC IMPLICATIONS

The new draft Strategic Community Plan has been released for public comment and is referred to elsewhere in this agenda. It contains objectives including the conversion of vehicular traffic to pedestrian and cycling facilities and the removal of obstacles to the east/west connections within Cottesloe, such as the Eric Street bridge for school children, both walking and cycling.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Any plans for pedestrian crossings islands must meet Australian Standards and be pre-approved by Main Roads WA, prior to construction.

FINANCIAL IMPLICATIONS

The requested islands at Florence Street on Curtin Avenue would be funded as part of the Curtin Avenue/Eric Street Federal Blackspot project. The cost of an island on Eric Street opposite the new Scout Hall would be approximately \$25,000 if approved by Council then by Main Roads WA. The 2013/2014 budget does not include this allocation.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Only with North Cottesloe Primary School.

STAFF COMMENT

The school is working to reduce the number of vehicles delivering school children to the school by improving the ease and safety of pedestrian and cycling routes, as well as trying to establish subsidiary or support parking areas to drop off or pick up children, so that they can then join a walking school bus group.

These activities have been supported by Council for some time, in an attempt to reduce reliance on cars to deliver and pick up children at school.

In regards to the request for median islands at the Florence Street intersection on Curtin Avenue, the \$280,000 National Blackspot project for the Curtin Avenue/Eric

Street intersection will include the existing Curtin Avenue median island north of Eric Street being extended back to each side of Florence Street. This project is funded 100% by the National Blackspot Program, in 2013/2014.

The request for a pedestrian crossing island in Eric Street opposite the new Scout Hall is more difficult to resolve. If such an island was to be constructed to line up with the concrete footpath crossing point on the west side of Charles Street, it would obstruct the Eric Street/Charles Street intersection and block off a private property double crossover on the north side of Eric Street.

The alternative is to move the island to the west to front 1-3/72 Eric Street, to fit it between the two crossovers of that property. A decision would first be required with the property owners to gain agreement for that location.

The island width would have to be 1.8m and at least 12m long to meet Main Roads WA requirements. It would also require a widening of one or both sides of Eric Street to retain the current useable width of Eric Street, with the logical widening to be on the Scout Hall side. Also, the path leading from Charles Street to the south side of Eric Street would have to be diverted to connect to the gap in the pedestrian island and a short path installed to connect across the verge of 1-3/72 Eric Street to the existing Eric Street footpath on the north side.

The cost of that work is estimated at \$25,000. This particular island is requested by the school to try to attract extra numbers of pedestrians, including school children, to cross at that point. This increase may then justify a crossing warden to be provided.

Council's experience with proposed new median/pedestrian crossing islands with connecting path to an adjacent footpath has not always been successful. Before any costly site surveys or island designs are commenced the affected property owners should be asked for comment.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Cr Jeanes queried the number of children crossing the road at the proposed site of the median island. Chief Executive Officer (CEO) advised that the school has provided figures regarding the number of children crossing Eric Street and the data can be provided to Elected Members prior to the December Council meeting.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council:

- 1. Contact the owners of 70, 72 and 74 Eric Street to explain the proposal for a median island and connecting path on the north side verge and request comments.**
 - 2. Subject to the comments received, arrange for the appropriate site survey and island designs, to be available for Council consideration in February 2014.**
 - 3. Refer the matter of the cost of the median island to the mid year budget review for consideration.**
-

4. Inform the North Cottesloe Primary School of its decision regarding an Eric Street crossing island and the Blackspot proposal on Curtin Avenue which will include islands at the Florence Street intersection.
5. Reconsider this matter in February 2014.

Carried 8/0

**10.4.3 ROW 4A - REQUEST FOR RECONSIDERATION OF UPGRADING COST
FOR 218 BROOME STREET, COTTESLOE**

File Ref: PR52542
Attachments: [Copy of Letter Received](#)
[Copy of Council Policy Rights of Way Laneways](#)
[Plan of Location](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 10 December 2013
Author Disclosure of Interest: Nil

SUMMARY

A development approval has been issued for a new house to be constructed at 218 Broome Street, Cottesloe. The new house will use the rear laneway to gain access. Council's Rights of Way/Laneways Policy (adopted in 2004) requires the laneway to be sealed back to the closest sealed road or sealed section of the laneway.

