

# 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, Tuesday, 23 August, 2016

**MAT HUMFREY**  
Chief Executive Officer

31 August 2016

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

The Presiding Member announced the meeting opened at 7:06 PM.

*Due to the large number of people in attendance, the meeting commenced in the War Memorial Town Hall.*

**2 DISCLAIMER**

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

**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

The Mayor advised that Crs Thomas and Burke have been working with the Town's Sustainability Officer on the Garage Sale Trail event, that will take place on 22 October 2016 at the Cancer Wellness Centre, 80 Railway Street, Cottesloe.

The Mayor encouraged local community groups to set up a stall to raise money for their cause, and individuals to donate items of clothing or household items to the "white elephant stall".

**4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****QUESTIONS TAKEN ON NOTICE FROM CR BOULTER - EMAILED 21 JULY 2016**Depot Funds

Q1: What is the total net amount in \$ received by the Town of Cottesloe from the sale of the depot including the windfall gain of \$600,000 from the reduced open space?

A1: Proceeds from sale of Depot	\$8,650,000
Public Open Space In Lieu Contribution	\$600,000
Total	\$9,250,000

Q2: How much of that depot money has been spent?

A2: As at 31 July 2016 \$769,120.00 has been spent.

Q3: What has the depot money that has been spent been spent on specifically and exactly listed item by item?

A3: Depot site clean up and relocation \$318,002 (excludes expenditure from the Municipal Fund of \$90,256).

2015/16 Budget Projects	Amount
Restrooms – Cottesloe Beach	\$10,681
Cottesloe Civic Centre Restoration – Lesser Hall	\$108,220
Elizabeth Street	\$14,386
Federal Street	\$21,262
Hamersley Street	\$420
Kathleen Street	\$20,219
Marmion Street	\$3,161
Foreshore Plan	\$82,796
Dune Restoration Works	\$16,758
Town Centre Improvements	\$118,142
Carpark No. 1	\$23,074
Beach Access Paths	\$28,272
Retaining Walls at the Foreshore	\$21,530
Pylon Restoration	\$25,264
Depot Upgrades	\$3,048
Capital Expenditure Total	\$497,233
Total Capital expenditure and Depot Site Works	\$815,025

Q4: How much money is left from these funds?

A4: As at 31 July 2016, the balance of the Depot Funds Reserve is \$8,178,972. This is reconciled as follows:

Opening Funds	\$8,650,000
Plus interest earned	\$298,164
Less Transferred from Reserve	\$769,192
Balance 30 June 2016	\$8,178,972
Plus 30 June 2016 adjustments to be processed	\$53,957
Total	\$8,232,929

The 30 June 2016 adjustment relates to budgeted works in 2015/16 for which funds were transferred from the Reserve but were not expended.

The \$600,000 contribution is held in a different reserve (Public Open Space) which has balance of \$609,065 as at 31 July 2016.

Q5: What specifically is it budgeted that this money will be spent on?

A5: The Town of Cottesloe adopted the Depot Funds Allocation Strategy in 2014 to maximise the benefits obtained from this

large financial windfall. This Strategy is now considered out of date, although many of the projects remain relevant. The primary reason the Strategy is considered out of date is that it was based on a premise of retiring the loan payable for the development of the Grove Library (\$4,318,204); however, this has proven to be not economically feasible at this point in time due to the current low interest rates and the penalties that would result in paying out the loan early.

As such, the Strategy is currently being reviewed and the projects contained therein being incorporated into the Long Term Financial Plan to be presented to Council in September or October 2016.

Use and Development of the corner of Congdon and Railway Street

Q1: Was development/use approval required for the artwork installed on this site?

A1: There is not a specific requirement for approval of artwork on private property; however, in this instance the Town requested a planning application for the temporary fencing incorporating the sculpture.

Q2: If so, was the approval sought and obtained?

A2: Yes as above.

Q3: If so, what were the conditions of approval?

A3: As previously advised:

- (1) *All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction sites.*
  - (2) *The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.*
  - (3) *The link-mesh fencing shall be constructed of plain galvanised poles and green mesh (not black as indicated on the plans) and shall be to the satisfaction of the Town.*
  - (4) *The indentation to the fencing facing Congdon Street for a bench seat shall be no deeper than two metres, and the applicant shall liaise with the Town regarding the installation of a suitable bench seat.*
  - (5) *The conceptual sculptural fence element of metal panels and signage to the corner truncation requires further liaison with*
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*the Town and detailed design in order to be to the satisfaction of the Town and subsequently approved-of pursuant to this application.*

*(6) All of the development shall be continually maintained by the landowner/applicant to the satisfaction of the Town, and may remain pending approval and construction of the intended building development on the land, unless the Town otherwise requires in writing that it be altered or removed.*

Q4: Was a sign licence required for any sign on the fence or land under any Town of Cottesloe By Laws?

A4: The Signs, Hoardings and Billposting Local Law appears unclear in this respect.

Q5: If not, why not?

A5: The fence cladding is typical of development sites and is more about project naming rather than commercial advertising which may require approval, and is also for a temporary period.

Q6: If so, under which by-law and was a licence sought and obtained?

A6: N/A.

Q7: If so, what were the conditions if any on the sign licence?

A7: N/A.

Q8: What standard does the Town of Cottesloe apply to assessing sight lines at this corner?

A8: The Residential Design Codes clause 5.2.5.

Q9: What is the standard and what are the words of the relevant standard applicable to the sightlines applicable to this corner?

A9: *5.2.5 Sight lines:  
P5 – Unobstructed sight lines provided at vehicle access points to ensure safety and visibility along vehicle access ways, streets, rights-of-way, communal streets, crossovers, and footpaths.  
C5 – Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect(refer Figure Series 9).*

Deemed to Comply Development Application



Q1: What are the date and words of the current delegation from Council to staff that authorises a staff member to decide that a development application satisfies the deemed-to-comply provisions of the R-Codes and thus does not require a development approval by the Town of Cottesloe?

A2: The delegation does not need to cover this because the Regulations automatically create this exemption whereby an application is not required. Also, there is provision for external verification of compliance. If an application unwittingly made is found to be unnecessary as the proposal wholly complies then it is cancelled because an approval is not required.

Settlement of Aboriginal Native Title Claim to Perth by Whadjuk People and the WA State Government

Q1: Have the Town of Cottesloe administration identified best cultural practice for the Town of Cottesloe to practice following this settlement?

A1: No.

Q2: If not, when can it do so?

A2: As this claim affects the entire South West Region, a number of organisations are developing resources for the implementation of this settlement. Once this information is available, reports will be provided for Council's consideration.

Q3: If yes, what changes will the Town of Cottesloe administration be making and will a report be made to Council about the implications for Town of Cottesloe and local government generally regarding this settlement having regard to the recent presentation at the Western Australian Local Government Association zone meeting?

A3: See answer two above.

Plastic Free July

Q1: What events/practices are the Town of Cottesloe administration pursuing to promote the Western Australian Local Government Association Plastic Free July event advertised on the Town of Cottesloe website?

A1: Town of Cottesloe administration has pursued the following avenues to promote Plastic Free July, an initiative of the **Western Metropolitan Regional Council**, developed by the **Western Earth Carers**:

- Promotion of Less is More Festival (launch event of 2016 Plastic Free July), hosted at the Grove Library, on the Town's website
- Placement of event posters on local community noticeboards
- Placement of event flyers at the Town's Administration Building and staff room
- Promotion of the event on the 'Sustainability in Cottesloe' Facebook page
- Assistance with event setup and preparation
- Promotion of the Plastic Free July initiative on the Town's website
- Liaised with the Town's Communications and Marketing Advisor regarding media release coordination
- Emailed internal staff to raise awareness of the initiative and encourage participation
- Promoted the initiative throughout the 2016 Sustainability Calendar, distributed to all residents

Q2: Which community groups have been notified by the Town of Cottesloe administration about this event?

A2: North Cottesloe Primary School and local community groups at large.

Q3: How did that notification take place?

A3: North Cottesloe Primary School students were engaged in the initiative through preparation of the 2016 Sustainability Calendar. An activity worksheet was provided to students depicting the importance of Plastic Free July, amongst other waste-related topics, with the aim of students drawing images to promote the initiative.

Furthermore, with the sustainability calendar distributed to all mailboxes in Cottesloe (including that of local community group spaces), information on the initiative is contained throughout the calendar to raise awareness and encourage participation in the initiative.

#### Council Resolutions

Q1: How many Council resolutions are outstanding (not necessarily overdue) for action by the Town of Cottesloe administration?

A1: Nil – resolutions requiring actions have been initiated.

Q2: How many Council resolutions are outstanding (not necessarily overdue) for completion by the Town of Cottesloe administration?

Q2: 21.

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Q3: How will the administration prioritise and notify Council about the priorities of these outstanding resolutions and when it is intended to bring those outstanding resolutions to Council?

A3: The Council's resolutions are implemented as soon as possible after the meeting at which the resolution is made. However, where a resolution involves third parties, such as the West Australian Planning Commission or the State Administrative Tribunal, officers cannot control the length of time taken.

Elected Members are provided with an updated list on a monthly basis on progress made on all outstanding resolutions in the Elected Members' Bulletin.

#### Trees

Q1: How many trees did the Town of Cottesloe plant in the financial year 2015 - 2016?

A1: This data is not collected.

Q2: How many trees did the Town of Cottesloe remove in the financial year 2015 - 2016?

A2: This data is not collected.

Q3: Has the Town of Cottesloe received an expert arborist report about the Napoleon Street trees?

A3: Yes.

Q4: When will this report be presented to Council?

A4: It is in the current agenda.

#### Grants

Q1: How many applications for grants were made by the Town of Cottesloe administration in financial year 2014-2015?

A1: Eight.

Q2: How many grants were awarded to Town of Cottesloe in financial year 2014-2015?

A2: Eight.

Q3: What were they and for how much?

A3:

Organisation	Amount	Purpose
WA Local Government Grants Commission	\$424,144	General purpose funding (untied)
WA Police	\$500	Neighbourhood Watch – Children’s safety program at Grove Library
Main Roads WA	\$57,000	Curtin/Eric Streets road grant (balance of funding provided in 2013/14)
Department of Transport	\$14,000	Coastal Monitoring
Main Roads WA	\$19,600	Direct Road Grant - Untied
Public Transport Authority	\$16,138	Cott Catt service contribution
Council of the Ageing	\$1,000	Seniors Week activities
Lotterywest	\$14,000	Australia Day activities (shared with Peppermint Grove and Mosman park)

Q4: How many applications for grants were made by the Town of Cottesloe administration in financial year 2015-2016?

A4: Seven.

Q5: How many grants were awarded to Town of Cottesloe in financial year 2015-2016?

A5: Seven.

Q6: What were they and for how much?

Organisation	Amount	Purpose
WA Local Government Grants Commission	\$132,677.00	General purpose funding (untied)
WA Police	\$500.00	Neighbourhood Watch – Children’s safety program at Grove Library
Department of Transport	\$14,496.26	Coastal Monitoring
Main Roads WA	\$18,500.00	Direct Road Grant - Untied

Public Transport Authority	\$16,677.00	Cott Catt service contribution
Council of the Ageing	\$1,000.00	Seniors Week activities
Lotterywest	\$14,000.00	Australia Day activities (shared with Peppermint Grove and Mosman park)

#### Power for Christmas Lights in Cottesloe Village

Q1: Are there approved installed electric power points on site for the safe installation of Christmas lights in Napoleon Street?

A1: No.

Q2: Are there approved installed electric power points on site for the safe installation of Christmas lights in Station Street?

A2: No.

Q3: Where are they, specifically?

A3: N/A.

Q4: If not, what would be the cost of installing the power supply to safely support the ProCott Christmas decorations?

A4: Unknown. Most likely in the order of \$5,000 to \$10,000 as conduits to existing trees already exist.

Q5: Is there an item in the Town of Cottesloe budget that could support this expenditure?

A5: ProCott are provided funds in the Town of Cottesloe Budget. A portion of these funds could be allocated to this project.

Q6: Will the Station Street makeover include installation of appropriate safe power supplies for Christmas decorations in consultation with ProCott?

A6: Until a masterplan is determined, it is not possible to predict what may be included in a detail design.

#### **QUESTIONS TAKEN ON NOTICE FROM 26 JULY 2016 COUNCIL MEETING**

Jack Walsh, 35 Grant Street, Cottesloe – Re. Barchetta Café – Renovation Proposal and Request for New Lease and Extended Lease Area

Q1: Why do we ignore our Beach Policy?

A1: The Beach Policy was not ignored. Policy implications were addressed in the Officer's report. Mr. Walsh seems to be of the view that the Policy strictly prohibits development of Marine Parade which is not the case.

Q2: Why bother with public submissions, when the Officer is saying that the extra part of the reserve should be taken and put into the lease area and the Town of Cottesloe enter into a new lease arrangement?

A2: The report quite clearly states that public submissions would be required in the event Council determined to enter into a new lease. The officer is of the view that public submissions were not required for the boundary adjustment proposal.

#### **QUESTIONS TAKEN ON NOTICE FROM 16 AUGUST 2016 COUNCIL BRIEFING SESSION**

Cathy Campbell, 12 Kathleen Street, Cottesloe – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

Q1: Can the error for Kathleen Street objections be explained?

A1: The Council Agenda report clarifies this.

Q2: Does the report need more quality control?

A2: It has been corrected.

Grant Gibson, 39 Congdon Street, Cottesloe – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

Q1: Does the Council know who the beneficiaries of the Trust are and if not, why not?

A1: The Council does not know who all the beneficiaries are. The applicant is the Trust itself.

Q2: How can conflicts be checked if this has not been done?

A2: Councillors and Officers are required to declare interests.

Q3: How do we know there are no conflicts on the Council and Council employees?

A3: None has been declared.

- Q4: The infrastructure in the area cannot support the traffic as it is. Why would the Council support such a development which makes the amenity worse, not better?
- A4: The traffic generated would be within capacity and the Town may undertake wider traffic management.
- Q5: What will stop other properties being rezoned and the existing commercial sites being rezoned R100, which is ten storeys?
- A5: All such proposals would be required to obtain approvals.
- Q6: Why is there reference to this property being part of the Swanbourne Village, when it is clearly not part of the commercial Swanbourne Village zone? Why is Council happy for the work that has been done to accommodate that type of language?
- A6: The proponent has provided this planning rationale.

Rosalin Sadler, 2/134 Marine Parade, Cottesloe – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

- Q1: At the Cottesloe Residents and Ratepayers Association Annual General Meeting, Mr Baverstock stated that he had been put through hoops by Council staff for two years. What was happening between the developer and Cottesloe planning staff during the two year period?
- A1: Discussion on the statutory documentation requirements and procedures in dealing with the proposal.
- Q2: Was the Manager Development Services providing in-confidence advice as to how to meet the design standard, sufficient to bring about Amendment No. 5 to the Town Planning Scheme?
- A2: No, that was the task of the planning consultant. Normal customer service was provided.
- Q3: If yes, where are the costs and who pays for this two year consultation process?
- A3: Fees are charged for staff time and administrative costs.
- Q4: Please provide a copy of:
- All the dates over the last two years that Council staff have met with the developer, Mr Baverstock or his associates.
  - The length of each meeting.
  - Records of phone conversations, including dates.
  - Dollar costs to ratepayers based on the information.

A4: The only advice that was provided to the applicant was on the statutory process itself, as such, no such meetings were held.

Nicole Osborne, 124 Railway Street, Cottesloe – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

Q1: Given the serious level of overshadowing which will occur due to the development, why did the Officer's report not mention overshadowing?

A1: It is mentioned twice in the report and is evident in the submissions.

Q2: Why did the Council not take the objections of the owner of the affected site into consideration when it voted to accept the Officer's Recommendation to approve the development?

A2: Council has initiated a scheme amendment process which requires it to publicly advertise the proposal for submissions from all concerned. It has not approved the development.

Brad Osborne, 124 Railway Street, Cottesloe – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

Q1: What strategic planning work, infrastructure work and traffic study work was undertaken by the Town in advance of initiating this amendment to warrant and substantiate this development, including the need and the demonstration that there is insufficient land, within the existing Town Planning Scheme, to achieve the housing target of the State?

A1: The onus is on a proponent to prove-up a proposal; however, there is a shortage of available land for infill development, housing supply and population growth in Cottesloe.

**QUESTIONS EMAILED BY CR PYVIS - 17 AUGUST 2016**

Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

Q1: Is there currently in Cottesloe, any existing vacant land suitable for higher density zoning and development? If so, where and what density?

A1: There is land available in the Development Zones as shown on the Scheme Map, subject to structure planning. Sites in the Town centre are R100, sites and the beachfront are R60, subject to



redevelopment and sites near railway stations or the highway that become available up to R60.

Q2: Can the Manager Development Services explain why Cottesloe has Local Planning Scheme No. 3?

A2: It is a legislative requirement.

Q3: Would you briefly summarise the range of Cottesloe's current R-Code zonings (e.g. lowest to highest R-Codes)?

A3: From R20 to R100, as reported.

Q4: Would you briefly advise the approximate percentage of the area of the Town of Cottesloe that each zoning comprises?

A4: In the limited time available this has not been able to be done; however, the Scheme Map provides a visual indication.

Q5: Can Council's decision at Ordinary Council Meeting 26 April 2016 to support Scheme Amendment No. 5 and Local Development Plan No. 1 be revoked if I, or another Elected Member, put up a Rescission Motion at the next Ordinary Council Meeting?

A5: While a Rescission Motion could be put, as the Council Resolution has been put into effect, it would be ineffective.

Q6: What is the Manager Development Services' view on "ad hoc" spot rezoning in the Town of Cottesloe?

A6: Site-specific proposals may be considered in context and on merit.

Q7: Would Town of Cottesloe please provide a copy of the submissions made by the 3 "public authorities" (Western Power, Water Corporation and Public Transport Authority)?

A7: These have been provided.

Q8: Is it usual for Town of Cottesloe to accept and count submissions made by authorities such as Western Power, Water Corporation and Public Transport Authority?

A8: Such submissions are part of the consultation process.

Q9: Can Town of Cottesloe staff confirm that a Local Development Plan (as in the Officer Report 26 April 2016)

a. " .... guides development..."

b. "...is tied to the Scheme by reference..."

c. " ..... but does not bind ...." ?

- A9: That is confirmed in relation to the proposal, as reported.
- Q10: Can Town of Cottesloe advise who are the applicants (that is, who are the members of the Swanbourne Village Trust)?
- A10: As discussed previously, the Trust is the applicant. We are not able to determine who all of the members of the trust are.
- Q11: How many of the submissions supporting the Scheme Amendment No. 5 and Local Development Plan No. 1 were from members of the Swanbourne Village Trust?
- A11: Possibly two or three. As stated before we do not know who all the members of the Trust are.
- Q12: The applicant (Mr Baverstock) has had access to and support from the Town of Cottesloe Administration Staff for some two years now, yet the community has received no information and no consultation prior to the 42-day public comment period in June/July 2016. Is this usual practice at Town of Cottesloe?
- A12: Officers are required to provide customer service and deal with proposals, including following representation to Council as in this case.
- Q13: The report supporting this Amendment states that a "survey" was undertaken to "*identify possible redevelopment sites in the surrounding areas*". It states "*... the responsible design will provide a stimulus for future possible medium density residential development opportunities throughout the area*" and goes on to describe a large area surrounding this project. How is this speculative "survey" relevant to an ad hoc, spot rezoning such as Scheme Amendment No. 5?
- A13: It provides a planning context in relation to urban infill, activity centres and transit orientated development.
- Q14: The report says this infill development is supported for its "*sustainable, energy efficient, solar access ...*" components. Shouldn't these elements be integral to all contemporary designs/developments and not used, in this case, to justify a Scheme Amendment from R20 to R60?
- A14: Sustainability is encouraged and required by planning measures as a criterion to be met.
- Q15: Can Town of Cottesloe confirm that Council's vote at Ordinary Council Meeting 26 April 2016 to initiate the Scheme Amendment meant Council (at that moment) effectively relinquished its decision-making authority to Western Australian Planning Commission and the Minister for Planning?