Staff applied this policy and provided an estimated cost. The Owner of 218 Broome Street has disputed this cost. The recommendation is that Council:

1. Receive a report in February 2014 on the Rights of Way/Laneways Policy, possible changes to achieve greater equality of contribution to upgrading levels and implications if major changes are made.
2. Not require any payment from the applicant for the laneway upgrading until the Policy is reviewed.
3. Inform the applicant of Council's decision and that a further response will be provided to the submission when Council receives the full report in February 2014.

BACKGROUND

In 2004, Council adopted a new policy for Rights of Way/Laneways, after advertising and full discussion. That policy included, among other aspects, what Council required in regards to laneway upgrading when a new house was designed to have the prime access off an (until then) unsealed laneway.

The applicable part of the policy is:

3. *When a ROW or Laneway is required for primary access to a new development the developer will upgrade by paving, kerbing and drainage, the ROW or Laneway from the nearest built gazetted road or existing built laneway to the furthestmost lot boundary, to the satisfaction of the Manager Engineering Services.*
 4. *The developer may elect to have the Laneway upgrading works done by the Town of Cottesloe or by a Contractor.*
-

- (a) *If the Town is to undertake the works, payment of the full estimated value of the works must be received by the Town before works commence.*
- (b) *If the developer employs contractors, a supervision and inspection fee is to be charged, in accord with Section 6.16 of the Local Government Act, 1995.*

The policy has been applied by staff to all development applications since adoption. The same policy came up for review in 2011 and this section remained unchanged by Council.

When applied to 218 Broome Street, the estimated cost of sealing and draining 60m was \$18,500. This 60m remained after 242 Broome Street funded the first 3 property widths in from North Street in 2011 and after allowance for the next 130m being sealed this financial year (as budgeted) by Council as part of its ongoing Laneway Upgrade Program.

STRATEGIC IMPLICATIONS

There are no strategic necessities for the upgrading of laneways in the Future Plan.

POLICY IMPLICATIONS

This item involves potential changes to Council's Right of Way/Laneways Policy.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Potential reduction in the amount of private funds being applied to the upgrading of public access laneways, with the resultant increase in required Council expenditure to achieve the same result.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Only when the 2004 draft policy was advertised for public comment.

STAFF COMMENT

Staff have applied Council's Rights of Way/Laneway Policy since it was adopted in 2004. In regards to other metropolitan councils there is no single policy adopted by the majority on this subject. Some have fully sealed their laneway systems using rates funding. Others have taken standard contributions for each development using laneways as their principal access point and the combined income has been put towards laneway works, not necessarily the laneways originally contributed to.

In general terms, when a development approval is given, the laneway serving the property can be damaged due to trucks carting away demolition materials and delivering new building products. The upgrading of the laneway is then left until the house is mostly completed.

There are ongoing requests for laneways to be sealed, complaints about builders blocking and damaging laneways and adjacent private fencing and also requests to ban trucks from narrow lanes because of damage, dust and the danger to other users of the laneway system.

In recent years, Council has been funding approximately \$80,000 in its annual budget towards sealing and draining the worst laneways. At that rate, it will be many years before the laneway system is sealed to meet public requests. Even when that happens, there will be sections which will never need upgrading, unless property sizes are reduced through subdivision.

If Council resolves to change the current policy to reduce or remove the condition of laneway upgrading applying to 218 Broome Street, it may also consider reviewing the planned expenditure of \$40,000 on the same laneway this financial year. There are residents who continue to request their laneway access to be sealed for a variety of reasons. The option exists to relocate those funds to such laneways being requested for upgrading.