- A15: Yes, in the sense that the Commission and Minister are the final decision-makers. The actual passing of the proposal to them for determination is either at the current juncture or following the advertising of modifications.
- Q16: Can Manager Development Services direct me to the part in his Officer Report 26 April 2016 that explains to Elected Members that if Council supported the Officer Recommendation to initiate the Scheme Amendment then it would relinquish its decision making authority to Western Australian Planning Commission and Minister for Planning, even if the community (as has now been confirmed through submissions) opposes this Amendment?
- A16: That established procedure is well-known, was outlined in the Conclusion section, was discussed at the Council Briefing Session and was also referred to in the report on Amendment No. 6 in the same Agenda.
- Q17: If Western Australian Planning Commission and the Minister for Planning approve this Scheme Amendment and Local Development Plan and a precedent is set, what rights and opportunities do near neighbours have to make application for the same or similar scheme amendments from R20 to R60?
- A17: Landowners have the same right to apply for such amendment.
- Q18: Can you give reasons why Manager Development Services did not recommend that community consultation (as per the Town of Cottesloe's Community Consultation Policy) on this Scheme Amendment and Local Development Plan be undertaken before the Officer Recommendation in support of this proposal was brought to Council 26 April 2016?
- A18: The statutory planning process entails formal consultation required to be undertaken in order for proposals to be officially considered.
- Q19: What requirement does the Town of Cottesloe have to practice urban infill?
- A19: State and regional planning direction, strategy and policy invoke urban infill as a practice to be pursued by local governments.

## 4.2 PUBLIC QUESTIONS

Patricia Carmichael, 14/116 Marine Parade, Cottesloe – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

Q1: Were the Design Advisory Panel, comprised of local Cottesloe architects, invited to help formulate planning at 126-128 Railway Street?

Q2: Were these plans submitted in 3D modelling, for viewing by both the public and Council? If not, why not?

A: We are not dealing with a Development Application, when that comes forward, that will be considered.

Re. Proposed Mixed Use Development, 220 Marine Parade, Cottesloe

Q1: Will the Design Advisory Panel Cottesloe, comprised of local Cottesloe architects, be invited to make comment on the 220 Marine Parade proposal when put forward to Council?

A: The Mayor took the questions on notice.

Re. 12.2.1 Prospective Metropolitan Region Scheme Amendment McCall Centre – Preliminary Comment

Q1: At what date did the Administration know about this report?

Q2: At what date was this report brought to Council?

Q3: At what date will community advertising occur?

A: The Mayor took the questions on notice.

Re. Town of Cottesloe Mission Statement and Town of Cottesloe Strategic Community Plan 2013 – 2023

Q1: When submissions are received how much weight does Council give to the wording of this document “*Members of the community will continue to be engaged to shape the future for Cottesloe*”?

Q2: When submissions are received how much weight does Council give to the wording in this document “*Effective community participation in decisions about the district and its future*”?

Q3: In line with the Town of Cottesloe Missions Statement and its Strategic Community Plan 2013 – 2023, will Council consider all future submissions by Cottesloe residents in line with the wording of these strategic statements overriding submissions made by external parties?

A: The Mayor took the questions on notice.

Jack Walsh, 35 Grant Street, Cottesloe – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

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Q1: Is the Manager Development Services aware that there has been a fatal accident at this locality?

Q2: Please can speakers state their address when they speak tonight?

A: The Mayor took the questions on notice.

Peter Rattigan, 9 Grant Street, Cottesloe – Re. Indiana Tea House Litigation

Q1: Is it correct that the Town has been unsuccessful in its litigation with Indiana Tea House?

Q2: What on earth was the litigation about?

A: The Mayor took the questions on notice.

Katina Law, 26 Ozone Parade, Cottesloe – Re. Proposed Mixed Use Development, 220 Marine Parade, Cottesloe

Q1: What information might have been missing from the Development Application when it was accepted by the Town of Cottesloe administration?

Q2: Will the application be re-advertised once the detail required by the Town of Cottesloe is received?

Q3: Has the Joint Development Assessment Panel clock stopped ticking in terms of deemed refusal, given further information is required by the Town of Cottesloe?

Q3: Can objectors be advised when this information is received by the Town of Cottesloe so they can re-inspect the Development Application?

A: The Mayor took the questions on notice.

Nicole Osborne, 124 Railway Street, Cottesloe – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

Q1: Can the Manager Development Services please explain the technical reasons for refuting the serious overshadowing?

A1: This question will be answered when the Development Application is lodged.

Paul Kordic, 3A Napier Street, Cottesloe – Re. Proposed Mixed Use Development, 220 Marine Parade, Cottesloe

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Q1: On what date did the Town of Cottesloe administration first become aware of the proposal to develop 220 Marine Parade?

Q2: On what date did the Town of Cottesloe administration first meet anyone in relation to this proposal?

Q3: On what date did Town of Cottesloe accept the Development Application for this proposal?

A: The Mayor took the questions on notice.

## 5 PUBLIC STATEMENT TIME

### Jack Walsh, 35 Grant Street, Cottesloe – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

- Residents expect Elected Members to vote to protect community interests.
- If only submissions from Cottesloe are considered 75% oppose the proposal while 25% support it, therefore, Elected Members should support the majority and vote against the motion.
- Spot rezoning of two blocks is unprofessional planning.
- Most submissions of support are from non-residents.
- Expressed concern with the Officer's Report.

### Surendan Selladurai, 41 Congdon Street, Cottesloe – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

- The development will shade more than 40% of Mr Selladurai's property, more than the legal limit and create privacy issues.
- The area is near North Cottesloe Primary School and should be for family homes, not apartments.
- Traffic in the area is already a concern, a development in this location will increase traffic.
- Requested Council rescind the motion to initiate Amendment No.5.

### Grant Gibson, 39 Congdon Street, Cottesloe – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

- Good planning requires there to be a transition between R-Codes, without affecting neighbours and the community.
- Going from R20 to R60 with no transition zones in between is not good planning.
- The site is a family area not and infill area.
- The site is not part of Swanbourne Village and should not be treated as such.
- There have been deficiencies in the community consultation process.

- Expressed concern with the Officer's Report.

Melinda Walters, 10 Sea View Terrace, Cottesloe – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

- Objects to the Amendment.
- The increase in residential density will increase traffic and create parking problems.
- The increased traffic will impact on the safety of local residents, pedestrians, cyclists and motorists.
- The Amendment to the Scheme does not '*encourage residential development that is compatible with the scale and amenity of the locality*'.
- There is no buffer zone or transitional zones proposed to separates this high density proposal from its low density neighbours and this sets a dangerous precedent for other spot rezoning applications.

Timothy Lee, 18 Congdon Street, Cottesloe – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

- The proposed residential coding from the low R20 to high R60 exceeds current businesses and high density in the adjacent east area.
- There are other areas highlighted in Cottesloe for future high density development.
- Information has been distributed in a passive manner.
- The significant electrical power poles to allow underground cabling will impact on the adjacent property, the utility of the footpath and lead to impaired vision of cars heading west along Railway Street.
- Traffic issues highlighted by the residents have not been taken seriously.

Mark Stapleton, 79 Second Avenue, Claremont – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

- The contours of the site lend themselves to the design that has been proposed.
- The Scheme is soft architecture and is well considered.
- The proximity of the site to the train station supports the Scheme.
- Shading will be dealt with at the Development Application stage.
- It is important for the neighbours to understand that they have purchased in an area that is less than 50 metres from an existing commercial development.

Siobhan Beilin, 29 Congdon Street, Cottesloe – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

- Objects to the Amendment.
- The Town of Cottesloe Mission Statement was not followed by the Town's staff or the Councillors who voted for Amendment No. 5 in April meeting.
- Town of Cottesloe staff have failed to demonstrate due diligence and competence.
- Many affected property owners did not receive notification on the proposed Amendment.
- Requested Council rescind Amendment No.5.

Mercedes Elliott, 12 Windsor Street, Claremont – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

- A block of 4 units has been built next to Ms Elliott's property, resulting in loss of privacy, amenity and quality of life.
- The construction of units has created parking and traffic issues.
- Ms Elliot would not wish the loss of quality of life that she has experienced on anybody else.

Tony Rudd, 2/134 Marine Parade, Cottesloe – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

- The development is infill.
- The existing local identity should be protected and promoted.
- The proposed development is not especially eco-friendly.
- The lack of clarity in the Officer's Report is disappointing.
- Councillors should take control of the Town Planning Scheme.

Catherine O'Loughlin, 132A Grant Street, Cottesloe – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

- Ms O'Loughlin previously lived at 122 Railway Street, the property is on a blind corner and the Council installed speed humps.
- Ms O'Loughlin was instrumental in getting a traffic mirror installed, due to issues exiting her driveway safely.
- The area in proximity to 122 Railway Street already experiences dangerous traffic conditions.

Nicole Osborne, 124 Railway Street, Cottesloe – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

- Ms Osborne is trying to protect her family home and wishes to continue living in her home, without the proposed loss of amenity faced under Amendment No.5
- Questions sent to Council remained unanswered and those that were answered, were answered with a dismissive response.



- Severe shadowing concerns have not been addressed.
- The unnecessary zero setback, the dangerous placement of the proposed driveway and a high voltage transmission pole outside Ms Osborne's property are of concern.
- Called for a motion for Amendment No.5 to be rescinded.

Brad Osborne, 124 Railway Street, Cottesloe – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

- The important element of the overshadowing is that if correct, it directly relates to the density capacity of the land. It is not a Development Application issue, it is a Scheme Amendment issue, relating to the zoning of that land.
- To achieve underground power, there are significant transmission lines that need to be put on the land. Poles will be in front of Mr Osborne's house.
- Traffic issues have not been addressed satisfactorily.
- Notification of the potential Amendment has not been adequate.
- The Amendment should be rescinded.

Nick Melidonis, 28B Lilly Street, Fremantle – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

- Mr Melidonis would like to live in the proposed development as he will be close to his friends and amenities and be close to a railway station.
- The design was put together by an awarded and talented architect. And credible experts have spoken highly of the design.
- The design provides a measured approach to the much needed infill density for Cottesloe's future and incorporates the best of living and design for people of retirement age.
- There is a large amount of support for the project from residents, ratepayers and neighbours.
- The Town of Cottesloe Planning Department have been heavily criticised for spending time and resources giving the development due process and yet have also been accused of making ad hoc and spot rezoning decisions.

Ara Salomone, 11 Ruth Street, Perth – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

- Inspired by the vision of the proposed Swanbourne Village Development.
- The concept of sustainable, high quality, community style housing is beneficial on a variety of platforms and across a diverse audience.
- It is a common typology of urban planning and architecture throughout Europe, which is highly successful and should be supported and explored in places such as Perth.

- The transport orientated design is incredibly sensible given the location.
- The aesthetic carefully considered, contemporary and is environmentally sustainable.

Anne-Marie Mallon, 35 Congdon Street, Cottesloe – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

- The plans for the site are intelligent and are thinking of the future.
- The sizes are moderate compared to developments in other areas.
- The plans suit the location, near the traffic hub.
- The development is unique as the designers and developers want to live in it.
- Privacy issues can be mitigated.

Jeremy Shellabear, 2 Windsor Street, Cottesloe – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

- The development is good, sustainable architecture, that should be recognised and encouraged.
- It is a transport orientated development and therefore in line with Western Australian Planning Commission policy.
- Council should show leadership and support this type of development.

James Barber, 12 Kathleen Street, Cottesloe – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

- Objects to the proposed increase in density.
- The proposal is not in keeping with the streetscape.
- Any development should be in scale with the neighbouring homes.
- Expressed concern with the community consultation process.

Lesley Shaw, 9 Greenville Street, Claremont – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

- Ms Shaw undertook work to make the site look attractive by planting seeds and weeding.
- A local sculptor was hired to add art to the local precinct while waiting for the development to be approved.
- Developers have worked with Town of Cottesloe staff to comply with planning laws.
- The proposal is an enduring sustainable, cluster of small dwellings to be handed over to future generations.
- Perth's footprint is increasing, biodiversity loss is a travesty, innovation and a willingness to change can stop Perth's urban footprint spreading.

Ian Brashaw, 1G Norfolk Street, Fremantle – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

- There is neither statutory or strategic reason to modify the proposal before Council.
- The proposal is the opportunity to set the pattern for quality development, in a place that is a commercial hub near a railway station.
- The Town of Cottesloe's Strategic Community Plan looks to provide alternative housing, to enable ageing in place and enable appropriate density near rail and commercial hubs.
- It is not a commercial market driven proposal.
- The proposal complies with the local scheme, the local strategy and the State strategy.

Cathy Campbell, 12 Kathleen Street, Cottesloe – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

- The proposal is a quantum leap in density, it is an increase to more than four times the current density.
- There will be issues with privacy and overlooking.
- The increase in density is greater than the neighbouring commercial area, areas already zoned R50 should be considered for development instead.
- Developers had the opportunity to speak up about infill when the Local Planning Scheme was reviewed two years ago, it is not acceptable to retrofit the policy to suit developers.
- Called for Councillor to rescind its resolution made at the April Council Meeting.

Garry Baverstock, 38 Congdon Street, Cottesloe – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

- In relation to infill, sustainable development that considers the socioeconomic and environmental aspects is required.
- It is a transit-orientated development that greatly reduces car dependence and utilises existing infrastructure.
- The concerns of the Cottesloe Residents and Ratepayers Association are a list of accusations that are unsubstantiated and not based on fact.
- The Swanbourne Village Trust has done everything it could to be accessible to concerned residents.
- The Swanbourne Village Trust consists of multi-award winning professionals.

Richard Garcia, 1 Seaview Terrace, Cottesloe – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

- Objectors are not criticising the building and design.
- People are concerned about their homes and amenity.

Julia Hayes, 38 Congdon Street, Cottesloe – Re. 10.1.1 Local Planning Scheme No. 3 – Amendment No. 5 and Local Development Plan No. 1 – Report Following Submissions

- Neighbours do not want change.
- Objections are based on misinformation.
- Quality of life does not have to be compromised by changing the configuration of living styles.
- Deleting the offices from the development will be seen by many as a form of appeasement, which will not work.
- Cottesloe Residents and Ratepayers Association do not represent the majority of the residents or the ratepayers.

*The Governance Coordinator left the meeting at 8:38 PM.*

*The Manager Development Services left the meeting at 8:39 PM*

Rebecca Johnston, 48 Leura Street, Cottesloe – Re. 10.1.4 Cottesloe Amateur Football Club Inc – Cottesloe Oval Lighting Upgrade

- Only three of 52 residents adjoining the oval provided submissions on the proposal.
- The existing lighting is insufficient to illuminate the oval after dusk, which is when the majority of training for the Cottesloe Roosters occurs and poses a safety risk to players.
- The full cost of the lighting project will be borne by the Cottesloe Roosters.
- The Cottesloe Roosters have secured a Federal Government grant for half the total project cost, the payment of the grant is subject to project approval from the Town of Cottesloe.
- The lights will be powerful enough for training only, they will not be powerful enough to allow for night games.

*The Governance Coordinator returned to the meeting at 8:40 PM.*

Richard Yin, 11 Commercial Road, Shenton Park – Re. 11.1 Councillor Motion – Investment Divestment from Fossil Fuels

- Spoke in support of the Councillor Motion.
- Climate change is a health issue, it is considered the greatest health threat of the 21<sup>st</sup> Century.
- The burning of fossil fuels has a very real cost and is one of the main drivers for climate change.
- Ongoing investment in fossil fuels continues to support a sector whose health consequences are severe.

*The Manager Development Services returned to the meeting at 8:44 PM.*

Peta Boden, 30 Moss Street, East Fremantle – Re. 11.1 Councillor Motion – Investment Divestment from Fossil Fuels

- Spoke in support of the Councillor Motion.
- The evidence for human-induced climate change is irrefutable and the Town of Cottesloe is a leader among local government authorities in WA with its recognition of the importance of this issue through its policy Human Induced Climate Change.
- Giving preference to banks that do not invest in or support the fossil fuels industry, is an important move in satisfying the policy's guideline.
- Research shows that the change in risk of investments is negligible.

Cathy Campbell, 12 Kathleen Street, Cottesloe –Re. 11.3 Councillor Motion – Communication and Consultation

- Spoke in support of the Councillor Motion.
- If this policy had been in place prior to the proposed Railway Street development, local residents would have been better informed.

Katina Law, 26 Ozone Parade, Cottesloe – Re. 11.3 Councillor Motion – Communication and Consultation

- Spoke in support of the Councillor Motion.
- Expressed concern regarding the passive approach of the Council to Development Assessment Panel reports being presented to Council before being forwarded to the Development Assessment Panel.
- Even though the Council does not have a decision-making role in the Development Assessment Panel process, Council should use its position to ensure residents are as informed as possible about any developments within the Town.
- Ensuring that all Responsible Authority Reports come to Council will put the Responsible Authority Reports into the community much sooner, therefore points raised or not raised in the report can be prepared for the Joint Development Assessment Panel hearing.

Peter Rattigan, 9 Grant Street, Cottesloe – Re. 11.3 Councillor Motion – Communication and Consultation

- Spoke in support of the Councillor Motion.
- The motion sets out the path forward for the Council.
- It is the responsibility of the Council to ensure there is proper process.

*Cr Downes left the meeting at 8:54 PM.*

*Cr Downes returned to the meeting at 8:55 PM.*

Rhonda Sheehan, PO Box 81, Mosman Park – Re. 12.2.1 Prospective Metropolitan Region Scheme Amendment McCall Centre – Preliminary Comment

- The Beehive Montessori School has been on its current site for the last 36 years.
- For the last 20 years the school has been fighting for tenure.
- The school shares a lease with the Department of Child Protection that is in an area that the State Government wants to sell.
- Expressed concern that the school is about to sign a 25-year lease and the landlords could potentially be commercial developers.

## 6 ATTENDANCE

### Present

Mayor Jo Dawkins  
Cr Philip Angers  
Cr Sandra Boulter  
Cr Rob Thomas  
Cr Helen Burke  
Cr Mark Rodda  
Cr Katrina Downes  
Cr Sally Pyvis

### Officers Present

Mr Mat Humfrey	Chief Executive Officer
Mr Garry Bird	Manager Corporate & Community Services
Mr Rob Willis	A/Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Mrs Siobhan French	Governance Coordinator
Ms Elizabeth Nicholls	Administration Officer

### 6.1 APOLOGIES

Nil

### Officer Apologies

Nil

### 6.2 APPROVED LEAVE OF ABSENCE

Cr Jay Birnbrauer

### 6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Burke, seconded Cr Thomas

That Cr Burke be granted a leave of absence from the September Council Meeting.

Carried 8/0

## 7 DECLARATION OF INTERESTS

Cr Downes declared an impartiality interest in item 10.1.1 due her children attending school with children of objectors to the Officer Recommendation.

Cr Rodda declared an impartiality in item 11.1 due to owning shares in a bank, having deposits in a bank and being a director of a company that has tenements in Canada that have forestry assets and coal resources, none of which are in production.

## **8 CONFIRMATION OF MINUTES**

**Moved Cr Burke, seconded Cr Rodda**

[Minutes 26 July 2016 Council.DOCX](#)

**The Minutes of the Ordinary meeting of Council held on Tuesday 26 July 2016 be confirmed.**

**Carried 8/0**

## **9 PRESENTATIONS**

### **9.1 PETITIONS**

Nil

### **9.2 PRESENTATIONS**

Nil

### **9.3 DEPUTATIONS**

Nil

The Mayor advised that items 10.1.1, 10.1.2, 10.1.3, 10.1.4, 10.1.10, 11.1, 11.2 and 11.3 have been withdrawn. All other items were dealt with en bloc. For the members of the public present Council considered items 10.1.1, 10.1.4, 10.1.10 and the returned to the published order of the agenda.

**10 REPORTS****10.1 REPORTS OF OFFICERS****PLANNING**

*Cr Downes declared an impartiality interest in item 10.1.1 due her children attending school with children of objectors to the Officer Recommendation, and stated that as a consequence there may be a perception that her impartiality may be affected and declared that she could consider the matter on its merits and vote accordingly.*

**10.1.1 LOCAL PLANNING SCHEME NO. 3 – AMENDMENT NO. 5 AND LOCAL DEVELOPMENT PLAN NO. 1 – REPORT FOLLOWING SUBMISSIONS**

**File Ref:** SUB/2066  
**Attachments:** [Council Report 26 April 2016](#)  
[Amendment and Local Development Plan Documents as Advertised](#)  
[Images and Plan of Development Concept](#)  
[Examples of Density Developments](#)  
[Photos of Site Conditions Previously](#)  
[Transport Impact Statement](#)  
[Power Line Undergrounding](#)  
[Submissions of Support](#)  
[Submissions of Objection](#)  
[Late Submission and Public Authority Submissions](#)

**Responsible Officer:** **Mat Humfrey**  
**Chief Executive Officer**

**Author:** **Andrew Jackson**  
**Manager Development Services**

**Proposed Meeting Date:** **23 August 2016**

**Author Disclosure of Interest:** **Nil**

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**SUMMARY**

On 26 April 2016 Council received a report on this proposal and resolved to adopt the Amendment and associated Local Development Plan for the purpose of advertising and to undertake the statutory procedures accordingly. A copy of the previous report is attached.