This subject will require time for a comprehensive report to be written for Council's consideration, prior to any potential new or modified policy being advertised for public comment.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Mayor Dawkins sought clarification that endorsing the officer recommendation would not delay the approval of the owner's development application. CEO confirmed that the development application has been approved and the building permit can be issued, with the owner's contribution to be determined in February 2014.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council:

- 1. Receive a report in February 2014 on the Rights of Way/Laneways Policy, possible changes to achieve greater equality of contribution to upgrading levels and implications if major changes are made.**
- 2. Not require any payment from the applicant for the laneway upgrading until the Policy is reviewed.**
- 3. Inform the applicant of Council's decision and that a further response will be provided to the submission when Council receives the full report in February 2014.**

Carried 8/0

10.4.4 STATUTORY FINANCIAL REPORTS FOR THE PERIOD 1 JULY 2013 TO 30 NOVEMBER 2013

File Ref: SUB/1720
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 10 December 2013
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present the Statutory Financial Statements and other supporting financial information for the period 1 July 2013 to 30 November 2013 to Council.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Statement of Financial Activity on page 1 of the attached Financial Statements shows favourable operating revenue of \$107,939 or 9% as compared to year to date budgeted revenue. Operating expenditure is \$954,229 or 20% less than year to date budgeted expenditure which is mainly due to the fact that depreciation for the 2013/2014 financial year has not yet been posted. All material variances are detailed in the Variance Analysis Report on pages 7 to 10 of the attached Financial Statements. Capital expenditure is reported in detail on pages 25 to 28 of the attached Financial Statements.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council receive the Statutory Financial Statements including other supporting financial information as submitted to the 10 December 2013 meeting of the Works and Corporate Services Committee.

Carried 8/0

10.4.5 SCHEDULES OF INVESTMENTS AND LOANS AS AT 30 NOVEMBER 2013

File Ref: SUB/1720
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 10 December 2013
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present the Schedule of Investments and the Schedule of Loans as at 30 November 2013, as included in the attached Financial Statements, to Council.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on page 21 of the Financial Statements shows that \$4,707,668.84 was invested as at 30 November 2013. Approximately 32% of the funds are invested with the National Australia Bank, 26% with the Commonwealth Bank of Australia, 26% with Bankwest and 16% with Westpac Bank.

The Schedule of Loans on page 22 of the attached Financial Statements shows a balance of \$5,694,548.91 as at 30 November 2013. Included in this balance is \$315,070.27 that relates to self supporting loans.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council receive the Schedule of Investments and the Schedule of Loans as at 30 November 2013. These schedules are included in the attached Financial Statements as submitted to the 10 December 2013 meeting of the Works and Corporate Services Committee.

Carried 8/0

10.4.6 LIST OF ACCOUNTS PAID FOR THE MONTH OF NOVEMBER 2013

File Ref: SUB/1720
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 10 December 2013
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present the list of accounts paid for the month of November 2013, as included in the attached Financial Statements, to Council.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The list of accounts paid in November 2013 is included in the report on pages 11 to 17 of the attached Financial Statements. The following significant payments are brought to Council's attention;

- \$38,050.50 to OPM (2012) Pty Ltd Trading as Jason Mazda for a new passenger vehicle
- \$127,529.85 to Local Government Insurance Services being insurances for Council
- \$158,120.86 to the Shire of Peppermint Grove for the Library contribution for the second quarter

- \$95,770.80 to Macfield Construction for works at the universal access path at the foreshore
- \$41,354.52 to Transpacific Cleanaway for waste collection services
- \$47,575.00 to Claremont Asphalt for the car park construction works
- \$37,551.55 to Metro Motors Holden for a new passenger vehicle
- \$29,181.43 to Surf Life Saving WA for lifeguard services
- \$25,222.64 to WMRC for waste disposal services
- \$82,304.10 & \$81,577.30 to Town of Cottesloe staff for fortnightly payroll
- \$300,000.00 to the Commonwealth Bank of Australia for a new term deposit

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council receive the list of accounts paid for the month of November 2013 as included in the attached Financial Statements, as submitted to the 10 December 2013 meeting of the Works and Corporate Services Committee.

Carried 8/0

10.4.7 RATES AND SUNDRY DEBTORS REPORTS AS AT 30 NOVEMBER 2013

File Ref: SUB/1720
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 10 December 2013
Author Disclosure of Interest: Nil

SUMMARY

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

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report on page 23 of the attached Financial Statements shows a total balance outstanding of \$82,548.83, of which \$55,151.23 relates to the current period. The balance of aged debtors is \$27,397.60.