Advertising has been completed and 89 submissions were received. Council is now required to make a recommendation to the Western Australian Planning Commission on the outcome of the Amendment as well as to decide upon the Local Development Plan, which this report addresses.

**BACKGROUND**

The initial report presented the development concept and the draft Scheme Amendment and Local Development Plan to facilitate the proposal. The Amendment and Plan documents explained the applicant's rationale for and the details of the proposal.

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Council has supported the Amendment and Plan in-principle in order to gauge public comment on the proposal for a density increase for the multiple dwellings development envisaged.

**STRATEGIC IMPLICATIONS**

Relates to the administration of Local Planning Scheme No. 3 and mechanisms to facilitate urban redevelopment.

**POLICY IMPLICATIONS**

The proposal does not require any new policy, while the proposed Local Development Plan is effectively a planning policy guiding development.

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Fees are charged to cover the administrative costs of Scheme Amendments and Local Development Plans.

**STAFFING IMPLICATIONS**

Assessment and administration of proposals.

**SUSTAINABILITY IMPLICATIONS**

The proposal relates to sustainability in terms of urban redevelopment, transportation, demographics / housing demands and environmentally-sensitive building design.

**CONSULTATION**

Following environmental clearance, the Amendment and the Local Development Plan were advertised for public comment for a period of 42 days by:

- Letters to owners/occupiers of 39 residential and commercial properties in Railway and Congdon Streets and Seaview Terrace.
- Notices in the Post newspaper, on the Town's noticeboard/s and website, and at the Library;
- Copies of the proposed Amendment and Local Development Plan on display at the Town's office, on the Town's website and at the Library;
- Two on-site signs; and
- Notifying relevant public authorities – in this case Western Power, Water Corporation and Public Transport Authority.

Dissemination and debate about the proposal has also occurred informally via the proponent's website and community-informing activities, local newspaper coverage, emails sent to the Town and Councillors, letterbox leaflets and the Cottesloe Residents and Ratepayers Association; indicating views both for and against the proposal.

## SUBMISSIONS

The submissions received were to the interrelated Amendment and Local Development Plan so are taken as one and the same. Persons who wrote to the Town earlier also made formal submissions. Despite the overall number of submissions, enquiry/discussion with officers was relatively low. Receipt of each submission was acknowledged in writing, also advising of the next reporting cycle.

### Statistical overview

Geographically the submissions broadly originated as follows:

	Support	Objection
<b>Inside Cottesloe</b>	21	54
<b>Outside Cottesloe</b>	13	1
<i>Totals</i>	<i>34</i>	<i>55</i>

This shows that the majority of submissions of support are from within Cottesloe, together with several from outside Cottesloe; while almost all of the submissions of objection are from within Cottesloe.

The submissions comprise the follows groups and numbers:

	Support	Objection	<i>Totals</i>
<b>Cottesloe residential owner/occupier</b>	13	51	<i>64</i>
<b>Cottesloe business</b>	8	2	<i>10</i>
<b>Cottesloe Residents and Ratepayers Association</b>		1	<i>1</i>
<b>Citizen outside Cottesloe</b>	9	1	<i>10</i>
<b>Business outside Cottesloe</b>	1		<i>1</i>
<b>Public authority</b>	3		<i>3</i>
<i>Totals</i>	<i>34</i>	<i>55</i>	<i>89</i>

This shows that most of the submissions were from Cottesloe residential owners/occupiers, with several from Cottesloe businesses, several from citizens and a business outside Cottesloe, and a few from public authorities. Support was expressed by several of the Cottesloe owners/occupiers, most of the Cottesloe businesses, almost all of the citizens outside Cottesloe and the business outside Cottesloe, as well as by the public authorities (subject to their technical advice). Objection was registered by mainly Cottesloe owners/occupiers, some Cottesloe businesses, the Residents and Ratepayers Association and an external citizen. Support accounted for 38% and objection for 62% of the submissions.

More specifically the street origins are as follows:

	<b>Street and suburb</b>	<b>Frequency</b>	<i>Totals</i>
<b>Support</b>	Alumni Tce, Churchlands	1	
	Anstey St, Claremont	1	
	Barnfield Rd, Claremont	1	
	Brighton St, Cottesloe	1	
	Claremont Cres, Swanbourne	1	
	Congdon St, Cottesloe	5	
	Coolgardie St, Subiaco	1	
	Greenville St, Swanbourne	1	
	Jarrad St, Cottesloe	1	
	Kathleen St, Cottesloe	1	
	Lyons St, Cottesloe	2	
	Loma St, Cottesloe	1	
	Macarthur St, Cottesloe	1	
	Mann St, Cottesloe	1	
	Narla Rd, Swanbourne	1	
	Ozone Pde, Cottesloe	1	
	Railway St, Cottesloe	8	
	Rosalie St, Shenton Park	1	
	Windsor St, Claremont	1	
	Public authorities	3	34
<b>Objection</b>	Alexandra Ave, Cottesloe	1	
	Broome St, Cottesloe	3	
	Chamberlain St, Cottesloe	1	
	Congdon St, Claremont	1	
	Congdon St, Cottesloe	10	
	Congdon St, Swanbourne	1	
	Eric Street, Cottesloe	1	
	Grant St, Cottesloe	4	
	Hawkstone St, Cottesloe	1	
	Hillside Ave, Cottesloe	3	
	Kathleen St, Cottesloe	3	
	Lyons St, Cottesloe	1	
	Mann St, Cottesloe	2	
	Marine Pde, Cottesloe	1	
	Ozone Pde, Cottesloe	1	
	Parry St, Claremont	2	
	Parry St, Cottesloe	6	
	Railway St, Cottesloe	5	
	Seaview Tce, Cottesloe	1	
	Shenton Rd, Swanbourne	1	
	Stanhope St, Cottesloe	1	
	Sydney St, Cottesloe	2	
	Windsor St, Cottesloe	1	
	William St, Cottesloe	1	
	Cottesloe Resident	1	55
<i>Total</i>			89

This shows that the submissions of support originated from across a range of streets/localities, with the main concentrations from Congdon Street (5) and Railway Street (8). The submissions of objection also originated from a range of

streets/localities, with the main concentrations from Congdon Street (12), Railway Street (6), Grant Street (4) and Seaview Terrace (5).

### **Submissions of support – overview**

The submissions of support are from a mixture of mainly Cottesloe residents and business people, including in the vicinity of the site or from elsewhere in Cottesloe and some other suburbs, plus from the public authorities consulted (see further below). It is acknowledged that some of the supporters have a direct or indirect interest in the proposal; however, they are at liberty to make their points in favour of the proposal.

The thrust of these submissions entails:

- Strong awareness of and support for urban infill, increased density, transit-oriented development, housing diversity, local activity centres/community hubs and neighbourhood safety, sustainable design and appropriate built form.
- Recognition of the attributes of the site for the proposal – location, street frontages, topography, northern orientation, walkability – as an improvement over the previous vacant, dilapidated dwellings.
- Appreciation of the design dispersed dwellings amongst open space and gardens.
- Suggestion to improve the verges – ie footpaths, trees, parking.
- A demand and desire for more appropriate and sophisticated forms of residential development to suit demographic and lifestyle trends.

This feedback echoes the rationale for the proposal contained in the proponent's report in relation to current planning directions and the development concept.

### **Submissions of objection – issues raised**

The submissions of objection comment on a variety of matters, ranging from details to broad aspects, from which several themes emerged. A few of the submissions were identical. The main issues common to these submissions are summarised as follows:

#### Development aim

The view that the proposal is opportunistic at the expense of the neighbourhood; being development-driven for economic feasibility and commercial gain. Risk of the proponent on-selling the site and another development proposal eventuating.

#### Planning approach

Disagreement with the planning approach of “spot rezoning” [re-coding] and concern that it would set a precedent to circumvent proper process. The position that such change should be considered as part of a broader review of the new Scheme or overall planning for the locality rather than on an ad-hoc basis. The Local Planning Strategy, zone objectives and Residential Design Codes should be adhered to. Concern that the Western Australian Planning Commission and Minister for Planning could expand the density re-coding. Urge Council to no longer support the Amendment and to recommend its refusal. Confusion that the Local Development Plan promotes a development concept contrary to the planning rules.

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### Consultation

See the process as flawed, in the proponent initially presenting to Council and the absence of consultation prior to formal consideration. Question as to governance and suggestion of conducting a survey. Advocate Council adopts a policy of pre-consultation for such proposals.

### Land use

Not in favour of the proposed office component, as it is a non-residential use and likely to affect traffic and parking. Concern also that the private recreation space could be used by non-residents.

### Density

Opinion that the proposed density in terms of the number of dwellings and the actual coding sought is too great, which translates into the scale of the buildings being seen as overdevelopment and incompatible. Concern to avoid town centre higher density, comparison with the Local Centre density coding of R50, and reference to the notion of transitional densities to buffer developments. Comment that a lesser coding for multiple dwellings on the site would be more acceptable and that some of the dwellings may be too small to suit occupants.

### Built form

Comment that the built form of the clustered dwellings with street frontages, three storeys and roof gardens would be comparatively excessive and incongruous.

### Character

Opinion generally about the proposed built form in relation to the streetscapes, interfaces with the adjoining residential properties, integration into the neighbourhood, and the potential impacts. Reference to the heritage of the area as spacious and leafy with substantial character residences.

### Amenity

The sense of amenity and community identity of the locality would be affected by the proposal, which is not the expectation and appears to depart from the Residential zone objectives; and that this would be to the detriment of the suburb and devalue properties. Concern as to likely increase in activity, noise and loss of privacy.

### Traffic and parking

Concern about the experience of traffic generally in the locality: congestion (especially the bridge), added vehicles, safety aspects (including school children), parking shortfall, noise, access, sightlines; as well as points about the implications of the proposal and its design in these respects. Mistaking the Congdon Street median strip as proposed for visitor parking [note: the verge adjacent to the site is intended for that]. The need is seen for a traffic management report/plan to deal with the proposal in relation to the residential streets and wider area.

### Infrastructure

Query as to who would be responsible for the upgrading of road and verge infrastructure brought about by the proposal. Desire for greenery.

Detailed design

Concern about design parameters including plot ratio, open space, setbacks, boundary walls, height, overshadowing, overlooking, etc.

Western owners

The owners of the western adjacent residence lodged lengthy submissions critiquing the Amendment and Local Development Plan proposal, including the following main points:

- Opposed to the proposal, as it is not in accordance with Council's existing planning controls and zone objectives or in keeping with the precinct, and does not provide a transition to the residential area. It is a spot re-zoning [coding] rather than forming part of a strategic plan, and is contrary to the Local Centre Design Guidelines [in comparison] and Western Australian Planning Commission guidance for calculating and allocating density.
- Considers the proposed density coding as excessive compared to the Local Centre Zone at R50 and in not tapering to the R20 area.
- Concern about the non-residential office use and caution about the private recreation space.
- Concern about traffic and parking impacts, referring to congestion, accidents and the proposed access and verge bays, in relation to sightlines, school children and hazards; all of which need to be comprehensively considered.
- Concern about loss of amenity.
- Does not support the Local Development Plan as-is, which seems to predetermine the development and may negate advertising of an application. Also that it lacks detail or clarity, citing setbacks, boundary walls, building envelopes, shadow, privacy and whether plot ratio should be included at this stage rather than in the development application.
- Encourages a lower density-coding, reasonable setbacks and redrafting of the Plan to show more detail.
- Concern that the site could be on-sold when up-coded and another development could occur.

These points echo the comments found in the other submissions of objection, highlighting aspects to be addressed by the proponent by way of design revisions and considered by Council by way of prospective modifications to the Amendment and Local Development Plan.

**Public authorities**Water Corporation

Water and sewer are available. Advises of sewer line and possible easement, requirement for approval and works being at cost of developer. That is, no objection raised.

Western Power

No objection to Amendment. Regarding the Local Development Plan, advises of transition line safety clearances influencing design, for consideration.

Public Transport Authority

*The Public Transport Authority supports high density development which would be brought about by the R-code Amendment relating to Lots 24 and 25. It is noted that*

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*Lots 24 and 25 are located within close walking distances to both Swanbourne Station and bus routes operating along Stirling Highway and therefore benefit from existing public transport links. Given the nature of the development that would occur following the proposed revision to the R-code and the provisions of Local Development Plan No.1 there is no foreseeable impact upon public transport that the Public Transport Authority would wish addressed [ie meaning that the demand from the proposal would be catered for by existing public transport services].*

### **Information from proponent**

Given the submissions, more information was sought from the proponent for consideration, including:

- Consultation with the public authorities to clarify technical requirements – see below.
- A report from a traffic consultant – see further below.

The proponent has since liaised with the Water Corporation and clarified that the amalgamation of the lots and hydraulic design of the development will be able to satisfy sewerage connection requirements.

The proponent has since liaised with Western Power and has applied for the overhead power line on Railway Street to be undergrounded (at the proponent's cost). This has several advantages: it would improve the power line in terms of supply, safety, maintenance and longevity; remove the traffic hazard and visual obstruction of the two power poles; improve the convenience and safety of the footpath for pedestrians and cyclists; and improve the visual amenity of the street and the outlook from the development.

## **PROCEDURE**

### **Scheme Amendment**

The *Planning and Development (Local Planning Scheme) Regulations 2015* apply. In this respect the Amendment is assessed to be a “standard” type amendment (rather than “basic” or “complex”) which was advertised, and the remaining steps are:

- Council considers the submissions and resolves whether to:
  - support the Amendment without modification; or
  - support the Amendment with proposed modifications to address issues raised in submissions; or
  - not support the amendment.
- Council may decide to advertise modifications to the Amendment where it:
  - proposes the modifications to address issues raised in submissions; and
  - is of the opinion that the proposed modifications to the amendment are significant. Minor modifications can be made without advertising.
- If modifications are advertised Council then considers and recommends upon any submissions received.
- Afterwards the Town is required to forward the advertised Amendment to the Western Australian Planning Commission together with: a summary of the submissions; Council's response in respect of the submissions; details of any advertised modifications, submissions thereto and Council's recommendations

on them; Council's resolution and, if to not support the Amendment, its reasons; and any administrative information or supporting material.

- The Commission assesses the amendment proposal and submissions and provides its recommendation to the Minister for Planning.
- The Minister determines the outcome, ie to approve, modify, further advertise or refuse the Amendment. A direction to further modify and/or advertise the Amendment is required to be carried out by the Town.
- If approved, the Amendment documents are formally endorsed by the Commission and Minister then published in the Government Gazette, whence it becomes effective. The Town then places a notice of the approval in a local newspaper.

### **Local Development Plan**

The *Planning and Development (Local Planning Scheme) Regulations 2015* also apply. In this instance the Local Development Plan has been prepared and advertised in conjunction with the Amendment. The remaining steps are:

Council considers the submissions in relation to the Local Development Plan and having due regard to relevant planning considerations and resolves to:

- Approve the Plan as-is, and publish it; or
- Require modification and resubmission of the Plan, for approval and publication; or
- Refuse the Plan.

The Town notifies the applicant of its decision. If the Local development Plan is refused the applicant can appeal to the State Administrative Tribunal. An approved Plan is published on the Town's website and is to be given due regard in the determination of development applications. A Local Development Plan may be amended by the local government following a similar procedure to making a Plan.

Note that the process places the decision on a Local Development Plan with the local government, ie it does not proceed to the Commission and Minister for determination in itself. However, in this instance as the Plan is tied to the Amendment, whilst its content is determined by Council, it is dependent upon approval of the Amendment to have effect.

### **Future Development Application**

Subject to the Amendment and Local Development Plan being finalised, the future development will require the further process of a planning application and approval. This will be required to be in accordance with the Local Development Plan and the application will be advertised for submissions (ie in relation to detailed design). Due to the number of multiple dwellings involved and the estimated cost of the development the application would fall to be determined by the Metro West Joint Development Assessment Panel; which is required to make its decision within the established planning framework (ie it does not change the rules).

## **PLANNING ANALYSIS**

### **Regional planning perspective**

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The thrust of the strategic direction set by regional planning that the proposal connects with entails: population growth and demographic profile; housing supply, diversity and infill targets; urban consolidation and built form; activity centres; transit-oriented development; liveable neighbourhoods; and sustainable development.

### **Local planning perspective**

From a local planning perspective the proposal represents suburban change as older housing stock becomes redundant and sites become available for redevelopment. Cottesloe is undergoing continual change, with new single dwellings being larger and two-storey, the addition of ancillary dwellings (granny flats), subdivision of larger lots to create smaller lots (including the former depot site), redevelopment of sites in proximity to the beachfront with higher density dwellings, sites granted a density bonus for aged/dependent persons dwellings, and redevelopment of older grouped/multiple dwellings with density and height bonuses.

In addition, the Development Zones on Gibney Street (the Wearne Hostel and former Deaf Education sites) and west of the Town Centre (the railway lands) are in time anticipated to undergo structure planning for comprehensive residential/mixed-use development. These would be much more substantial exercises than the proposed density increase and Local Development Plan for the intended development on a corner site.

There is the opportunity on each occasion to innovate in the delivery of housing diversity, built form and sustainable design. Other local governments are leading in this field, including Claremont, Fremantle and Subiaco.

The proponent has provided the rationale for the Amendment in relation to the "Swanbourne Village" Local Centre on each side of the railway line in the Towns of Cottesloe and Claremont. It is observed that adjacent to the Claremont Local Centre on its western side the former Swanbourne Hotel site has been redeveloped into the Beaumont retirement dwellings at a higher density and three-storey scale. The subject proposal is made in a similar vein, in being a denser residential development, providing for aging-in-place and located adjacent to a local centre in a walkable precinct served by the train and buses.

### **Understanding density**

Density as a planning control has evolved over the decades. Cottesloe has several extant multi-storey residential buildings approved under the old General Residential Codes, when plot ratio was translated into taller buildings without height limits. The subsequent Residential Design Codes have applied a more complex method to density control in relation to dwelling type, site area, plot ratio, opens space, etc; and have been periodically revised. This aims to achieve suitable built forms and streetscapes in the context of sites and their surrounds.

The Explanatory Guidelines of the Residential Design Codes advise that: *A development outcome, particularly in higher density and mixed use environments, is site-specific and will often not rely on a standard approach or measure.*

Cottesloe contains a range of density codes as follows:

- North of Pearse Street, predominantly R20 for the core residential area, with some R25, R30, R35 and R40 areas.

- South of Pearse Street, all R30.
- In the Stirling Highway vicinity, some R25, R30, R30/6, R40, R50 and R60 areas. This includes the large three-storey block of flats at the southern end of Congdon Street between Grant Street and Stirling Highway.
- In the beachfront vicinity, R50 and R60 areas, plus five-eight storeys permitted in the Special Control Area.
- R50 for the Local Centres and R100 for the Town Centre.

Attached are photos and illustrations of residential developments in a range of density-coded areas around the district. They demonstrate that the design response to a location and setting significantly influence the quality of development rather than simply the technical density. That is, lower density developments can appear overbearing and unsympathetic whilst higher density developments can be of compatible scale and attractiveness. Even at R20 density the subdivision of larger lots into narrow lots results in long two-storey dwellings with boundary walls and a strong streetscape presence.

In this respect, the proposed development, whilst at increased density and three-storey, is designed to have a residential character, with the dwellings clustered around the private open space and a street-front presence in keeping with the adjacent Local Centre. As can be seen, this does not appear that much different to the examples of large single dwellings built wall-to-wall in R30 areas or to the scale and mass of R40-R60 developments. It is also a compatible form of development compared to various older blocks of flats of three- or more-storeys found throughout the district located amongst single residential dwellings (although it is interesting that established flats in prime locations are sought-after and undergo upgrading renovations). Architectural design and materials also contribute to built form and streetscape. In this respect the proposed development is Mediterranean in style using materials that harmonise with the Cottesloe coastal vernacular and character of the locality, rather than introducing a contrasting modern building.