The Rates and Charges Analysis on page 24 of the attached Financial Statements shows a total balance outstanding of \$2,341,250.79 of which \$177,114.03 and \$472,208.69 relates to deferred rates and outstanding emergency service levies respectively. The Statement of Financial Position on page 4 of the attached Financial Statements shows total rates outstanding as a current asset of \$2,402,499 as compared to \$2,403,164 to the same period last year.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council receive the Rates and Charges Analysis Report and the Sundry Debtors Report as at 30 November 2013. This information is presented in the attached Financial Statements as submitted to the 10 December 2013 meeting of the Works and Corporate Services Committee.

Carried 8/0

10.4.8 AIR CONDITIONING TENDER - COTTESLOE CIVIC CENTRE

File Ref: SUB/1714
Attachments: [CONFIDENTIAL Tenders Received](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services

Proposed Meeting Date: 10 December 2013
Author Disclosure of Interest: Nil

SUMMARY

The existing air conditioning system serving the north side of the Civic Centre ground floor, Mayor's Parlour and Council Chambers is old and is budgeted for replacement this 2013/2014 financial year.

An initial quotation was received for a figure in excess of \$100,000. Due to this potential level of expenditure, a tender was called for the new installation, on 22 November 2013 and closed on 6 December 2013.

This report presents the results of this tender and recommends that Council accept the tender lodged by Suburban Air Conditioning and Refrigeration Services Pty Ltd for the air conditioning replacement, covering part of the Cottesloe Civic Centre, for a total tendered cost of \$45,000.

BACKGROUND

The Cottesloe Civic Centre has several air conditioning systems. By far the oldest is a Hitachi system (approximately 30 years old). This system can either air condition the Mayor's Parlour and Council Chambers on the upper floor or the north side offices on the ground floor but not both at the same time, depending on the setting that controls motorised baffles to direct the air flow.

There have been ongoing problems with this system in recent years, both with the components starting to give electrical and mechanical problems, and the issue of a choice having to be made on a hot day, when a meeting is held in the Chambers or Mayor's Parlour, as to whether the air conditioning system cools the upper rooms or the staff offices on the lower floor.

It was agreed by Council that the replacement air conditioning system should be included in the 2013/2014 budget for an estimated cost of \$80,000. This figure of \$80,000 was provided by a consultant/contractor in 2011, with improving systems technology tending to reduce that cost or keep pace with inflation between 2011 and 2013.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council's Purchasing Policy applies.

STATUTORY ENVIRONMENT

The Local Government Act 1995 requires all purchases in excess of \$100,000 be subject to a tender process.

FINANCIAL IMPLICATIONS

The original quotation for \$80,000 in 2011 was from a company with a good knowledge of the Civic Centre. The quotation was a guide only for future budgeting purposes and its development had not included a detailed analysis and close inspection of all components of the system. The draft budget therefore included a figure of \$80,000. Once the budget was adopted, a full and firm quotation was requested. That quotation eventually was provided but was in excess of \$100,000. The project therefore had to be tendered out. At the time of tendering, it was expected that Council would have to consider additional expenditure if the project was to be undertaken.

STAFFING IMPLICATIONS

Minimal, apart from short term discomfort as the new system is installed and tested.

SUSTAINABILITY IMPLICATIONS

The Town takes active measures to reduce its environmental impacts, particularly greenhouse gas emissions. Its commitment to become Carbon Neutral by 2015 has resulted in the identification and significant reduction of total emissions over the last few years. Electricity consumption at the Civic Centre makes up a large proportion of the Town's emissions footprint and any measure to reduce this consumption will assist the Town in reaching Council's goal. Heating, ventilation and air conditioning (HVAC) is frequently emissions intensive and many councils have made investments in upgrading and improving the efficiency of their HVAC systems. By upgrading to improved technology and a more efficient system the Town will require less purchased electricity, which in turn will assist in the carbon neutral journey and reduce the cost of electricity bills.

CONSULTATION

Nil

STAFF COMMENT

Before the tenders were opened there was an expectation of up to five tenders being received – the original company plus four other companies that arranged site inspections as required by the tender documents. For a variety of reasons, only two tenders were received not including the original company.

Of the two tenders received, one tendered cost was well outside the original \$80,000 budgeted for the works and the increased quotation that caused staff to arrange the tender.

The other tender, from Suburban Air Conditioning and Refrigeration Services for \$45,000, has been investigated and discussions held with that company, which has

been operating for over twenty years. Staff can find no reason not to accept this tender. The budgeted amount of \$80,000 will allow for any small extras that may become apparent during installation.

One additional benefit in the proposal is the provision of two separate systems 'upstairs' – one for the Mayor's Parlour and one for the Chambers. This will save energy when only one room needs to be air conditioned.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council accept the tender lodged by Suburban Air Conditioning and Refrigeration Services Pty Ltd for the air conditioning replacement, covering part of the Cottesloe Civic Centre, for a total tendered cost of \$45,000.

Carried 8/0

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

Nil

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:**12.1 ELECTED MEMBERS**

Nil

12.2 OFFICERS

Moved Cr Birnbrauer, seconded Cr Downes

That item 12.2.1 Adoption of the 2012/2013 Annual Report and Annual General Electors Meeting be considered as urgent business.

Carried 8/0

12.2.1 ADOPTION OF THE 2012/2013 ANNUAL REPORT AND ANNUAL GENERAL ELECTORS MEETING

File Ref: SUB/19
Attachments: [Annual Report 2012-2013](#)
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Mat Humfrey
Manager Corporate & Community Services
Proposed Meeting Date: 16 December 2013
Author Disclosure of Interest Nil

SUMMARY

A recommendation is made to accept the Annual Report for the 2012/13 financial year and to hold the Annual General Electors Meeting on Wednesday, 29 January 2014.

BACKGROUND

The Annual Report (see attached) is made up of a number of reports including those of the Mayor and CEO, an overview of the plan for the future, the annual financial statements, the auditor's report and other statutory and prescribed reports and information. The last General Meeting of Electors was held on Wednesday, 5 December 2012. Subject to Council's acceptance of the Annual Report, the proposed date for the electors meeting is Wednesday, 29 January 2014.

STRATEGIC IMPLICATIONS

The Town is now well placed to proceed with capital upgrades and improvements. The Town's reserves are sound and its assets are generally well maintained. This combination means that with well planned projects, the Town can move forward on some of the more pressing capital improvements required.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

The relevant sections of the *Local Government Act 1995* read as follows:

5.27. Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

5.29. Convening electors' meetings

- (1) *The CEO is to convene an electors' meeting by giving -*
 - (a) *at least 14 days' local public notice; and*
 - (b) *each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.*
- (2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.*

5.53. Annual reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain -*
 - (a) *a report from the mayor or president;*
 - (b) *a report from the CEO;*
 - [(c), (d) deleted]

- (e) *an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;*
- (f) *the financial report for the financial year;*
- (g) *such information as may be prescribed in relation to the payments made to employees;*
- (h) *the auditor's report for the financial year;*
- (ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;*
- (hb) *details of entries made under section 5.121 during the financial year in the register of complaints, including -*
 - (i) the number of complaints recorded in the register of complaints;*
 - (ii) how the recorded complaints were dealt with; and*
 - (iii) any other details that the regulations may require; and*
- (i) *such other information as may be prescribed.*

5.54. Acceptance of annual reports

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

** Absolute majority required.*

- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Regulations 15 and 19B of the *Local Government (Administration) Regulations, 1996* require that:

15. Matters for discussion at general electors' meetings s. 5.27(3)

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

19B. Annual report to contain information on payments to employees s.5.53(2)(g)

For the purposes of section 5.53(2)(g) the annual report of a local government for a financial year is to contain the following information -

- (a) the number of employees of the local government entitled to an annual salary of \$100 000 or more;*
- (b) the number of those employees with an annual salary entitlement that falls within each band of \$10 000 over \$100 000.*

FINANCIAL IMPLICATIONS

The higher than expected surplus at the end of the financial is a result of many factors, but the main factors are:

1. The timing of capital projects, such as the universal access ramp, which spanned the two financial years. While the project did contribute to the surplus, it must be remembered that the project was completed in the 2013/2014 financial year.
2. There were several revenue streams that recorded higher than budgeted income, in particular planning and building fees were higher than expected as were parking revenues.
3. Administration have focused on maintaining the lowest level of operational expenses possible, while ensuring that all possible revenue streams are maximized. This focus does result in operating improvements which allow funds to be reallocated to capital projects.