At the gist of the current debate about density developments in Perth is built form and its affects. The apartment boom and changes to the Residential Design Codes have resulted in unpopular outcomes impacting on numerous suburbs. Many market-driven developments have created standard apartment boxes/towers of excessive height, bulk and scale to the detriment of established localities, often with parking shortfalls and other amenity implications.

In contrast, smarter developers are undertaking urban infill with niche developments designed to integrate into their sites and surrounds to produce compatible and attractive buildings or mixed-use complexes incorporating sustainability and providing amenity. This is occurring in the inner city, traditional local centres and older suburbs where housing stock is ageing and sites are becoming available. Notwithstanding the concerns raised in submissions, the proposal falls into this preferable type of product.

### **Local Planning Scheme No. 2 Amendment No. 39**

Also by way of comparison with the proposal, in 2005 Council supported a similar type of Amendment (No. 39) to former Town Planning Scheme No. 2. That Amendment rezoned the former National Measurement Institute site of two lots in Clive Road/McNamara Way to Residential R50 to accommodate redevelopment

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comprising fourteen townhouses, which has occurred. This recognised other higher density codings in the locality and the proximity to public transport on Stirling Highway. The Amendment included similar provisions specifying the number of dwellings, building height, designated vehicle access and development in accordance with a concept plan.

### **Traffic**

The Manager Engineering Services has advised that a 2015 weekday traffic count for Railway Street averaged 2142 vehicles per day, while the last Congdon Street count was several years ago so a new one should be done. To assist consideration of the proposal the Town has undertaken recent traffic counts adjacent to the site for Railway and Congdon Streets in both directions. This indicates as follows:

- Average weekly vehicles per day of 3848 for Railway Street and 1336 for Congdon Street.
- The main traffic flow on Railway Street is westbound and on Congdon Street is northbound.
- Traffic speeds were mostly and on average at or less than the limit, with Congdon Street having slower traffic.
- Almost all of the traffic was light vehicles, with only a small percentage of heavy vehicles.

This does not necessarily show significant growth in traffic as there are variables in data collected, such as count location and duration, the season and weather conditions, and so on; however, it outlines the general profile and pattern of traffic in the locality.

There has been only one reported accident in the past five years at this intersection, which involved failing to give way to a cyclist on Railway Street when turning from Congdon Street. Note that as it is now legal in Western Australia to cycle on footpaths, that type of accident may be ameliorated.

The traffic generated by the proposal is anticipated to be well within the capacity of the roads and would not have any significant impact in terms of volume, frequency and movements. Railway and Congdon Streets are classified as local distributor roads and have 50km/h speed limits.

As to the proposed vehicle access point, it is in the same position as the crossover to No. 126 Railway Street previously. A short distance to the west is the crossover to No. 124 Railway Street serving its double garage positioned close to the front boundary, and further along No. 122 Railway Street has a front crossover. No. 128 Railway Street had its main crossover on Congdon Street close to the corner, with a second crossover on Congdon Street at the southern end of the lot, adjacent to the crossover to 41 Congdon Street.

Were each lot developed with a new dwelling, No. 128 Railway Street would have a crossover in a similar position or elsewhere on its frontage and No. 126 Railway Street might also seek a crossover to Railway Street. Were the site subdivided into three lots at R20 (logically facing Railway Street for suitable size and shape), then at least two and possibly three crossovers to Railway Street would occur.

For the subject proposal, a crossover from Congdon Street would be less feasible in relation to a basement, the slope of the street and its one-way direction. Railway Street is two-way and has the advantage of only one-sided development with no crossovers opposite, while the intersection, median strip and speed plateau eastwards all control traffic.

Prior to demolition of the former dwellings the overgrown gardens affected sightlines. The site has an 8.5m long diagonal corner truncation and the street tree on Congdon Street nearest the corner does not unduly affect sightlines.

Given that traffic was raised in the submissions as a concern, the Town suggested that to assist Council's consideration the proponent should provide a report from a traffic consultant at this juncture, rather than to await the development application to submit such information. The attached Transport Impact Statement for the proposal has been received from Donald Veal Consultants. In summary, its findings and recommendations are:

- Traffic generated by the proposal is within the capacity of these local distributor roads, amounting to only a small percentage increase.
- Parking supplied by the proposal satisfies requirements.
- The proposed vehicle access would function satisfactorily, subject to some traffic management devices – one more speed plateau and a mirror are recommended.
- The traffic environment is moderate speed and has a low rate of reported crashes
- Therefore the proposal would operate within appropriate safety parameters.

This confirms the Town's analysis.

## **CONCLUSION**

Urban areas change incrementally and the scheme amendment process allows for individual proposals to be considered as they arise. In this case special provisions, a local development plan and the future development application phase all serve to control the outcome.

Statutory advertising of the Amendment and Local Development Plan has attracted a good number and range of submissions which have provided useful comments analysing the proposal and identifying issues of concern. The objections are not surprising and can be appreciated in relation to the prospect of change and a new type of development. They identify aspects for the proponent to respond to and for Council to consider in dealing with the proposal at this stage.

The proponent's vision for the site can be seen as genuine and innovative, but also somewhat ambitious. The development concept is consistent with metropolitan planning directions for evolving denser urban areas and mixed-use activity centres taking advantage of public transport.

The proposal is based on the particular location, context and characteristics of the site. It retains the underlying Residential zoning as the primary land use and seeks to include some low-key office and residents' recreation space. In terms of density it experiments with dwelling type, size, distribution and built form to create a unique residential environment, interspersed with open space and incorporating sustainability features.

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As such the proposal is a hybrid between conventional residential and built-up “urban” development, whilst avoiding the apartment block impact typical of higher density projects. The purpose of the proposal is fundamentally residential, which the detailed design is focussed on, whilst being cognisant of its relationship to the local centre. Planning-wise the question is about an acceptable balance and built form.

That aside, the nature and degree of change represented by the proposal is the core theme of the submissions of objection. This is not unexpected and has identified several issues to be considered. Some of these can be addressed directly by the proposal. Others such as traffic extend beyond the proposal for wider examination.

The submissions of support are positive about the proposal and the supply of sophisticated sustainable housing.

As to the outcome of considering all of the submissions, Council has the following choices:

1. continue to support the Amendment and approve the Local Development Plan, without modification; or
2. not support the Amendment and refuse the Local Development Plan, citing its reasons; or
3. support the Amendment and Local Development Plan subject to modifications to address issues raised in submissions and require advertising of the modifications (only) for any further submissions.

The third option is recommended, by way of modifications as described below.

### **MODIFICATIONS**

Reduction in the number of dwellings is not seen as critical; however, removal of the office floorspace from the proposal is seen as beneficial in several respects:

- Avoiding non-residential use spreading into the residential area, whereby the development would be solely residential, consistent with the zone.
- Eliminating traffic generated by that use.
- Eliminating parking required for that use, whereby the verge bays would be available for residential visitors.
- Reducing the footprint of the development, whereby the arrangement and articulation of the buildings can be modified to enhance the interfaces with the adjoining properties and the streets, including more green space.
- Refining the built form for solely residential design with a softer street-front presence.

The vehicle access is acceptable subject to suitable traffic management devices; hence it would be beneficial to incorporate that requirement into the Amendment and Local Development Plan.

Changes to road reserve infrastructure and verge improvements occasioned by the development should be to the Town’s satisfaction at the cost of the proponent; hence it would be beneficial to incorporate these requirements into the Amendment and Local Development Plan for elaboration and certainty.

The Local Development Plan would benefit by showing indicative building envelopes and incorporating the concept design plans to indicate the detail of the intended development.

### **ADDITIONAL INFORMATION FOLLOWING COUNCIL BRIEFING SESSION**

A late submission of objection was received, which has been added to the tables and a copy is provided.

A correction has been made to account for the submissions from Kathleen Street received and are included in the Attachments, as the data was one short.

Copies of the responses from the public authorities are provided.

### **VOTING**

Simple Majority

### **OFFICER RECOMMENDATION**

THAT Council, having regard to the proposal, its justification material, the submissions and the officer reports, resolves to:

#### Amendment No. 5

Support the Amendment with the following proposed modifications to address issues raised in submissions:

Modify Schedule 12 as follows:

1. In the Land Use column, delete “office” as a permissible use.
2. In the Special Provisions column in point 1, add reference to the Concept Design Plans incorporated into Development Plan No. 1 (as shown underlined) and make minor technical refinements (as shown struck-through), as follows:

*The development shall generally be in accordance with Local Development Plan No. 1 annexed to this Scheme ~~Amendment~~ and the Concept Design Plans attached thereto, subject to any modification in a development approval ~~by the local government~~.*

3. In the Special Provisions column, delete point 3, thereby excluding “office” use; and renumber points 4 and 5 as 3 and 4.

4. In the Special Provisions column, add a new point 5 as follows:

*Creation of the proposed vehicle access for the development via Railway Street shall include devices to assist with traffic safety for vehicles, pedestrians and cyclists, such as a speed plateau, pavement treatments, a mirror, lighting, signs, etc; at the cost of the developer and all to the satisfaction of the Town.*

5. In the Special Provisions column, add a new point 6 as follows:

*The developer shall bear the cost of any changes to infrastructure within the road reserves (comprising the carriageways and verges adjacent or in proximity to the land) necessitated by the proposed development, including but not limited to: infrastructure relocation and replacement, road treatments, traffic management devices and signage, and verge parking; all to the satisfaction of the Town.*

6. In the Special Provisions column, add a new point 7 as follows:

*The developer shall bear the cost of upgrading and beautifying the verges adjacent to the land, including footpaths, trees, water-wise plants and other landscaping treatments; all to the satisfaction of the Town.*

Form the opinion that the proposed modifications are relatively significant changes warranting readvertising for public information and any submissions on them.

#### Local Development Plan No. 1

Require modification and resubmission of the Local Development Plan forming part of the Amendment, as follows:

Modify the Plan text as follows:

1. Under the heading Land Use, delete reference to office use.
2. In the Development Standard section, add new headings and text as follows:

- a. Vehicle Access

*Creation of the proposed vehicle access for the development via Railway Street shall include devices to assist with traffic safety for vehicles, pedestrians and cyclists, such as a speed plateau, pavement treatments, a mirror, lighting, signs, etc; at the cost of the developer and all to the satisfaction of the Town.*

- b. Road Reserve Infrastructure Changes

*The developer shall bear the cost of any changes to infrastructure within the road reserves (comprising the carriageways and verges adjacent or in proximity to the land) necessitated by the proposed development, including but not limited to: infrastructure relocation and replacement, road treatments, traffic management devices and signage, and verge parking; all to the satisfaction of the Town.*

- c. Verge Upgrading and Beautification

*The developer shall bear the cost of upgrading and beautifying the verges adjacent to the land, including footpaths, trees, water-wise plants and other landscaping treatments; all to the satisfaction of the Town.*

d. Concept Design Plans

*The attached concept design plans indicate the development proposed pursuant to this Local Development Plan and to the requirements for the use and development of the land contained in Schedule 12 - Special Provisions of Local Planning Scheme No. 3. The proposed development is subject to a fully-detailed planning application and approval.*

Modify the Site Plan as follows:

1. Adjust the footprint of the development in terms of the arrangement of setbacks, boundary walls and open space to enhance the interfaces with the adjoining properties and the streets.
2. Show the finalised building envelopes of the dwellings on the Plan.

Attach the revised Concept Design Plans to indicate the detail of the intended development.

Traffic and parking

Having regard to concerns raised in submissions in relation to traffic and parking in the area generally, as a separate matter in its own right, undertake a review of traffic and parking management in the locality.

**REVOCATION MOTION & COUNCIL RESOLUTION**

**Moved Cr Boulter, seconded Cr Pyvis and Cr Thomas**

**The Council revokes its decision 26 April 2016 “*THAT Council, in pursuance of the Planning and Development Act 2005 and the Planning and Development (Local Planning Schemes) Regulations 2015, hereby resolves to: Proposed Amendment No. 5 1. Amend the Town of Cottesloe Local Planning Scheme No. 3 to introduce particular development controls for Lots 24 and 25 Railway Street on the corner of Congdon Street, Cottesloe, by: a) amending the Scheme Map to change the residential density code from R20 to R60; and b) amending the Scheme Text to insert in Schedule 12: Special Provisions a description of the subject land, a description of land use, and special provisions including reference to Development Plan No. 1 and specification of the maximum number of multiple dwellings, the uses and the building height permitted.*”**

**Equality 4/4**

**For: Crs Boulter, Pyvis, Thomas and Downes**

**Against: Mayor Dawkins, Crs Angers, Rodda and Burke**

**Mayor casting vote for the motion**

**Carried 5/4**

**Motion lost due to lack of absolute majority**

*Meeting adjourned at 9:23 PM.*

*Meeting resumed in the Council Chambers at 9:31 PM.*

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**10.1.2 LOCAL PLANNING SCHEME NO. 3 – AMENDMENT NO. 6 – REPORT  
FOLLOWING SUBMISSIONS**

**File Ref:** SUB/2126  
**Attachments:** [Previous Council Report 26 April 2016 Submissions](#)  
[Clause 5 7 5 Showing Changes](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Andrew Jackson  
Manager Development Services  
**Proposed Meeting Date:** 23 August 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

On 26 April 2016 Council received a report on this proposed Scheme Amendment and resolved to adopt the Amendment for the purpose of advertising and to undertake the statutory procedures accordingly. A copy of the previous report is attached and elaborates on the detail.

Advertising has been completed and 5 submissions were received. Council is now required to make a recommendation to the Western Australian Planning Commission on the outcome of the Amendment, which this report addresses.

**BACKGROUND**

Previous reports have explained the need to refine clause 5.7.5 of Local Planning Scheme No. 3 which focusses on guided height discretion for alterations, additions or extensions to existing dwellings. This Amendment makes relatively minor technical changes that improve the operation of the clause so as to not unduly constrain second storeys. These refinements are made within the framework of the existing relevant clause, retaining and enhancing the criteria which guide this discretion.

The Recommendation describes the changes in themselves, which is the statutory format. For clarity of what the changes amount to, attached is the full clause 5.7.5 showing the resultant deletions and additions.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

*Planning & Development Act 2005*  
*Planning & Development (Local Planning Schemes) Regulations 2015*  
Local Planning Scheme No. 3

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**FINANCIAL IMPLICATIONS**

Nil

**STAFFING IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Following environmental clearance, the Amendment was advertised for public comment for a period of 42 days by:

- Placing a copy of the notice in the Post newspaper, on the Town's noticeboard/s and website, and at the Library; and
- Placing a copy of the proposed Amendment on display at the Town's office, on the Town's website and at the Library.

**SUBMISSIONS**

The submissions are attached. They are all in support of the Amendment proposal and summarised below:

Martin Dickie, Dickie Architects; including on behalf of Andrew Stevens Constructions  
Supports the proposed Amendment for additional height discretion. Also comments on the overall height controls compared with former Town Planning Scheme No. 2 and the Residential Design Codes and encourages further changes.

Matthew Keogh, Nexus Home Improvements

Refers to a Cottesloe residential property where there was a potential project to extend the dwelling, which was restricted in terms of a second storey due to the current height provisions, whereas a small discretion in height would have permitted it; however, the owner has decided to not renovate.

Matthew Keogh, Nexus Home Improvements

Refers to another Cottesloe residential property where a proposed second-storey extension is on-hold due to the restriction in the current height provisions, whereas a small discretion in height would enable it to proceed. Without the Amendment the property could become another older dwelling left to deteriorate or be demolished.

Matthew Keogh, Nexus Home Improvements

Encloses a previous letter dated 26 November 2015 to the Town and Councillors outlining the current restriction and the effect on this existing dwelling and others; therefore advocating the necessary change for additional discretion to allow suitable second storey extensions.

Owners of a Cottesloe residential property

Endorses the Amendment, which should allow modest renovations to the dwelling without negative impacts on neighbours.

## PROCEDURE

The new *Planning and Development (Local Planning Scheme) Regulations 2015* apply. This prior-commenced Scheme Amendment may continue, but is required to be completed in accordance with the new Regulations. In this respect the Amendment is assessed to be a “standard” type amendment (rather than “basic” or “complex”) which was advertised, and the remaining steps are:

- Council resolves whether to support the Amendment, with any modification, and if so submits the documentation to the Western Australian Planning Commission.
- The Western Australian Planning Commission assesses the proposal and provides its recommendation to the Minister for Planning.
- The Minister determines the outcome, ie to approve, modify, further advertise or refuse the proposal.
- If approved, the Amendment documents are endorsed by Council, the Western Australian Planning Commission and Minister then published in the Government Gazette and a local newspaper, whence it becomes effective.

## STAFF COMMENT

The Amendment is desirable and all of the submissions have supported it, being from parties whom initially requested review of the provisions. The Amendment will apply to and benefit all residential properties to which the provisions relate.

The comments from one submittor regarding the overall height provisions are noted, were previously discussed and are beyond the scope of this specific Amendment, hence are not being considered for any change at this stage.

## CONCLUSION

Submissions have been received in support of the amendment and it is concluded that the Amendment as proposed is in order for approval. This will facilitate residential extensions being designed consistent with the Scheme and able to be considered by Council.

## VOTING

Simple Majority

## OFFICER RECOMMENDATION & COUNCIL RESOLUTION

**Moved Cr Angers, Mayor Dawkins**

**THAT Council:**

1. In pursuance of the *Planning and Development Act 2005*, hereby resolves to amend the Town of Cottesloe Local Planning Scheme No. 3, to refine particular residential height provisions, by amending the Scheme Text clause 5.7.5 as follows:
  - i. In the first part, amend point (d) to read:

*Relevant planning considerations identified in Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015;*

- ii. In the first part, amend point (h) by adding the words below shown underlined:

*Building design to ameliorate the visual effects of height, including consideration of setting-back the side walls of added storeys from the side walls of existing buildings; and*

- iii. In the second part, amend point (a) to read:

*Not exceeding the permitted maximum number of storeys; or, where that is already exceeded, not exceeding the existing number of storeys;*

2. Supports the Amendment, without modification.
3. Forwards the required documentation in relation to the proposed Amendment to the Western Australian Planning Commission for presentation to the Minister for Planning for determination.
4. Assuming approval, authorises the Mayor and Chief Executive Officer to endorse and return the Amendment documents for endorsement by the Commission and Minister then publication in the Government Gazette and a local newspaper.

Carried 6/2

For: Mayor Dawkins, Crs Angers Thomas, Burke, Rodda and Downes  
Against: Crs Boulter and Pyvis

**10.1.3 PLANNING APPLICATIONS DETERMINED UNDER DELEGATION**

**File Ref:** SUB/2040  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Andrew Jackson  
Manager Development Services  
**Proposed Meeting Date:** 23 August 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

This report provides details of the planning applications determined by officers acting under delegation, for the month of July 2016.

**BACKGROUND**

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

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

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Nil

**STAFFING IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

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**STAFF COMMENT**

During July 2016 the following planning applications were approved under delegation:

<b>Address</b>	<b>Description</b>	<b>Date Determined</b>
340 Marmion Street	Carport	1 July 2016
3 Webb Street	Sculpture on verge (retrospective)	4 July 2016
17 Warton Street	Two-storey dwelling	4 July 2016
93 Eric Street	Additions/alterations	5 July 2016
1/13 Salvado Street	Fence in front setback	11 July 2016
6 Rosser Street	Additions/alterations	11 July 2016
35 Elizabeth Street	Two-storey dwelling	12 July 2016
8 Nailsworth Street	Two-storey dwelling	12 July 2016
6 Jarrad Street	Carport blinds (retrospective)	19 July 2016
14A Marine Parade	Additions/alterations	20 July 2016
14 Brighton Street	Two-storey dwelling	27 July 2016
3 Hamersley Street	Garage, wall and gazebo	28 July 2016

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

**Moved Cr Rodda, seconded Mayor Dawkins**

THAT Council receive this report on the planning applications determined under delegation for the month of July 2016.