The cost to produce, print and distribute the Annual Report and report summary is approximately \$8,000 and is accommodated within the 2012/13 Budget.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

The Town has undertaken several sustainability projects in the 2012/2013 financial year, the most notable of which was the installation of the photovoltaic cells on the Cottesloe Civic Centre. This has dramatically reduced the Council's consumption of grid electricity, saving both money and emissions.

CONSULTATION

The Annual Report is presented to the Annual Electors Meeting for the community to be able to comment. At this stage, the Annual Electors Meeting is proposed for Wednesday 29 January 2014.

STAFF COMMENT

Overall, the 2012/2013 financial year was a very positive one. With rates increasing less than 4%, the Town was still able to achieve a surplus and set funds aside for transfer to reserves for future capital projects. The 2012/2013 financial year provided the platform for the current financial year, where the rate increase was kept to 3.8% while several new carparks have been constructed and funds set aside for capital improvements in the Town Centre.

There have been several changes to the requirements for the annual report, the most notable of which are the changes required to the ratios presented. The Town is now

required to present a measure of the required capital works in its Asset Management Plans, against the budgeted works in the Long Term Financial Plan. Both of these plans span 10 years and represent a considerable amount of work to put in place.

One of the new ratio's provides an indication of how well Council is maintaining its assets. The guidelines suggest a ratio of above 0.95 means that the Council's assets are being maintained. While the report shows a ratio of 1.05 (a very good result) the administration caution against simply relying on this ratio alone. While the Town's assets have been well maintained, simply comparing what is in two very long term plans should not be used to provide comfort and assets should continue to be regularly inspected.

A second new ratio requires the Town to compare its depreciation against its expenditure on asset upgrades and renewals. The Town's result in this ratio was lower than expected, although the ratio is deficient in one area. By simply comparing expenditure vs depreciation, the ratio discriminates against local governments who've recently renewed assets (such as the Town). As an example, the Town in recent years invested heavily in replacing many drainage sumps at its own expense. These new drainage works are depreciating, but the Town is not spending any funds on them as they are brand new. The ratio should be modified so that the net allocations to reserves for asset maintenance are included in the expenditure on asset replacement and renewal – if this were done the Town's ratio would look far more favourable.

Another significant change in this year's financials, but one that is much harder to see, is the change to the way the Town's assets are valued. Two major changes occurred this year, the first being the requirement to value all plant and equipment at fair value, and the second being to bring to account certain Crown Land lots, that were previously not able to be recorded as an asset of the Town.

Fair Value accounting essentially involves assessing what an asset is actually worth to the Town, rather than simply looking at what the asset cost to acquire. While the shift is simple enough at a conceptual level, it does represent a change to the very basis of how assets are accounted for, a basis that has been in place since accounting began as a profession. As the shift is so significant, it is being introduced asset class at a time. In this year's report, all plant and equipment has been revalued to its fair value. In the next two years, land and buildings will be revalued and then lastly infrastructure.

While the change to fair value accounting will have no impact on the cash position of the Town, it will have an effect on significant non-cash items, such as depreciation, equity and profit/loss on the sale of assets.

The second significant change was the new requirement to assign a value to certain properties that are Crown Land. Previously, the Local Government (Financial Management) Regulations, specifically forbid the recording of Crown Land as an asset. However, the Regulations have been amended and now require certain parcels of Crown land to be recognized at their fair value. These parcels include any golf course which is situated on Crown Land. Faced with this, the process was undertaken to try and ascertain what the value of the assets contained within the golf course were and what the assets were worth to the Town. The process has taken

longer than expected and was made more complex than initially thought as the golf course is not maintained, insured by or in any way the responsibility of the Town – rather the land as is leased to the Seaview Golf Club, who established and maintain the golf course and all of its assets.