**AMENDMENT**

**Moved Cr Boulter, seconded Cr Pyvis**

**That a point two (2) be added that reads “commend the Chief Executive Officer for introducing reporting on delegated decisions into the Council agenda as a standard item.”**

**Carried 8/0**

**COUNCIL RESOLUTION**

**THAT Council:**

- 1. receive this report on the planning applications determined under delegation for the month of July 2016; and**
- 2. commend the Chief Executive Officer for introducing reporting on delegated decisions into the Council agenda as a standard item**

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 8/0**

**ADMINISTRATION****10.1.4 COTTESLOE AMATEUR FOOTBALL CLUB INC – COTTESLOE OVAL LIGHTING UPGRADE**

**File Ref:** SUB/2244  
**Attachments:** [Oval Lighting Proposal](#)  
[Cottesloe Oval Lighting Submissions](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Garry Bird  
Manager Corporate & Community Services  
**Proposed Meeting Date:** 23 August 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

A request has been received from the Cottesloe Amateur Football Club Inc. to upgrade the lighting at Cottesloe Oval. The proposal is to replace the two existing nine-metre towers on the eastern side of the oval with two fifteen-metre towers. Two Nikkon 2000 watt lights are to be installed on each pole.

Prior to formally considering a Development Application for the proposal, it was considered appropriate to refer the matter to Council, to authorise the Chief Executive Officer to sign the Development Application.

**BACKGROUND**

Existing lighting at the oval is considered insufficient for training purposes by the Cottesloe Amateur Football Club and the Cottesloe Junior Football Club Inc. and creates an unsafe environment for players. A full copy of their proposal, including justification for the new lighting is attached for the consideration of Elected Members.

Staff wrote to adjoining residents in July 2016 outlining the proposal and inviting submissions to assist in informing Council. A total of fifty-two households were informed on the proposal with three written submissions having been received.

The three submissions received are attached for Elected Members consideration. In summary, none would appear to object to the proposal. All three seek additional information regarding the proposal. Further details have been requested regarding the location of the poles, the lighting luminaire distribution and required height of the poles. To answer these three questions the services of an electrical engineer would need to be obtained, adding further cost to the project. Given it is a community organisation with limited funds it is not proposed to subject the Cottesloe Amateur Football Club Inc. to this additional cost and instead use conditions attached to any Development Application approval to ensure residents' amenity is not unduly affected.

One submission suggested deferring the lighting upgrade until a Master Plan was completed for the precinct. If the Master Plan was to suggest a new alignment of Cottesloe Oval and a new location for the lighting towers, the poles and lights could be relocated at a relatively low cost. The Master Plan is currently being prepared.

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Including quotation periods and assessment, consultation with key stakeholders, public consultation and consideration by Council it is expected that this process will take approximately twelve months.

Although the Cottesloe Amateur Football Club Inc. is the applicant for this proposal, the Development Application is required to be signed by the land owner, which for Reserve 6271 is the Town of Cottesloe as the agency responsible for the Reserve.

Assuming Council adopts the Officer's Recommendation, the Development Application will be signed by the Chief Executive Officer on behalf of Council. This Development Application will be referred to the Western Australian Planning Commission for decision after Council has considered the proposal.

Council's Planning Staff will undertake an assessment of the application and provide a further report to Council. This Report will address many of the issues raised in the three submissions received and may recommend appropriate conditions be imposed on any final approval that may be issued by the Western Australian Planning Commission to ensure residents' amenity is not unduly affected.

These conditions may include requirements such as a fixed time when the lights must be turned off or reduced pole height by way of example.

### **STRATEGIC IMPLICATIONS**

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

### **POLICY IMPLICATIONS**

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

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Planning and Development Act 2005*

### **FINANCIAL IMPLICATIONS**

The total cost of the project is \$40,040 with the Cottesloe Amateur Football Club Inc. paying the full cost. As such there are no financial implications arising from the Officer's Recommendation.

### **STAFFING IMPLICATIONS**

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

### **SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

Cottesloe Amateur Football Club Inc.

Cottesloe Junior Football Club Inc.

Adjoining residents



**STAFF COMMENT**

The proposal is supported by staff on the basis of improved safety for members of the Football Club, subject to any conditions that may be considered necessary at the Development Application assessment stage to protect the amenity of adjoining residents.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Thomas, seconded Cr Rodda

**THAT Council:**

- 1. Authorise the Chief Executive Officer to sign the Development Application submitted by the Cottesloe Amateur Football Club Inc. for new lighting at Cottesloe Oval.**
- 2. Request Town of Cottesloe Planning Staff to undertake a detailed assessment of the Development Application and provide a report back to Council for formal consideration to provide its recommendation on the application to the Western Australian Planning Commission for final approval.**
- 3. Thank those who provided submissions.**

**Carried 8/0**

**10.1.5 ADOPTION OF UPDATED RECORDS MANAGEMENT POLICY**

**File Ref:** SUB/2194  
**Attachments:** [Records Management Policy](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Garry Bird  
Manager Corporate & Community Services  
**Proposed Meeting Date:** 23 August 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

A recommendation is made to adopt an updated Records Management Policy.

**BACKGROUND**

At the July Council Meeting, Council adopted the updated Recordkeeping Plan. The plan has since been submitted to the State Records Office for approval. Upon submission, the Records Management Policy was to be reviewed.

Council adopted the Records Management Policy in April 2010. The Policy applies to all external and internal records which are handled, received or generated by the Town, regardless of their physical format or media type.

The draft Policy only requires minor amendments to meet current standards. The changes are summarised below:

- **(1) Legislative Requirements**

The *Limitation Act 2005* and *Electronic Transactions Act 2011* have been changed to reflect the most recent updates of the Acts.

- **(3) Policy Objectives (d)**

“Access to the Town’s records by Elected Members will be via the Chief Executive Officer in accordance with the *Local Government Act 1995*.” has been included with information detailing how information can be accessed by all relevant parties.

**STRATEGIC IMPLICATIONS**

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

**POLICY IMPLICATIONS**

The Officer’s Recommendation is to replace the current Records Management Policy with the attached, reviewed Records Management Policy.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

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The *State Records Act 2000* has specific provisions relating to the responsibility to create, manage and dispose of records in accordance with principle and standards issued by the State Records Commission.

**FINANCIAL IMPLICATIONS**

Over the last twelve months, significant officer and contractor time has been invested in the development of the Recordkeeping Plan. The information obtained from the review of the Recordkeeping Plan has been used to update the Records Management Policy.

**STAFFING IMPLICATIONS**

There are no staffing implications arising from the Officer's Recommendation. Staff are responsible for implementing the Records Management Policy as part of their position descriptions.

**SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Town of Cottesloe Staff  
State Records Office  
Information Proficiency Pty Ltd

**STAFF COMMENT**

Records are an important information resource which contributes to the efficiency and effectiveness of the Town. Legislation requires the Town to maintain a records management system that completely, accurately and reliably creates and maintains evidential records and dispose of those records through an approved scheme.

The Records Management Policy incorporates legislative requirements and basic record management requirements. It applies to all staff including permanent, temporary and part-time employees, contractors and Elected Members.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Dawkins, seconded Cr Rodda**

**THAT Council adopt the updated Records Management Policy.**

**Carried 8/0**

**10.1.6 ADOPTION OF UPDATED GROUP FITNESS AND PERSONAL TRAINING POLICY AND AMENDMENT TO 2016/17 SCHEDULE OF FEES AND CHARGES**

**File Ref:** SUB/2194  
**Attachments:** [Group Fitness and Personal Training Policy](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Garry Bird  
Manager Corporate & Community Services  
**Proposed Meeting Date:** 23 August 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

A recommendation is made to adopt an updated Group Fitness and Personal Training Policy and amend the 2016/17 Schedule of Fees and Charges by introducing an annual permit fee for Group Fitness and Personal Training classes

**BACKGROUND**

Council adopted the current Group Fitness and Personal Training Policy in September 2013, due to the increased popularity of using outdoor public facilities for organised exercise classes. The Policy intends to manage the Town's assets as efficiently as possible and lessen the impact on the facilities and the nearby residents.

A review of this Policy has been undertaken by staff and the following amendments are recommended;

- **(1) Intent**

A note has been added to highlight that Council's intention is not to regulate private exercise on Council reserves but to encourage users to adhere to the provisions of the Policy when groups want to ensure availability.

- **(4) Definitions**

Group Fitness Classes have a minimum and maximum number of individuals attending. Previously a maximum number of participants was not defined.

The definition of Personal Training Sessions has been updated to get a clear number of participants rather than the implied number in the previous policy.

As the cost of venue hire is included in the fees listed in the Schedule of Fees and Charges, this information has been added to the definition of the fees.

- **Policy Statement**

Information has been added regarding payment of fees, how the fees are allocated and that penalties apply under the *Local Government Property Local Law 1999*.

- **(6) Eligibility Criteria**

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In the report recommending adoption of the original policy submitted to Council in September 2013, it was “...recommended that the Town’s Policy not include any requirement for qualifications or memberships...” as “...there is more than one industry body and several different types of qualification...” Information gleaned from insurers, fitness bodies and other Councils’ fitness Policies, indicated that although there is not one peak body governing qualifications, there is an expectation that trainers meet eligibility criteria. Therefore, the Policy has been updated requesting applicants provide evidence of qualifications, first aid knowledge and insurance cover.

- **(9) Signage**

Previously, trainers received a confirmation letter that was to be shown on request from Authorised Officers. It was recommended that the Town provide approved applicants with standard signage, negating the need to Council staff to interrupt classes and/or sessions. The Policy has been updated to reflect this change.

At the June Council Meeting, Council adopted the 2016/2017 Annual Budget which included the 2016/2017 Schedule of Fees and Charges. The fees for Group Fitness Classes and Personal Training Permit were significantly increased from \$20 for a ten-week block of unlimited classes to a \$20 per session fee. Subsequent discussions with some affected trainers, has indicated that this per class fee could be unreasonable.

Further research with other metropolitan local authorities shows that many charge an annual permit fee and staff are of the view that this has some merit by not impacting the financial viability of these operators.

An annual fee of \$2,000 per annum would be in keeping with many other local authorities, although at the upper end of the scale. Operators would have the choice of paying the annual permit fee or a per class session of \$20 which would be a business decision for them to make based on the likely number of classes they would conduct.

## **STRATEGIC IMPLICATIONS**

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

## **POLICY IMPLICATIONS**

The Officer’s Recommendation is to replace the current Group Fitness and Personal Training Policy with the attached, reviewed Group Fitness and Personal Training Policy.

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

*Town of Cottesloe Local Government Property Local Law 1999*

The *Local Government Act 1995* requires any amendment to the Schedule of Fees and Charges introduced outside of the budget adoption process, local public notice is

to be provided of the amendment. The amendment will come into effect on the day of the notice being published.

### **FINANCIAL IMPLICATIONS**

The costs stated in the 2016/2017 Schedule of Fees and Charges has had a substantial increase from previous years. This will assist with the costs of maintaining the reserves from fair wear and tear.

The implementation of standard Town of Cottesloe signs indicating approval of a Group Fitness Classes or Personal Training Sessions will have little financial implication. Signs can be made by staff using office supplies and recycled materials.

### **STAFFING IMPLICATIONS**

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

Authorised Officers/Rangers are responsible for monitoring the use of reserves under the *Town of Cottesloe Local Government Property Local Law 1999*.

### **SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

Town of Cottesloe Staff  
Fitness Australia  
Perth local authorities  
Group Fitness and Personal Training Operators

### **STAFF COMMENT**

Officers have spent considerate time researching and updating the Policy to ensure that it is on par with other Councils whilst still being fair to existing users.

The Group Fitness and Personal Training Policy is important in regulating the use of Council reserves by fitness groups. This ensures that members of the public are not excluded from the use of reserves and public open spaces and equipment as it is based on a first come, first serve basis.

### **VOTING**

Absolute Majority

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

**Moved Mayor Dawkins, seconded Cr Rodda**

**THAT Council:**

- 1. Adopt the updated Group Fitness and Personal Training Policy for advertising.**
- 2. Introduce an annual permit fee of \$2,000 for Group Fitness or Personal Training Classes following local public notice.**

**Carried 8/0**

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**10.1.7 REVIEW OF AUSTRALIA DAY AWARDS POLICY AND MEMBERSHIP OF AUSTRALIA DAY WA**

**File Ref:** POL/34  
**Attachments:** [Citizen of the Year Awards Policy](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Garry Bird  
Manager Corporate & Community Services  
**Proposed Meeting Date:** 23 August 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

To consider a review of the existing Australia Day Awards Policy and consider replacing with a new Citizen of the Year Awards Policy, including a new category for Citizen of the Year Awards – Senior (over 65 years).

To consider an upgrade of Council's existing membership of the Australia Day WA organisation from silver to gold membership.

**BACKGROUND**

Council staff received an email from the Australia Day WA organisation in August 2016 advising that as part of its 40<sup>th</sup> anniversary it is relaunching the awards with an expanded program.

The two main changes to the program are a change of name of the former "Australia Day Citizen of the Year Awards" to "Citizen of the Year Awards" and the introduction of a new category for Citizen of the Year – Senior (over 65 years).

Other changes contained in the new program include;

- Council access to a marketing toolkit to increase promotion of the awards.
- An online registration form to facilitate increased nominations (it should be noted that Council can continue to receive hard copy nominations).
- Town of Cottesloe logo to be displayed on the Australia Day WA website.
- A set of gold medallions for engraving by Council to present to award winners.
- Gold foiled personalised certificates for presentation to award winners.
- Certificates to be signed by the Patron of Australia Day WA, Her Excellency, the Governor of Western Australia.

These changes will come into effect for the Australia Day 2017 awards.

There are costs associated with the new program. As an existing silver member (cost \$330) Council would need to pay an additional \$125 to register for the program. Gold membership costs \$550 per annum with no additional charge to register for the program and given the relatively minor cost difference it is recommended that Council upgrade its membership to gold status.

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The criteria for the awards remain unchanged although staff have recommended two changes to the criteria for the awards as follows;

1. Citizen of the Year – remove the age restriction to be over 21 years of age
2. Citizen of the Year – Youth – broaden the grant provided to provide options for the winner other than a voyage on the STS Leeuwin to include other personal and professional development programs that will benefit their career aspirations.

In addition, some other minor amendments have been made to the criteria contained in the proposed new policy for the purpose of consistency and improved clarity.

### **STRATEGIC IMPLICATIONS**

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

### **POLICY IMPLICATIONS**

If Council was to accept the Officer's Recommendation the existing Australia Day Awards Policy would be replaced by a new policy entitled Citizen of the Year Awards Policy.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

### **FINANCIAL IMPLICATIONS**

There are no financial implications arising from the replacement of the existing Australia Day Awards Policy with a new Citizen of the Year Awards Policy.

An upgrade of Council's existing Australia Day WA membership from silver to gold would result in an additional cost of \$220 which can be funded from the existing budget allocation for Australia Day activities.

### **STAFFING IMPLICATIONS**

There are no major staffing implications arising from the Officer's Recommendation other than the late notice of the new structure for Citizen of the Year Awards placing some additional pressure on staff to affect these changes at a Council level and having a reduced timeframe to commence advertising etc. of the Awards.

### **SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

Australia Day WA  
Town of Mosman Park  
Shire of Peppermint Grove

### **STAFF COMMENT**

It is the view of staff that Council should accept the changes made by Australia Day WA to the structure of the Citizen of the Year Awards and adopt a new Policy to reflect these changes.



This view has been formed based on maintaining consistency across the State for the naming of the awards, increased promotion of the awards and increased recognition for award winners.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Dawkins, seconded Cr Rodda**

**THAT Council:**

- 1. Adopt the new Citizen of the Year Awards Policy in place of the Australia Day Awards Policy.**
- 2. Upgrade Council's existing membership of Australia Day WA from silver to gold membership for an additional cost of \$220.**

**Carried 8/0**

**10.1.8 ROTTNEST CHANNEL SWIM - 2017**

**File Ref:** SUB/2225  
**Attachments:** [Rottnest Channel Swim Event Application Form](#)  
[Start of Event Plan](#)  
[Start of Event Map](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Garry Bird  
Manager Corporate & Community Services  
**Proposed Meeting Date:** 23 August 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The Rottnest Channel Swim Association Inc. is seeking Council's approval to host the 2017 Karma Resorts Rottnest Channel Swim from Cottesloe Beachfront on Saturday 25 February 2017.

**BACKGROUND**

The Rottnest Channel Swim is an annual event, from Cottesloe Beach to Rottnest Island, with approximately 2,500 swimmers participating, 900 of which are expected to depart from Cottesloe from 5.45am.

Last year's event was successfully held on Saturday 27 February 2016. It again reached its maximum participation capacity.

The 2017 Karma Resorts Rottnest Channel Swim will be held on Saturday 25 February 2017, with the first wave of Champions of the Channel swimmers leaving Cottesloe at 5.45am and the last wave of team swimmers expected to leave the beach by 7.45am. The event has five participation categories for competitors, which are: Champions of the Channel (elite swimmers); Solo; Duo; Team (of 4); and Charity Challenge (teams of 4), with entries opening on the 24 October 2016 for two weeks.

The age requirement for the 2017 Karma Resorts Rottnest Channel Swim is a minimum of 14 years of age (on the day of the event), in accordance with the FINA rules for open water swimming (OWS 1.2).

This year, organisers have expanded the existing event to include an open water swim event as part of their 'Rottnest Festival of Swimming'. In recent years, demand has grown for the Rottnest Channel Swim event to be expanded, and this new event is the result.

The open water swim will take place on the same day as the main event, commencing at 8.00am, and it is expected that it will take 1 hour for all the competitors to complete the swim. Organisers are expecting between 100 and 200 swimmers will compete in the first ever open water swim. The course comprises a 3km swim from the shore out to the STS Leeuwin II and back to the shore. Organisers will use the Rottnest Channel Swim infrastructure and services already

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set up on the beach. “Bump Out” of infrastructure and equipment will commence immediately following the completion of the open water swim. Organisers predict that the open water swim will be an exciting addition to an already iconic event.

Extra toilets and bins to cater for the expected number of patrons attending the event will be provided by the event organisers. Suitable parking arrangements to cater for the expected patrons will be investigated.

### **STRATEGIC IMPLICATIONS**

There are no strategic implications arising from the Officer Recommendation.

### **POLICY IMPLICATIONS**

Beach Policy – This event is in compliance with the Town of Cottesloe’s Beach Policy.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Beaches and Beach Reserves Local Law 2012* has provisions for maintenance and management of beaches and beach reserves.

### **FINANCIAL IMPLICATIONS**

There are no financial implications arising from the Officer Recommendation.

### **STAFFING IMPLICATIONS**

Ranger Services, which are met within normal budgeting allocations.

### **SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

Nil.

### **STAFF COMMENT**

Competitor drop off zones on Marine Parade which are used for the Rottnest Channel Swim will be in place for the open water swim portion of the event.

The open water swim event will take advantage of infrastructure already in place at the beachfront, for example, organisers will make use of the scaffolding tower for water safety, and the Operations Tent and Help Desk. This will reduce the impact on residents in terms of the need to “bump in” additional infrastructure equipment for the open water swim.

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

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Dawkins, seconded Cr Rodda

THAT Council approve the application to hold the 2017 Karma Resorts Rottnest Channel Swim at Cottesloe Beachfront, on Saturday 25 February 2017, from 5.00am to 9.00am, subject to the following conditions:

1. Adequate arrangements for rubbish removal and collection, including the provision for recycling.
2. Class the event as “*Charitable*” and charge no fee for the event.
3. Compliance with the *Environmental Protection (Noise) Regulations 1997*.
4. Compliance with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*.
5. Appropriate Public Liability Insurance, with cover no less than 10 million dollars.
6. Compliance with the Town’s *Beaches and Beaches Reserves Local Law 2012*.
7. Additional toilets are provided to the satisfaction of the Chief Executive Officer.
8. No balloons to be used during the event.
9. Parking and traffic management arrangements for this event, to the satisfaction of the Chief Executive Officer.

Carried 8/0

**10.1.9 OCEAN RIDE FOR MS - 2016**

**File Ref:** SUB/2091  
**Attachments:** [Ocean Ride for MS Event Application Form](#)  
[Event Map](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Garry Bird  
Manager Corporate & Community Services  
**Proposed Meeting Date:** 23 August 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The Multiple Sclerosis Society of Western Australia Inc. is seeking approval for the Ocean Ride for MS, to “ride through” Cottesloe along Marine Parade on Sunday 4 December 2016. The event, which raises funds and increases awareness for Multiple Sclerosis, will be in its 7<sup>th</sup> year.

**BACKGROUND**

The annual event involves cyclists from the general public riding from Esplanade Park, Fremantle, to Ocean Reef, with the first riders starting from 6.30am.

Through the event, the Multiple Sclerosis Society of Western Australia also promotes the need for behavioural change in the community by encouraging alternative modes of active transport and associated health benefits, along with addressing cycling safety issues through online education tips and cycling safety courses.

The event was first held on Sunday 30 October 2010, and repeated successfully each year since then.

Last year’s event attracted 1500 participants and passed without major incident. Positive comments were received by the organisers from riders who competed, and \$187,000 was raised for Western Australians living with Multiple Sclerosis.

Organisers are expecting 2,500 participants in the 2016 event, 1500 of those will cycle through Cottesloe.

Organisers have decided to schedule this year’s event in December rather than their traditional month of October. The main reason for the change is to reduce the likelihood of rain occurring during the race, and also to lessen the likelihood of other similar charity cycle events taking place in Perth on the same day.

**STRATEGIC IMPLICATIONS**

There are no strategic implications arising from the Officer Recommendation.

**POLICY IMPLICATIONS**

Beach Policy – This event is in compliance with the Town of Cottesloe’s Beach Policy.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

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*Beaches and Beach Reserves Local Law 2012* has provisions for maintenance and management of beaches and beach reserves.

### **FINANCIAL IMPLICATIONS**

There are no financial implications arising from the Officer Recommendation.

### **STAFFING IMPLICATIONS**

There are no staffing implications arising from the Officer Recommendation.

### **SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

Nil

### **STAFF COMMENT**

The ride along Curtin Avenue, Marine Parade, and North Street will not be timed, and all riders must follow normal traffic regulations, including traffic lights and signs. Crosswalks and main road corners in Cottesloe and other affected suburbs will have official Marshals in place. A course map has been provided.

The event is supported by WA Police, Main Roads Western Australia, Fremantle Ports, and other Councils along the course.

A Traffic Management Plan will be in place for the event, designed by Taborda Contracting, who have a strong history managing cycling events in Western Australia. Traffic Management signage and additional directional signage will be placed at required points along the course. A draft Risk Management Plan has also been provided.

### **VOTING**

Simple Majority

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

**Moved Mayor Dawkins, seconded Cr Rodda**

**THAT Council approve the application from The Multiple Sclerosis Society of Western Australia for the Ocean Ride for MS event to “ride through” Cottesloe along Marine Parade on Sunday 4 December 2016, from 6.30am to 8.30am, subject to the following conditions:**

- 1. Class this event as a “Charitable Event” and charge no fee.**
  - 2. Provision of a transport or parking plan and appropriate access/signage to and from the event, prior to the event.**
  - 3. Adequate arrangements for rubbish removal and collection, including the provision for recycling.**
  - 4. The event complies with the *Environmental Protection (Noise) Regulations 1997*.**
-

5. The event complies with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*.
6. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, provided prior to the event.
7. The event complies with the Town's *Beaches and Beach Reserves Local Law 2012*.
8. All signage to be approved by the Chief Executive Officer one month prior to the event.
9. No balloons to be used during the event.

Carried 8/0

**ENGINEERING****10.1.10 CONSIDERATION OF REQUEST TO CHANGE SPECIES OF TREES IN NAPOLEON STREET**

**File Ref:** SUB/485  
**Attachments:** [Arborist Report](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Doug Elkins  
Manager Engineering Services  
**Proposed Meeting Date:** 23 August 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

At the Ordinary Council Meeting of 26 April 2016, Council resolved to set aside \$50,000 for the cost of replacing trees in Napoleon Street, in order to establish a tree canopy. Council is asked to endorse the plan for selecting the appropriate replacement trees.

**BACKGROUND**

The existing trees in Napoleon Street are Claret Ash. The trees on the north side of the street have been in the ground for a number of years, while the trees on the south side of the street were planted as part of the Napoleon Street refurbishment. The latter trees have been in the ground for approximately two years. Significant girth and height have developed on these trees in this time.

The process of determining the detailed design of Napoleon Street was not ideal, however, the outcome of this process was an informed decision by the Council to plant the Claret Ash. While officers are aware that some people have a preference for an alternative tree, the volume of negative feedback on the tree species has been relatively small. Officers are also aware of a community in another local government area with a desire to plant the same tree species as used in Napoleon Street.

In April 2016, Council resolved to include funds on the budget for the cost of replacing the Napoleon Street trees. Included in the resolution was a stated desire to achieve a tree canopy in the street.

In response to this resolution, staff engaged an arborist to review the trees. The opinion of the arborist was that the Claret Ash was not suited to the environment, and there are maintenance issues that need to be resolved. This advice is different to advice received from nurserymen and arborists at the time of selecting the tree, and is also contrary to advice from a landscape architect firm, employed by ProCott to assess the suitability of these trees. In the case of the ProCott report, the Claret Ash was recommended. The arborist advice is also in conflict with examples of the same tree performing well in Cottesloe. A copy of the Town's arborist report is attached.

**STRATEGIC IMPLICATIONS**

Nil

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**POLICY IMPLICATIONS**

Removal of these trees is contrary to Council's Street Trees Policy. Point five of the Policy notes that '*Tree removal must be seen as a last resort, used for dead and/or dangerous trees*'. The policy also notes that a request by a resident for an alternative species does not justify removal.

**STATUTORY ENVIRONMENT**

Nil

**FINANCIAL IMPLICATIONS**

\$50,000 has been budgeted for this operation. It is expected that the removal and replacement of the trees in Napoleon Street will cost at least this amount, and most likely more.

**STAFFING IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

If the existing trees are removed, most, if not all, will not be suitable for transplanting.

**CONSULTATION**

ProCott have provided several submissions on this issue.

Administration have sought and obtained independent expert advice on the appropriateness of the tree species involved.

**STAFF COMMENT**

There appears to be two separate issues that the Council wish to address, being the development of a tree canopy and the overall aesthetics of the street.

With regards to the desire to achieve a full tree canopy it is not possible to have the size of tree required to achieve a full canopy, in the space currently available. The fundamental problem with this is that the street design is not suited to a full tree canopy. If Council now wants to achieve this outcome, the decision before it is not whether or not to change the tree species, it is a decision of how many parking bays are removed or whether or not the road is converted to a pedestrian mall – both of which may be beneficial, but come at a greater cost.

On the assumption it is accepted that Council does not desire the street to be reconfigured, the only issue that remains is whether or not a different species of tree would be aesthetically superior. As this is not a technical argument, that is there is no scale or criteria that can be reliably used to determine the aesthetics of one tree species over another, the choice of tree needs to be made using a considered process and should be the subject of community consultation.

It is difficult for officers to recommend the replacement of trees in Napoleon Street. A tree canopy cannot be achieved in the space available, the proposal has not yet been subjected to public consultation and assessing aesthetics is subjective. Further,

Council's current tree policy does not support the removal of trees based on the requests of adjacent owners.

This being the case, it is recommended that the replacement of the trees be delayed until an appropriately qualified landscape architect is engaged to progress works in Station Street. The Station Street concept plan will require tree selections to be made for Station Street (amongst other things) and the same process could be used to undertake the recommended community consultation for trees in Napoleon Street.

While this recommendation may result in a delay, it is seen as the most efficient way of proceeding. Making a decision now, based on a preferred list of species from an arborist, could well result in the same issue being represented in several years time. It is important the process of selecting the species is robust and undertaken by an appropriately qualified (and briefed) landscape architect, following appropriate consultation.

### **VOTING**

Simple Majority

### **OFFICER RECOMMENDATION**

**Moved Cr Rodda, seconded Cr Angers**

THAT Council:

1. Note the Officer's Report provided;
2. Delay the replacement of the trees in Napoleon Street; and
3. Include the selection of a suitable species of tree in the design brief for the Station Street redevelopment.

### **AMENDMENT**

**Moved Cr Boulter, seconded Cr Pyvis**

**That point two (2) be deleted and replaced with:**

**"Delay consideration of the replacement of the Napoleon Street trees until the Town of Cottesloe administration has obtained a report from a suitably tertiary qualified Forest Pathologist or Tree Pathologist or similar scientist, preferably for the September Council meeting as to the:**

- a. soil, root and planting conditions of the current trees so as to inform Council and the administration about what we can learn about the non-thriving of the current trees; and
- b. selection of the tree species: What growth of the trees and size of the trees is best to maximise the chance of a rich deciduous tree canopy, best planting conditions and best post-planting management for the new trees and that would be the most suitable species to achieve the objectives for the amenity of this location."

**That point three (3) be deleted.**

**Carried 8/0**

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**COUNCIL RESOLUTION**

**THAT Council:**

- 1. Note the Officer's Report provided;**
- 2. Delay consideration of the replacement of the Napoleon Street trees until the Town of Cottesloe administration has obtained a report from a suitably tertiary qualified Forest Pathologist or Tree Pathologist or similar scientist, preferably for the September Council meeting as to the:**
  - a. soil, root and planting conditions of the current trees so as to inform Council and the administration about what we can learn about the non-thriving of the current trees; and**
  - b. selection of the tree species: What growth of the trees and size of the trees is best to maximise the chance of a rich deciduous tree canopy, best planting conditions and best post-planting management for the new trees and that would be the most suitable species to achieve the objectives for the amenity of this location.**

**THE AMENDED MOTION WAS PUT**

**Carried 8/0**

**FINANCE****10.1.11 FINANCIAL STATEMENTS FOR THE MONTH ENDING 31 JULY 2016**

**File Ref:** SUB/2256  
**Attachments:** [Financial Statements for the Period 1 July 2016 to 31 July 2016](#)  
**Responsible Officer:** Garry Bird  
**Author:** Manager Corporate & Community Services  
Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 23 August 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

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

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

**BACKGROUND**

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

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

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Town of Cottesloe Investment Policy

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

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**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocations.

**STAFFING IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

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

- The net current funding position as at 31-07-2016 is \$10,622,222 and is in line with previous financial years as shown on pages 2 and 22 of the attached Financial Statements.
- Rates receivable as at 31-07-2016 stood at \$8,563,747 of which \$179,494 relates to deferred rates.
- Operating revenue is less than year to date budget by \$57,088 and operating expenditure is \$700,204 less than year to date budget. A more detailed explanation of material variances provided on page 21 of the attached Financial Statements and it should be noted that depreciation and accrued expenses have not been posted for the month.
- Expenditure on capital works is \$30,660 as compared to a year to date budget of \$327,558 with a full capital works program listing shown on pages 33 to 36.
- Whilst Salaries and Wages are not reported specifically, they do represent the majority proportion of Employee Costs which are listed on the Statement of Financial Activity (By Nature and Type) on page 7 of the attached Statements. As at 31-07-2016 Employee Costs were \$33,610 less than year to date forecasts.

A breakdown of reserve funds is shown in note 9 on page 27 with the balance of reserve funds at \$10,780,493 as at 31-07-2016.

**List of Accounts for May 2016**

The List of Accounts paid during July 2016 is shown on pages 37 to 43 of the attached Financial Statements. The following significant payments are brought to Council's attention;-

- \$54,679.04 to the Australian Taxation Office for the monthly business activity statement
- \$36,996.72 & \$125,938.22 to Local Government Insurance Services for various Council insurance cover
- \$44,224.12 to Perthwaste Green Recycling for was collection and removal services

- \$87,803.41 & \$91,090.31 to Town of Cottesloe staff for fortnightly payroll

**Investments and Loans**

Cash and investments are shown in Note 4 on page 23 of the attached Financial Statements. Council has approximately 46% of funds invested with National Australia Bank, 28% with Bankwest, 12% with the Commonwealth Bank of Australia and 14% with Westpac Banking Corporation.

Information on borrowings is shown in Note 10 on page 30 of the attached Financial Statements. As at 31-07-2016 the Town had \$5,093,359 of borrowings outstanding.

**Rates, Sundry Debtors and Other Receivables**

Rating information is shown in Note 9 on page 29 of the attached Financial Statements. As displayed on page 2, rates receivable is trending in line with the previous year.

Sundry debtors are shown on Note 6, pages 25 and 26 of the attached Financial Statements with 13% or \$15,498 older than 90 days. Outstanding infringements are summarised on page 26 of the attached Financial Statements. As at 31-07-2016 the total outstanding value of infringements was \$351,544 with the majority of this over ninety days old. The final stage of the transition to account for infringements on the Authority software platform is to send a file of outstanding infringements off to Fines Enforcement for recovery. This process is expected to be completed in the coming weeks.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Dawkins, seconded Cr Rodda**

**THAT Council receive the Financial Statements for the period ending 31 July 2016 as attached.**

**Carried 8/0**

**10.2 REPORT OF COMMITTEES**

Nil

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

*Cr Rodda declared an impartiality interest in item 11.1 owning shares in a bank, having deposits in a bank and being a director of a company that has tenements in Canada that have forestry assets and coal resources, none of which are in production and stated that as a consequence there may be a perception that his impartiality may be affected and declared that she could consider the matter on its merits and vote accordingly.*

**11.1 COUNCILLOR MOTION – INVESTMENT DIVESTMENT FROM FOSSIL FUELS**

The following motion has been proposed by Cr Boulter:

**COUNCILLOR MOTION**

Moved Cr Boulter, seconded Cr Pyvis

**That in accordance with the “Town of Cottesloe Policy on Human Induced Climate Change” policy guidance to implement actions to reduce greenhouse gas emissions at all levels of Town of Cottesloe operations, the Town of Cottesloe Purchasing Policy that requires that the Town of Cottesloe considers the Sustainable Purchasing of goods and services that have less environmental and social impacts than competing products and services and the objectives of the *Local Government Act 1995* at s1.3(3) *In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity, that Council:***

- 1. Amend the Town of Cottesloe Investment Policy and the Town of Cottesloe Investment of Surplus Funds Policy to incorporate a deliberate preference for investment with financial institutions that do not invest in or finance the fossil fuel industry where:**
  - a. the investment is compliant with Council’s investment policy with regards to risk diversification and credit rating; and**
  - b. the investment rate of interest is favourable to Council relative to other similar investments that may be on offer to Council at the time of investment.**
- 2. Amend the Town of Cottesloe Investment of Surplus Funds Policy after the Object, to include the Principles as follows:**
  - a. To invest surplus or reserve funds in secure investments with appropriate returns and to ensure those investments are appropriately recorded.**
  - b. To preferentially invest in financial institutions that do not invest in, or finance, any fossil fuel industry.**

3. Amend the Town of Cottesloe Investment Policy Matrix to support the changes in the Investment of Surplus Funds Policy and to ensure consistency between each policy, as follows:

	Counterparty Details	Minimum Rating (S&P or Fitch)	Maximum Exposure as a % of Total Investment Portfolio
11.1	All banks within the meaning of the <i>Banking Act 1959</i> . Note: At all times a minimum of 50% of total investments must remain with a Bank.	AAA Long A-1 Short	100%
		AA Long A-1 Short	100%
		A Long A-2 Short	100%
11.2	Managed (Cash/Treasury) Funds (Unit Trusts) with an average duration of less than 1 year *.	Aam AAf	50%
11.3	Managed (Cash/Treasury) Funds (Unit Trusts) with an average duration of less than 3 years *.	AAf	30%
11.4	Managed (Fixed Interest) Funds Note: An overall limit of 50% applies to items – i.e. a mix is acceptable, but combined exposure must remain within 50% of total investment portfolio	AAf	20%
11.5	Commonwealth Government (Max. term 3 years)	A-1 AA	< 1 year 50% > 1 year 20%
11.6	State Government (Max. Term 3 years)	A-1 AA	< 1 year 50% > 1 year 20%

NB: Only 11.1 is proposed to be changed. The current Policy setting is 11.1 Minimum Standard&Poor Rating is A-1(short) AA(long)

4. That the Town of Cottesloe administration monthly financial statements and reports include the specific information as to the state of Council's divestment from fossil fuels.
5. That the Town of Cottesloe administration review the Investment Policy and Investment of Surplus Funds Policy to update and consider amalgamation of the policies and report back to Council by November 2016, noting the City of Melville's new Investment Policy [http://www.melvillecity.com.au/about-melville/councilinformation/policies\\_/Investment+of+Funds+Policy+--+CP-009](http://www.melvillecity.com.au/about-melville/councilinformation/policies_/Investment+of+Funds+Policy+--+CP-009)
6. That the amended policies be published for public submissions having regard to the objectives and principle of the Town of Cottesloe Mission



**Statement, and the Town of Cottesloe Communication and Consultation Policies.**

7. That this motion, if successful, and the rationale that supports it, is sent to Western Australian Local Government Association by way of a submission endorsing their discussion paper, noting that submissions are due by Monday 25 July 2016, and seeking an extension of time to lodge the submission.

Lost 2/6

For: Crs Boulter and Pyvis

Against: Mayor Dawkins, Crs Angers, Thomas, Burke, Rodda and Downes

**COUNCILLOR RATIONALE**

NB: I met with three members of the WA branch of 350.0rg on Wednesday 20 July 2016.

1. This proposal supports the "Town of Cottesloe Policy on Human Induced Climate Change" policy guidance to implement actions to reduce greenhouse gas emissions at all levels of Town of Cottesloe operations and the Town of Cottesloe Purchasing Policy, which requires that the Town of Cottesloe considers the Sustainable Purchasing of goods and services that have less environmental and social impacts than competing products and services and the objectives of the *Local Government Act 1995* at s 1.3(3) In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.
  2. Divestment is the opposite of investment – the action of removing money that has been invested somewhere: <http://www.marketforces.org.au/divestment>.
  3. A total of 25 Councils around Australia include the City of Melbourne, City of Canberra, City of Newcastle have adopted divestment of fossil fuels policies. Several WA Councils including Fremantle, Bassendean, Armadale, Goomalling, East Fremantle, Melville and Stirling, with Vincent, Swan, Victoria Park, South Perth, Mundaring, Coburn and Belmont Councils considering this approach.
  4. There is a surprisingly long list of fully accredited banks that do not invest in fossil fuel industries. Thus, spreading the term deposits should not present a problem. In a recent Fremantle report, 75% of their funds were with banks on this list. Unfortunately none of the Big 4 banks and Bankwest are on the list. Therefore, all of our investments currently support fossil fuel industries.
  5. The interest rates on offer by financial institutions that have divested are quite competitive.
  6. **Global Financial Crisis:**  
Some Councils lost money on the Stock Market > WA Government changed Local Government Act, so Local Government Councils only invest in Banks, WA Treasury and Government Bonds.
  7. **Standard and Poor's Credit Ratings Performance and Initiatives, June 2010**  
[http://siteresources.worldbank.org/FINANCIALSECTOR/Resources/Session5\\_PaulCoughlin\\_presentation.pdf](http://siteresources.worldbank.org/FINANCIALSECTOR/Resources/Session5_PaulCoughlin_presentation.pdf)
-

THE NUMBER OF DEFAULTS OVER THE THREE YEARS FROM JANUARY 2007 TO DECEMBER 2009:

The AA rated banks have a Non-default of 99.6% and A rated banks Non-default of 99.5%.