Aside from these changes, the format and content of the annual financial reports is largely unchanged. There are no apparent concerns or trends within the results and the Town can continue on this path, sustainably, for some time into the future.

There are many other reports that are required to be contained within the Annual Report, from reports on the Disability Access and Improvements Plan, statements on compliance with the National Competition Policy as well as reports from each of the managers and the Chief Executive Officer. There are no apparent concerns within any of these reports.

The second part to this agenda item is to consider when the Town will hold its Annual General Meeting of Electors. The meeting cannot be more than 56 days from the Council meeting at which the Annual Report is adopted. To comply with these requirements, it is proposed that the Annual General Meeting of Electors be held on Wednesday 29 of January 2014.

VOTING

Absolute Majority

OFFICER & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Angers

That Council accept the Annual Report for 2012/13 as attached and set the Annual General Meeting of Electors for 7:00pm on 29 January 2014.

Carried 8/0

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

MOTION FOR BEHIND CLOSED DOORS

Moved Cr Rowell, seconded Cr Walsh

In accordance with Standing Orders 15.10 "That the Council meets behind closed doors – Effect of Motion" (LG Act s5.23(2)) that Council discuss the confidential report behind closed doors.

Carried 8/0

Members of the public and media were requested to leave the meeting at 8:05PM

**13.1.1 ANNUAL PERFORMANCE AND REMUNERATION REVIEW FOR THE CEO
2013**

File Ref: PER/94
Attachments: [CEO Performance Review 2013](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer

Proposed Meeting Date: 16 December 2013

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

SUMMARY

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

BACKGROUND

In October 2012 Council resolved, in part, to *conduct the next review of the CEO's performance by December 2013.*

On 26 August 2013 Council resolved as follows;

THAT Council

- 1. Confirm the appointment of the Strategic Planning Committee as the CEO's Contract and Performance Review Panel with its role/responsibility being to;*
 - a. Conduct the CEO's annual performance review based upon the performance objectives set for 2013 with the process to include the opportunity for elected members to meet with the facilitator to provide feedback.*
 - b. Make recommendations to Council on the CEO's contract, remuneration and performance objectives for 2014.*
- 2. Invite a representative from WALGA's Workplace Solutions to join the panel to provide independent facilitation and professional advisory services.*

Carried 8/0

Council engaged the services of Mr John Phillips (Executive Manager) WALGA Workplace Business Solutions, to facilitate the 2013 CEO performance and remuneration review process. The Review Panel is appointed by Council and is comprised of the Mayor, Deputy Mayor (Cr Jeanes), the chairman of the Works & Corporate Services Committee (Cr Rowell) the Deputy Chairman of the Development Services Committee (Cr Downes).

The appraisal process included the use of a questionnaire based on the agreed Personal Attributes and Behaviours and the Key Result Areas (KRA's) adopted by Council in November 2012. All Elected members were provided with an assessment questionnaire and an opportunity to meet individually with Mr Phillips as the

opportunity to provide feedback on Mr. Askew's performance. Mr. Askew also provided a detailed self assessment report. Ratings and comments were aggregated, summarised and presented in Mr Phillips' 'feedback report' for use at the formal appraisal meeting of the Review Panel on 4 November 2013. A subsequent meeting of the Panel took place on Wednesday 20 November 2013 to consider the Remuneration Report prepared by Mr Phillips (see confidential attachment).

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

None Known.

STATUTORY ENVIRONMENT

Local Government Act 1995.

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

- *The performance of the CEO be reviewed at least once a year;*
- *The CEO will have a written contract of employment, which shall include performance criteria for the purpose of conducting a review. and,*
- *A Local Government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.*

5.23. MEETINGS GENERALLY OPEN TO THE PUBLIC

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or

- (iii) information about the business, professional, commercial or financial affairs of a person,

where the trade secret or information is held by, or is about, a person other than the local government;

- (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
- (h) such other matters as may be prescribed.

(3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

FINANCIAL IMPLICATIONS

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

STAFFING IMPLICATIONS

Review of the CEO's performance, remuneration and employment is a function of Council in accordance with Local Government Act 1995.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

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

STAFF COMMENT

Nil

VOTING

Simple Majority

OFFICER & COUNCIL RESOLUTION

Moved Cr Downes, seconded Cr Rowell

That:

1. Council receive this Performance Review report and endorses the overall rating of satisfactory - meeting the performance requirements of the position of Chief Executive Officer of the Town of Cottesloe.

2. The next review of the CEO's performance to be conducted by November 2014
3. Endorses the Key Result Areas for the 2014 appraisal period.
4. The Chief Executive Officer's annual total reward package be increased to \$205,000 pa, effective from 5th January 2014.
5. The next review of remuneration be completed by 5th January 2015, in accordance with the contract of employment between Council and Mr Askew.

Carried 8/0

Staff returned to the meeting at 8:07 pm.

Cr Walsh declared an impartiality interest in item 13.1.2 Tender for the Former Depot Site, 2B Nailsworth Street Cottesloe, due to knowing one of the Directors of a company that had submitted a tender, and stated that as a consequence there may be a perception that his impartiality may be affected and declared that he would consider the matter on its merits and vote accordingly.

Cr Burke declared an impartiality interest in item 13.1.2 Tender for the Former Depot Site, 2B Nailsworth Street Cottesloe, due to knowing one of the Directors of a company that had submitted a tender, and stated that as a consequence there may be a perception that her impartiality may be affected and declared that she would consider the matter on its merits and vote accordingly.

13.1.2 TENDER FOR THE FORMER DEPOT SITE, 2B NAILSWORTH STREET COTTESLOE

File Ref: SUB/1710
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate & Community Services
Proposed Meeting Date: 16 December 2013

SUMMARY

Council has received Tenders in response to the Request for Tenders advertised in November, for the sale of the former depot site, at 2B Nailsworth Street, Cottesloe.

BACKGROUND

Refer to the confidential report attached.

STRATEGIC IMPLICATIONS

Refer to the confidential report attached.

POLICY IMPLICATIONS

Refer to the confidential report attached.

STATUTORY ENVIRONMENT

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

- (2)(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
- (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or

information is held by, or is about, a person other than the local government; and

FINANCIAL IMPLICATIONS

Refer to the confidential report attached.

STAFFING IMPLICATIONS

Refer to the confidential report attached.

SUSTAINABILITY IMPLICATIONS

Refer to the confidential report attached.

CONSULTATION

Refer to the confidential report attached.

STAFF COMMENT

As the content of the report contains information that meets the conditions set in the Local Government Act s5.23(2) (c) and (e), it is recommended that the meeting be closed to the public while considering this item.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Downes, seconded Cr Birnbrauer

THAT Council accept the tender submitted by Nailsworth Pty Ltd for the sale of the former depot site at \$8,650,000 (excluding GST) and authorise the Mayor and Chief Executive Officer to execute the required documents.

AMENDMENT

Moved Cr Jeanes, seconded Cr Angers

That an advice note be added to state: "There is a Western Australia Planning Commission condition of subdivision approval for the provision of Public Open Space or Cash in Lieu to Council in addition to the sale price".

Carried 5/3

COUNCIL RESOLUTION

THAT Council accept the tender submitted by Nailsworth Pty Ltd for the sale of the former depot site at \$8,650,000 (excluding GST) and authorise the Mayor and Chief Executive Officer to execute the required documents.

Advice Notes:

1. There is a Western Australia Planning Commission condition of subdivision approval for the provision of Public Open Space or Cash in Lieu to Council in addition to the sale price.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 6/2

**For the motion: Mayor Dawkins, Crs Walsh, Angers, Burke, Jeanes and
Birnbrauer**

Against the motion: Crs Rowell and Downes

MOTION FOR BEHIND CLOSED DOORS

Moved Cr Downes, seconded Cr Angers

“In accordance with Standing Orders 15.10 that the meeting be re-opened to members of the public and media”

Carried 8/0

Members of the public and media returned to the meeting at 9:14 pm.

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

The Mayor read aloud the Council resolution for item 13.1.1 and 13.1.2 to the public.

14 MEETING CLOSURE

The Mayor announced the closure of the meeting at 9:18 PM.

CONFIRMED MINUTES OF 16 December 2013 PAGES 1 – 80 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

DATE: / /