THE NUMBER OF DEFAULTS OVER THE FIVE YEARS FROM JANUARY 2005 TO DECEMBER 2009:

The AA rated banks have a Non-default of 99.8% and A rated banks Non-default of 99.3%

The defaults were mainly with BB, B, CCC institutions

8. This amendment does not propose to pertain to operational and trading accounts. It pertains only to the choice the Manager of Corporate and Community Services makes when a term deposit renewal comes due.
9. 350.org group commends the City of Stirling (largest WA council) on its choice of the banks used over the last 10 years and praised the City for having now put it into policy. I understand that:
  - a. these banks are Suncorp, Bendigo Bank, Bank of Queensland, Rural Bank and Me Bank; and
  - b. these banks have all made public statements that they do not fund fossil fuel developments or infrastructure.
10. As I understand it, as at 29 February 2016 the City of Stirling has \$213,702,016 as Term Deposits with 70% (\$140 million) now with fossil free banks.
11. **Town of Cambridge Credit Matrix from Investment Policy**

S&P Long Term Category Credit Rating*	S&P Short Term Category Credit Rating*	Limit %
AAA/AA	A-1	Minimum 80%
Not Applicable	A-2	Maximum 20%

**Compared to City of Melville Credit Matrix**

Long Term Rating (S&P)	Short Term Rating (S&P)	Direct Investments Max % with any one Institution	Maximum % of Total Portfolio
Govt Guaranteed Deposits	GGD	100%	100%
AAA	A-1+	35%	100%
AA	A-1+	25%	80%
A	A-1	20%	50%
BBB (Aust ADIs)	A-2	10%	20%

**Town of East Fremantle Credit Matrix**

Long Term Rating	Short Term Rating	Direct Investments Maximum % with any one institution	Maximum % of Total Portfolio by Credit Rating
AAA	A1+(F1+)	50%	100%
AA	A1(F1)	45%	100%
A	A2(F2)	40%	80%

**City of Armadale Credit Matrix**

Long Term Rating (S&P)	Short Term Rating (S&P)	Direct Investments Max % with any one Institution	Maximum % of Total Portfolio
Govt Guaranteed Deposits	GGD	100%	100%
AAA	A-1+	35%	100%
AA	A-1+	25%	80%
A	A-1	20%	50%
BBB (Aust ADIs)	A-2	10%	20%

12. **City of Stirling and Town of Cambridge Examples of Banks Used:**

<http://www.marketforces.org.au/banks/compare>

	Short term Rating	Long-term Rating	Allocation %	AV RATE %	TOTAL FUNDS \$
<b>IN HOUSE INVESTMENTS</b>					
<b>Banks</b>					
Bank of Queensland	A2	A-	22	2.88%	44,171,987
Commonwealth Bank	A-1+	AA-	0	2.81%	-
Bendigo / Adelaide Bank	A2	A-	18	2.93%	36,330,349
ME Bank	A2	BBB+	13	2.90%	25,340,044
NAB	A1+	AA-	17	3.05%	33,488,647
Rural Bank	A2	A-	0	2.85%	-
Sun Corp Metway	A-1	A+	18	3.10%	35,652,363
Westpac	A1+	AA-	13	3.02%	26,335,404
<b>TOTAL INVESTMENTS</b>			<b>100</b>	<b>2.97%</b>	<b>\$ 201,318,794 \$</b>

**Town of Cambridge Total Investment as at 31 May 2016**

	31-Mar-16 Face Value	31-May-16 Face Value
Emerald Series 2006-1	\$691,626.67	\$683,599.36
ANZ TD	\$6,322,680.39	\$2,023,839.45
Bank of Western Australia	\$8,383,308.39	\$8,399,092.87
CBA TD		
NAB TD	\$9,643,446.06	\$7,605,106.53
St George TD		
Westpac TD		
	\$25,041,061.51	\$18,711,638.21
<b>Total Investment</b>	<b>\$25,041,061.51</b>	<b>\$18,711,638.21</b>
<b>Accrued Interest</b>		<b>\$127,821.00</b>
<b>Total Adjusted Investment</b>		<b>\$18,839,459.21</b>

13. **Current % of Council Divestment**

<b>Council</b>	<b>% Fossil Fuel Free as at 30<sup>th</sup> April 2016</b>
City of Fremantle	75%
City of Stirling	70%
Town of Bassendean	59%
City of Armadale	82%
Shire of Goomalling	100%
Town of East Fremantle	Not yet available
City of Melville	Not yet available
City of Cockburn Trial	65%

14. The former chair of Shell supports the divestment movement: Chairman of Shell advocating Fossil Fuel Divestment

<https://www.theguardian.com/environment/2015/jun/04/former-shell-chairman-advocates-fossil-fuel-divestment>

15. *Divestment has taken on great significance as a global movement as more and more individuals and institutions take action to ensure that their money is not being used to fund projects and industries that they don't agree with:*<http://www.marketforces.org.au/divestment> *Divestment is a major step towards cutting [y]our ties with climate wrecking fossil fuels and therefore reducing [y]our carbon footprint. It sits alongside moves such as switching to a renewable energy provider and cutting gas use as one of the most effective ways to reduce [y]our personal carbon footprint:*  
<http://www.marketforces.org.au/divestment>
16. *"Divestment serves to de-legitimise the business models of companies that are using investors' money to search for yet more coal, oil and gas that can't safely be burned. It is a small but crucial step in the economic transition away from a global economy run on fossil fuels."* Alan Rusbridger, The Guardian.
17. The recent Western Australian Discussion Paper "Divestment in Fossil Fuels: Opportunities for Local governments in WA tells us as follows:
- The aim of this divestment campaign is to shift investment out of Australia's fossil fuel industry and into clean energy alternatives and sustainable industries
  - The divestment tool as a tool to mitigate climate change has also been used successfully against tobacco industry, and the apartheid government in South Africa
  - Fossil fuel divestment may not initially have a significant effect on the profits of banks, which invest in fossil fuels companies, but it does begin to create a doubt about the long term practicality of the fossil fuel industry business model
  - There are four banks in Australia which do not fund fossil fuel projects and have a rating of A or higher including SunCorp, Bendigo Bank, Adelaide Bank and Rural Bank.

- e. Divestment of fossil fuels is a policy that Local governments can pursue to align with their values set out in the Sustainability and Climate Change policies
18. The Lonegan Report showed that nearly 72% of Australian people would be concerned if they knew their banks were investing in fossil fuel developments anywhere in Australia: see report previously circulated.
19. Bill McKibben, the founder of 350.org.au said, “*If it is wrong to wreck the planet then it’s wrong to profit from that wreckage*”: see <https://350.org.au/campaigns/go-fossil-free/>
20. On the 3 May the City of Stirling Councillors voted unanimously to amend their Investment Policy, see the Motion at page 250 , <http://www.stirling.wa.gov.au/Council/Meetings/Council%20meetings%20and%20petitions/Council%20Meetings%20Agenda%20and%20Minutes/Council%20Agenda%20-%203%20May%202016.pdf>

With an excerpt from the City of Stirling report at page 251 as follows:

- i. *Major” amendments Officer’s comments are summarised on the following table.*
- ii. *Policy Business Unit Comment Investments Finance Services*
- *Clarifies approved borrowers to include any Australian Banking Institution with the required "Standard and Poor’s" financial rating.*
  - *Amended to include deliberate preference for investment with financial institutions that do not invest in, or finance, the fossil fuel industry. ....*
- iii. *Policies identified as having major amendments are summarised below:-*
- iv. *Investments Policy Reference to “Clause – Approved Borrowers” has been amended to reflect Standard and Poor’s ratings for financial institutions. New clauses added with regards to environmentally and socially responsible investment with the aim to:-*
- *Reduce exposure to, and mitigate the impacts from, climate change through giving preference to financial institutions and products that do not invest in, or finance, the fossil fuel industry; and*
  - *Improve transparency to encourage responsible investment principles that incorporate environmental, social, governance and ethical considerations. The new clauses will assist the City in making investment choices which reflect the values that the City places importance on:-*
    - *Ethics and integrity;*
    - *Transparency and accountability;*
    - *Best value for money; and*
    - *Sustainability.*
21. This article appeared in the Fifth Estate **Tina Perinotto | 24 May 2016**

*The financial and investment world has been put on notice: it has just 15 years, if that, to be rid of fossil fuels and conventional transportation, and the result will be as significant as the switch from horse and carriage to motor cars.*

*That's the prognosis delivered by The Age and financial readers courtesy of Stanford University lecturer Tony Seba in Australia on Tuesday.*

*It's one with the potential to counter the increasingly negative sentiment on climate as record temperatures continue to be broken globally and the reality of sea level rises start to impact in places such as wealthy Miami in the US, with the city facing dramatic projections for increased flooding as seas rise and hydrologists say, "We are practically going to have flooding all the time."*

*Seba, originally "dismissed as crazy", is now catching serious attention from investors," the report said.*

*The most powerful part of his forecast is that it's directed not at government inaction on the topic of climate change and sustainability but on the financial imperatives at play.*

*There is "no excuse", he said, for any board of a utility not to know what's coming.*

*Instead, centralised power generation will diminish and most cars will be electric.*

*Seba, author of Clean Disruption of Energy and Transportation said, "It's the end of energy and transportation as we know it, and it's coming very quickly.*

*"It's going to be over by 2030; it has started already."*

*Four technologies were driving change: solar power, battery storage, electric vehicles and self-driving cars.*

*The International Energy Agency, he says, is wrong to underestimate the change. More significant is that solar power costs have been slashed from \$US100 a watt to US45c a watt since 1970.*

*It's not the first time Seba has hit the headlines on this topic. Earlier this month he told Thai energy businesses and government ministers that petroleum would cease to be a source of livelihood for some of them and become obsolete by 2030 or sooner.*

*"The energy and transport industries will become high-tech industries," Thailand's The Nation reported.*

*Consumers will switch "en masse" to electric vehicles by 2020, when prices for electric cars drop to around US\$20,000.*

*"Petroleum – 60 per cent of which is used for transport – is going to become obsolete."*

*"Solar will find the tipping point when the cost of unsubsidised rooftop solar falls below the cost of transmission. This means even you [conventional power plants] can produce at zero [cost] but you still cannot compete with [rooftop] solar that has no transmission cost," he said. All kinds of centralised power generation systems will become obsolete when solar moves beyond the grid-parity costs to achieve what he called the "God-parity" status by 2020.*

*Other game changes include “sensors/Internet of things, artificial intelligence/machine learning, robotics, 3D printing, 3D visualisation, mobile Internet and cloud, big data/open data, unnamed aerial vehicles/nano satellites, and eMoney/eFinance.”*

*So what about “jobs and growth” in this clean energy smart tech world?*

*Well it’s like sustainable architect Caroline Pidcock once told an audience: when the motor car came along the horse and cart drivers had to find something else to do.*

22. Thank you to Cr Rodda for pointing me to 5 articles of note, which I found most helpful. With help of 350.org the following responses are made to two of the articles:

Why the Fossil Fuel Divestment Movement is a Farce Aljazeera article July 2014

*Summary: exact quotes from article.*

It appears to be a noble, even necessary idea. The campaign, led largely by 350.org (which is headed by the environmental writer and activist Bill McKibben), seeks to stop the continued exploitation of fossil fuel reserves, which it rightly considers a one-way road to climate-change disaster.

Severely hampering the campaign is its focus on publicly traded securities such as stocks and bonds — when much of the fossil fuel investment today is taking place on private markets. (privately traded securities eg hedge funds and private equity)

...Thus only through a wholesale divestment from all alternative investments could the public verify that a given pension fund or endowment lacks fossil fuel investments.

The divestment campaign would be far more effective if it argued that institutional investors must fully divest — not only from publicly traded fossil fuel stocks but also from the private securities market, a black hole of deregulation that features some of the highest-compensated people in human history.

*Notes on article*

This article talks about the situation in America, where shares stocks and bonds are involved. This is not relevant here in WA, because local government can only invest directly in ADIs (banks)

The author also seems to take the line that if you are not going to fix the whole problem, then there is no point continuing, calling it a “farce” or futile. However the divestment movement has made a conscious decision to start somewhere, ie the fossil fuel companies in the top 200 publicly listed companies. In a way, he is saying that the movement should extend its scope.

So this article doesn’t apply here in Australia, especially in the local government space, but has a point in America, where investing is very complex.

McGill University Board Rejects Fossil Fuel Divestment Initiative: The Globe and Mail

*Summary: direct quotes from article. Reasons for decision:*

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The McGill board of governors concluded that there is no evidence that divestment would have any real-world impact, and said the endowment fund should not engage in symbolic political actions. In the past, however, the university did divest from tobacco companies, from Myanmar and from South Africa over apartheid.

In its report to the full board, the social-responsibility committee concluded that fossil fuels remain a critical source of energy for much of the world, and argued that there is currently no viable replacement.

*“If McGill and other universities were to divest our holdings at this moment, it is likely these assets would find other willing buyers with little or no economic effect on the companies,” it said. “At the same time, divestment would reduce or remove the influence we may be able to exert on fossil-fuel companies by remaining invested.”*

#### *Comments*

##### Paragraph 1

McGill has made “symbolic political actions” in the past but is refraining from doing so on this issue.

##### Paragraph 2

No viable replacement

- a) a replacement won't ever have be found if we keep the status quo
- b) there are many places where alternative energy is being successfully implemented, eg Germany, Hawaii, Costa Rica, Spain et al.

##### Paragraph 3

*The point of divestment is not necessarily to make an immediate difference to the bottom line of fossil fuel companies, but rather to bring the issue to investors' notice. Additionally, the ethics of continuing to invest in something because everyone else does is exactly the problem – unless institutions like universities put ethics and a liveable planet first, they are not facing up to the challenges of climate change.*

The argument about not divesting because of reducing the influence on FF companies has been used for many years, with no observable effect.

23. There is so much argument in favour of divestment; for example it has been captured succinctly on Wikipedia, which I accessed on 26 May 2016 at 1pm and which I found helpful:

#### ***Motivations for divestment***

##### *Reducing carbon emissions*

*Fossil fuel divestment aims to reduce carbon emissions by accelerating the adoption of renewable energy through the stigmatisation of fossil fuel companies. This includes putting public pressure on companies that are currently involved in fossil fuel extraction to invest in renewable energy.*



*The Intergovernmental Panel on Climate Change found that all future carbon dioxide emissions must be less than 1,000 gigatonnes to provide a 66% chance of avoiding dangerous climate change; this figure includes all sources of carbon emissions. To avoid dangerous climate change, only 33% of known extractable fossil fuel of known reserves can be used; this carbon budget can also be depleted by an increase in other carbon emission sources such as deforestation and cement production. It is claimed that, if other carbon emissions increase significantly, then only 10% of the fossil fuel reserves can be used to stay within projected safe limits.[3]*

*I think this is part of a process of delegitimising this sector and saying these are odious profits, this is not a legitimate business model... This is the beginning of the kind of model that we need, and the first step is saying these profits are not acceptable and once we collectively say that and believe that and express that in our universities, in our faith institutions, at city council level, then we're one step away from where we need to be, which is polluter pays.*

— *Naomi Klein,* <sup>[1]</sup>

*Acting On The Paris Agreement: The Toronto Principle*

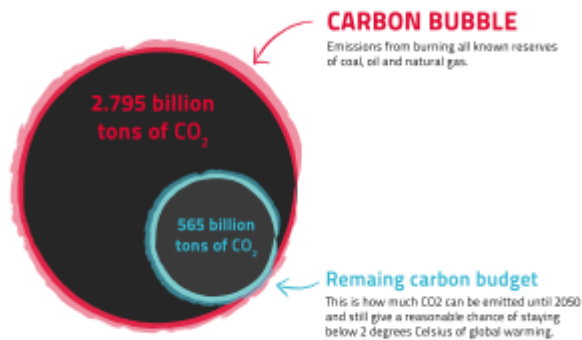
*The Toronto Principle is a fossil fuel divestment strategy, which puts into action the aims set forth at the Paris Agreement in 2015. It was first coined by Benjamin A. Franta, in an article in the Harvard Crimson, as a reference to the University of Toronto's fossil fuel divestment process. [4]*

*After 350.org submitted a petition for divestment on 6 March 2014, President Gertler established an ad hoc Advisory Committee on Divestment from Fossil Fuels. [5] In December of 2015, the Committee released a report with several recommendations. Foremost, they argued that "targeted and principled divestment from companies in the fossil fuels industry that meet certain criteria...should be an important part of the University of Toronto's response to the challenges of climate change." [6] However, the report went further, and allied itself with the Paris Agreement. It recommended that the university divest from companies that "blatantly disregard the international effort to limit the rise in average global temperatures to not more than one and a half degrees Celsius above pre-industrial averages by 2050...These are fossil fuels companies whose actions are irreconcilable with achieving internationally agreed goals." [6]*

*Franta identified this response as the Toronto Principle, which, as he argues, "aligns rhetoric and action. It suggests that it is all institutions' responsibility to give life to the Paris agreement. Harvard could adopt this Toronto principle, too, and the world would be better for it." [7] Franta also identified how the Toronto Principle would be put into practice, which includes "moving investments away from coal companies and coal-fired power plants, companies seeking non-conventional or aggressive fossil fuel development (such as oil from the Arctic or tar sands), and possibly also companies that distort public policies or deceive the public on climate. At present, these activities are incompatible with the agreement in Paris." [3] In adhering to the Toronto Principle, Franta argues that leading institutions can use their status and power to meaningfully respond to the challenge of climate change, and act based on the goals at the Paris Agreement.*

*Economic*

**Stranded assets - the carbon bubble**



Carbon Bubble according to data by the Carbon Tracker Initiative 2013.  
Main article: Carbon bubble

Stranded assets, which are known in relation to fossil fuel companies as the carbon bubble, occur when the reserves of fossil fuel companies are deemed environmentally unsustainable and so unusable and so must be written off. Currently the price of fossil fuels companies' shares is calculated under the assumption that all of the companies' fossil fuel reserves will be consumed, and so the true costs of carbon dioxide in intensifying global warming is not taken into account in a company's stock market valuation.[8]

Known extractable fossil fuel reserves that cannot be burned in order to prevent dangerous climate change.

<b>Fuel</b>	<b>United States</b>	<b>Africa</b>	<b>Australia</b>	<b>China and India</b>	<b>Ex-Soviet Republics</b>	<b>Arctic</b>	<b>Worldwide</b>
<b>Coal</b>	92%	85%	90%	66%	94%	0%	<b>82%</b>
<b>Gas</b>	4%	33%	61%	63%	50%	100%	<b>49%</b>
<b>Oil</b>	6%	21%	38%	25%	85%	100%	<b>33%</b>

*In 2013 a study by HSBC found that between 40% and 60% of the market value of BP, Royal Dutch Shell and other European fossil fuel companies could be wiped out because of stranded assets caused by carbon emission regulation.[9] Bank of England governor Mark Carney, speaking at the 2015 World Bank seminar, has stated: "The vast majority of reserves are unburnable" if global temperature rises are to be limited to below 2 °C.[10]*

*In June 2014, the International Energy Agency released an independent analysis on the effect of carbon emissions controls. This estimated that \$300 billion in fossil-fuel investments would be stranded by 2035 if cuts in carbon emissions are adopted so that the global mean surface temperature increases by no more than 2 °C.[11]*

*A report by the Carbon Tracker Initiative found that between 2010 and 2015 the US coal sector had lost 76% of its value including the closure of 200 mines. It found that Peabody Energy, the world's largest private coal mining company, had lost 80% of its share price over this time. This was attributed to Environmental Protection Agency regulations and competition from shale gas.[12]*

*In 2013, fossil fuel companies invested \$670bn in exploration of new oil and gas resources.[13]*

### **Competition from renewable energy sources**

*Competition from renewable energy sources may lead to the loss of value of fossil fuel companies due to their inability to compete commercially with the renewable energy sources. In some cases this has already happened.[14] Deutsche Bank predicts that 80% of the global electricity market will have reached grid parity for solar electricity generation by the end of 2017.[15] In 2012, 67% of the world's electricity generation was produced from fossil fuels.[16]*

*Kepler Chevreux projects \$28 trillion in lost value from fossil fuel companies due to the impact of the growing renewable electricity industry over the next two decades.[17][18]*

*Stanwell Corporation, an electricity generator owned by the Government of Queensland made a loss in 2013 from its 4,000MW of coal and gas fired generation capacity. The company attributed this loss to the expansion of rooftop solar generation which reducing the price of electricity during the day; on some days the price per MWh (usually \$40 – \$50 Australian dollars) was almost zero.[14][19] The Australian Government and Bloomberg New Energy Finance forecast the production of energy by rooftop solar to rise sixfold between 2014 and 2024.[14]*

### **Unstable fossil fuel prices**

*Unstable fossil fuel prices has made investment in fossil fuel extraction a more risky investment opportunity. West Texas Intermediate crude oil fell in value from \$107 per barrel in June 2014 to \$50 per barrel in January 2015. Goldman Sachs stated in January 2015 that, if oil were to stabilize at \$70 per barrel, \$1 trillion of planned oilfield investments would not be profitable.[9]*

### **Effects of divestment**

*Stigmatization of fossil fuel companies*

*A study by the Smith School of Enterprise and Environment at University of Oxford found that the stigmatisation of fossil fuel companies caused by divestment can "materially increase the uncertainty surrounding the future cash flows of fossil-fuel companies." That, in turn, "can lead to a permanent compression in the trading multiples – e.g., the share price to earnings (P/E) ratio of a target company."*

*The outcome of the stigmatisation process poses the most far-reaching threat to fossil fuel companies. Any direct impacts pale in comparison.*

*— Stranded assets and the fossil fuel divestment campaign: what does divestment mean for the valuation of fossil fuel assets? Smith School of Enterprise and Environment, University of Oxford[20]*

### **Economic risks of divestment from fossil fuels**

*According to a 2013 study by the Aperio Group, the economic risks of disinvestment from fossil fuel companies in the Russell 3000 Index are "statistically irrelevant".[21]*

24. In Summary, the fossil fuel divestment Notice of Motions as proposed:

- Is supported by Town of Cottesloe policies
- Removes Town of Cottesloe from the risk of stranded assets
- Moves Town of Cottesloe further towards a carbon free economy
- Adheres to the sustainability principle of triple bottom line
- Improves transparency and accountability
- Is part of a multi- layered approach to managing the Town of Cottesloe assets, which speaks to sustainability, climate and social justice, and improving our financial model.

### **STAFF COMMENT**

The motion is asking Council to consider a policy question regarding how funds are invested. As officers we are not able to provide any guidance on whether or not divesting funds is something that would be supported by the community as there has been no previous consultation and hence no formal submissions to report on.

As to whether the divestment of funds will achieve the stated outcomes, again, we are not able to provide any comment. On their own, the Town's funds are relatively small (for one of the major financial institutions) and will likely have little effect. However, if this is a part of a wider movement, collectively, some pressure could be brought to bear.

The concern that officers will need to address if this motion is supported by the Council, is developing an assessment tool that allows these institutions to be rated and hence decisions made on which institution funds should be invested with. These institutions are very large and have extremely complex investment arrangements. Further, the term "in any fossil fuel industry" may need to be considered and further reported on, for clarity.

**11.2 COUNCILLOR MOTION – MANUAL RECORDING OF MINUTES**

The following motion has been proposed by Cr Boulter:

**COUNCILLOR MOTION & COUNCIL RESOLUTION**

**Moved Cr Boulter, seconded Cr Pyvis**

- 1. That Town of Cottesloe officers continue to manually record minutes of Briefing Sessions and Council meetings now that electronic recording is introduced.**
- 2. That the Town of Cottesloe Communication Policy be amended accordingly.**

**Carried 5/3**

**For: Crs Boulter, Thomas, Burke, Downes and Pyvis**

**Against: Mayor Dawkins, Crs Angers and Rodda**

**COUNCILLOR RATIONALE**

1. Things break.
2. Human error can cause machines to fail.
3. Council should not rely entirely on an IT system functioning effectively 100% of the time.

**STAFF COMMENT**

Officers have continued the practice of writing notes during the meeting as raised in the motion. The purpose of these notes is twofold. Firstly, they provide an effective back up in the event either the recording fails, or the recording doesn't pick up what occurred. Secondly, the notes allow staff to recall quickly during the meeting what has occurred and relay that to the meeting where required. Such things include reminding the meeting who moved and seconded a motion, who has already spoken on the motion before Council and so on.

The practice of note taking at meeting will continue, even with the meetings being recorded electronically.

**11.3 COUNCILLOR MOTION – COMMUNICATION AND CONSULTATION**

The following motion has been proposed by Cr Boulter:

**COUNCILLOR MOTION**

Moved Cr Boulter, seconded Cr Pyvis

1. That each and every decision made by the Town of Cottesloe administration under delegation is reported to the following Council meeting public agenda.
2. That every proposal calling for submissions has an active component as well as a passive component; such as community information sessions, letters to neighbours, on social media.
3. That any submission period is advertised on the front page of the Town of Cottesloe website (not under Have a Say).
4. That every public and website advertisement clearly identifies the content and subject matter of the proposal for which submissions are sought.
5. That every scheme amendment is pre-advertised before it is initiated and a report is made to Council on the basis of submissions received, before the amendment is initiated.
6. Where a scheme amendment is applicable to a particular site, that a sign be erected during both advertising periods on the affected site at the cost of the proponent.
7. That all subdivision proposals brought to the attention of the Town of Cottesloe administration are brought to Council.
8. That all development or change of use applications required to be advertised have a sign erected on the affected land for the duration of the advertising period, at the cost of the proponent.
9. That all development or change of use applications not required are advertised by mail to every resident beside and behind and in front of the affected property, at the cost of the proponent.
10. That every sign approval required by Town of Cottesloe Local Planning Scheme 3 or Town of Cottesloe By law is advertised by mail to every resident beside and behind and in front of the affected property, at the cost of the proponent.
11. That every meeting with a potential developer of land is reported in the Council agenda as to the identity of the developer and the address of the land concerned and the type of development being discussed – ie rezoning, subdivision, development or change of use.
12. Whether or not the Town of Cottesloe administration assists a developer to progress a proposal in the period before the application is received is a matter that must be decided by Council.
13. All Development Assessment Panel reports are presented to Council before forwarding to the Development Assessment Panel, or failing that

through time constraints - presented to Council before the Development Assessment Panel hearing.

14. That any private proposal to close/part close permanently a public road or thoroughfare under the control of the Town of Cottesloe is brought to Council for its consideration.
15. That, as applicable to each of the Town of Cottesloe Consultation Policy and/or Town of Cottesloe Communication Policy and each/either or any other applicable policy be amended to reflect these changes and be re-advertised for public comment.
16. That the Town of Cottesloe register of leases and contracts is published on the Town of Cottesloe website.
17. That the Town of Cottesloe register of all businesses, sporting clubs and any other entity operating on Town of Cottesloe reserves is published on the Town of Cottesloe website.
18. That the documents on the Town of Cottesloe website be amended to copy better from the internet, that is to reproduce as they appear rather than as below when a copy and paste is required.

Lost 2/6

For: Crs Boulter and Pyvis

Against: Mayor Dawkins, Crs Angers, Thomas, Downes, Burke and Rodda

## **COUNCILLOR RATIONALE**

To promote Council's good governance, communication and consultation, aims and objectives articulated in the:

### **Town of Cottesloe Mission Statement**

*To preserve and improve Cottesloe's natural and built environment and beach lifestyle by using sustainable strategies in consultation with the community.*

### **Town of Cottesloe Community Consultation Policy**

#### **INTRODUCTION**

*This policy aims to give the community a clear view of the importance of consultation in democratic governance. It also aims to be a practical document that will assist Council to undertake effective consultation in Cottesloe.*

*Every Council report includes a section on consultation to ensure that proper attention has been given to this area of decision making. This policy fosters a consultative culture and ensures that the consultation genuinely reaches people affected by a decision and they have every opportunity to have input on Council decision making.*

#### **1. CONSULTATION POLICY**

##### **1.1 Definition of Consultation and Democratic Governance**

*Consultation for this document is defined as a process of two way, informed communication between Council and the community on an issue prior to Council making a decision.*

*Democratic governance involves community participation and input into governance and decision making. Consultation is a vehicle for obtaining this input as it enhances the decision making process. It fulfils a need to ensure that views can be identified and communicated. Consultation does not override Council's responsibility to make decisions and its accountability for its decision making. It does not imply government by referendum.*

## **1.2 Aim of the Consultation Policy**

*The aim of the consultation policy is to create and foster a consultative culture in the Town of Cottesloe.*

## **1.3 Key Principles**

*The following principles form the basis of the consultation policy.*

### **Inclusiveness**

- Consultation will encourage participation of people affected by or interested in a decision.*
- Affected and interested parties will be given equal opportunity to participate in the consultation process.*
- Affected groups and interested parties can select their own representative to work with Council.*
- Consultation will be sensitive to the needs of particular groups to maximise their capacity to contribute.*
- Council will actively seek out people for consultation.*

### **Focus**

- Consultation will be purpose driven.*
- Consultation methods will be appropriate for the task.*
- A clear statement on the consultation process will be provided.*
- A clear statement will outline the role of Council and the role of participants in the consultation process.*
- Internal coordination will ensure Council ownership of the consultation.*

### **Responsiveness**

- Council will understand, consider and respond to contributions from all participants.*
- Consultation will be transparent and accountable. All people involved will have a clear understanding of how their feedback and comments are to be used.*
- Council will maintain openness, consider advice and alter the course of actions if required.*
- Council will respect the diverse range of interests that may be represented during consultation.*
- Council will make reasonable attempts to resolve conflicts, if they arise, and reach a suitable solution.*



**Provision of Information**

- *Information relating to consultation will be readily available to allow participants to make informed and timely contributions.*
- *Information relating to consultation can be accessed easily by everyone involved before key decisions are made.*
- *Relevant information will be presented in an easily understood format.*
- *In some instances full details about an issue may not be fully disclosed to the public because of its commercially sensitive or personal nature.*

**Implementation and Evaluation**

- *All consultation will be evaluated after the decision making is complete.*
- *Participants will receive feedback about inputs received and how the final decision was reached.*
- *If a difference occurs between the input and the final decision the reasons for this will be clearly documented and communicated.*
- *As part of its commitment to the effectiveness of consultation, Council's decision making process will be evaluated once a final decision has been made.*

**Town of Cottesloe Communication Policy****(1) AIM**

*To encourage effective communication within the Town of Cottesloe administration, elected body, community and absentee ratepayers.*

**(2) OBJECTIVES**

*The objectives of this policy are to:*

- keep people informed of the issues being considered by council and of decisions made;*
- provide avenues for input & feedback on major issues before decisions are made;*
- establish effective mechanisms to enable concerns to be raised;*
- create a continuous improvement system for council communication;*
- provide guidelines for communication between elected members and staff; Council and the media, and Council and the community.*
- provide an opportunity for absentee owners to access regular newsletters produced by council.*

**(3) PRINCIPLES**

*Inherent in the adoption of this policy is a recognition that there are costs associated with effective communication, in terms of time, human resources, materials and dollars.*

*The principles embodied in an effective communication strategy include the following:*

- (a) council endeavours to establish and maintain an open and timely communication system within and between the stakeholders;*
- (b) council recognises that effective communication requires co-operation from all parties involved;*
- (c) council will endeavour to ensure that its communication is effective in that:*
  - it reaches the appropriate target group*
  - it explains issues clearly and succinctly*
  - it represents views fairly and equitably;*
  - differences are accepted and acknowledged; and*
  - its effective communication with residents is regularly reviewed.*
- (d) council recognises the need to inform all affected parties in the decision making process.*
- (e) council recognises that different people may hold different views and those views are valid;*
- (f) council recognises that a range of communication modes may need to be considered depending on the target group, issues and time frame.*

### **Town of Cottesloe Strategic Community Plan Priority Area 6**

*Council recognises the invaluable contribution residents play in community life, especially those who actively participate in civic affairs. The aim of this objective is to ensure that this continues and that Council maintains a spirit of co-operation with the community in an accountable and transparent manner on all occasions.*

*Many people wish to engage in decisions about Cottesloe's future. Community members are well informed and articulate; they know what they want. This is acknowledged and valued. In addition the Council has many statutory obligations to comply with in order to improve decision making.*

*The effect of greater cooperation will be a Council and community that understand and appreciate separate but interdependent roles in progressing Cottesloe's future. Elected members and staff listen to community views and collaborate to discuss and explore possibilities. There is an appreciation that perception is the reality for many people and it is important to provide information so that the community can make informed input.*

#### **Challenges**

- Conflicting demands and expectations*
- Funds and time required for effective consultation*

#### **Future direction**

*The Council is committed to fostering a sense of belonging and involvement amongst residents in recognition that input from the community into major decisions adds*

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*value and enhances the democratic process. Council is committed to effective community communication and engagement.*

#### *Major strategies*

- 6.1 *Ongoing implementation of Council's community consultation policy.*
- 6.2 *Continue to deliver high quality governance, administration, resource management and professional development.*
- 6.3 *Implement technologies to enhance decision making, communication and service delivery*
- 6.4 *Enhance the Town's ability to embrace and manage change*

#### *Policy and strategy documents*

*The policy and major strategy documents that link with this objective are:*

- *Disability Access and Inclusion Plan 2012 - 2017*
- *Community Consultation Policy (2013)*
- *Code of Conduct (2008)*
- *Standing Orders (2012)*
- *Policy Manual (2013)*

#### **STAFF COMMENT**

The Notice of Motion provides for a number of subjects, which have been grouped for the purposes of providing comment.

#### **Points 1 to 10 and 15**

These points raise issues around the advertising of planning applications received by the Town, and the consultation process for such applications. At its July Meeting Council resolved to:

*"Initiate a process of review of the requirements for advertising development applications and scheme amendments"*

As the review mentioned in this review will start as soon as practicable, it would be recommended that any changes to the current established practices be held until the review is completed and considered by Council. At the very least, any change to such an established practice should be subject to community consultation prior to implementation.

#### **Points 11 and 12**

These points seem to be based on the misunderstanding that staff "negotiate" with potential developers and/or residents wishing to make an application.

As officers, our duty is to receive applications and report them to the Council as efficiently as possible. From time to time, applicants (or their consultants) will approach the Town to discuss the technical requirements of an application, that is, the information and/or documentation that needs to be provided in order for an application to be considered.

While it is appreciated that some have the view that applications should simply be accepted as is (along with the corresponding fee) and simply declined if incomplete, other local governments that have implemented such regimes have found that they are inefficient, and often lead to dysfunction.

As the range of enquiries attended to is diverse and can be as simple as “how close to the boundary can we build our house” through to as complex as someone looking at multiple dwellings, having a one-size-fits-all approach is not supported by the staff. These points should also be clarified as to whether these reporting requirements would only apply to staff or Elected Members.

**Point 13**

The legislation that enables the Development Assessment Panels to operate contain provisions for how the Responsible Authority Reports are to be provided to the Development Assessment Panels secretariat for inclusion in the Development Assessment Panels Agenda. The Council and staff have no control over this process, including the setting of timeframes or meeting times.

While administration staff could attempt to implement this point, it will not always be possible. Further, it is unlikely the details of the Council’s consideration would form a part of the Development Assessment Panels Agenda or consideration. As the Development Assessment Panels are making the decision in place of the Council, there is no requirement for Council’s decision to be put to them by the Development Assessment Panels secretariat.

**Point 14**

The permanent closing of any right of way (or portion of) is subject to community consultation before a decision can be made and is a decision that is not capable of being decided under any delegation. This should be separated from a situation where a resident, ratepayer or member of the public places an obstruction on a road, which would require an order to remove it.

**Point 15**

If a Council resolution impacts on a policy, that policy should be reviewed and represented to Council for consideration. If the change is a significant change, it would normally be considered prudent to advertise the change for comment prior to any decision being finalised.

**Point 16 and 17**

While certain commercial sensitivities would need to be observed, the publishing of any of the Town’s registers can be undertaken, with the Town’s current website.

**Point 18**

The Town publishes all notices, policies, local laws and any other document on the website as a PDF document. This is the industry standard for such documents and allows them to be downloaded across a variety of programs.

Copying from these documents is quite possible, the issue would appear to arise when they are pasted into another program. Due to the variety of programs used to

produce documents and emails, we are simply not able to cater for all. This being the case, the PDF format is still seen as the best option.

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

Moved Cr Boulter, seconded Cr Pyvis

That Cr Boulter's Councillor Motion be considered as urgent business.

Carried 8/0

**12.1.1 COUNCILLOR MOTION & COUNCIL RESOLUTION**

Moved Cr Boulter, seconded Cr Pyvis

That the 220 Marine Parade Joint Development Assessment Panels Responsible Authority Report is brought to Council (and the Briefing Session agenda before it) to give a sufficient timeframe before the Joint Development Assessment Panels hearing of this application (even if it requires a special Council meeting) to give Council and the community as much time as possible to respond to the Responsible Authority Report before the Joint Development Assessment Panels hearing.

Carried 8/0

Moved Cr Boulter, seconded Cr Pyvis

That Cr Boulter's Councillor Motion be considered as urgent business.

Carried 8/0

**12.1.2 COUNCILLOR MOTION & COUNCIL RESOLUTION**

Moved Cr Boulter, seconded Cr Pyvis

That Council authorise the electronic recordings of our Briefing Session and Council meetings to be used in the matter of any formal hearing or formal investigation of complaints for and against council staff, and for and against Elected Members.

Carried 6/2

For: Crs Boulter, Pyvis, Burke, Downes, Rodda and Thomas

Against: Mayor Dawkins and Cr Angers

Moved Cr Boulter, seconded Cr Pyvis

That Cr Boulter's Councillor Motion "that Council refuse the application to amendment Local Planning Scheme No. 3 by proposed Amendment No. 5" that be considered as urgent business.

Equality

For: Crs Boulter, Pyvis, Thomas and Downes

Against: Mayor Dawkins, Crs Angers, Burke and Rodda

Mayor casting vote

Lost 4/5

## 12.2 OFFICERS

The Chief Executive Officer tabled a report, Prospective Metropolitan Region Scheme Amendment McCall Centre – Preliminary Comment.

**Moved Mayor Dawkins, seconded Cr Rodda**

**That the report *Prospective Metropolitan Region Scheme Amendment McCall Centre – Preliminary Comment* be considered as urgent business.**

Carried 8/0

### 12.2.1 PROSPECTIVE METROPOLITAN REGION SCHEME AMENDMENT MCCALL CENTRE – PRELIMINARY COMMENT

**File Ref:** PR53133  
**Attachments:** [WAPC letter 5 August 2016](#)  
[Report from Rowe Group](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Andrew Jackson  
Manager Development Services  
**Proposed Meeting Date:** 23 August 2016  
**Author Disclosure of Interest:** Nil

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## SUMMARY

This report presents an approach from the Western Australian Planning Commission for preliminary comment on an intended Amendment to the Metropolitan Region Scheme for the McCall Centre land in the Towns of Cottesloe and Mosman Park. The letter and report from the Commission have been provided to Councillors. The recommendation contains a response to the Commission.

## BACKGROUND

The State Government via the Land Assets Sales Program seeks to ready the property for sale for urban development, including heritage management; hence the proposed Urban zoning in the Metropolitan Region Scheme. The Beehive Montessori School to the south is excluded from the rezoning proposal.

The report from Rowe Group planning consultants on the draft Amendment sets out the following:

- The subject property, current regional and local zonings, existing infrastructure, heritage and environmental characteristics.
- The proposal in terms of land release, zonings envisaged and structure planning.
- The regional and local planning framework.
- The case for the proposed regional and local zonings.

Each local government is asked to amend its local planning scheme concurrently with the regional rezoning. For Cottesloe the Development Zone is requested, which provides for a structure plan to control subdivision, land use and development. This would be a coordinated structure plan with the Mosman Park land involved.

In essence, the proposed Urban zoning is premised on realising surplus property and inner metropolitan infill development opportunities, as elaborated in the consultant's report. Cottesloe is cited as having an infill housing target of 1000 dwellings.

The report concludes that the property is suitable for that purpose and the proposed regional and local rezonings as outlined are appropriate.

### **STRATEGIC IMPLICATIONS**

Relates to release of land for urban development and use of heritage property.

### **POLICY IMPLICATIONS**

A structure plan and possibly planning policy/s would be appropriate at the local planning level.

### **STATUTORY ENVIRONMENT**

*Planning & Development Act 2005*  
Metropolitan Region Scheme  
Relevant State Planning Policies  
Local Planning Scheme No. 3

### **FINANCIAL IMPLICATIONS**

Nil

### **STAFFING IMPLICATIONS**

Normal reporting and administrative tasks.

### **SUSTAINABILITY IMPLICATIONS**

Nil

### **CONSULTATION**

At this stage the Western Australian Planning Commission is consulting the local governments ahead of formal consideration.

If initiated, the Metropolitan Region Scheme Amendment would be publicly advertised widely by the Commission, including at the Town's office.

### **PLANNING COMMENT**

The following aspects in the report on the proposal have been identified to note and comment upon:

#### Extent of regional rezoning

In accordance with the "urban precinct" concept espoused, the Beehive Montessori School site should be included for the purposes of rezoning and structure planning;

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for comprehensive planning and because the Metropolitan Region Scheme accommodates primary and high schools in the Urban zone.

#### Local rezonings

Clarification is required as to whether the local governments are being asked to amend their local planning schemes or whether that is to be caused automatically under Section 126(3) of the Planning and Development Act 2005 as referred to. More consideration may need to be given to the nature of the local rezonings, for coordination and compatibility of the urban precinct involving two local government areas. Under Local Planning Scheme No. 3 a Development Zone appears suitable in-principle, subject to further consideration.

#### Structure planning

This will need to address the urban precinct being defined by the rezonings, including its relationship with the surrounding transport corridors and the coastal location and environment.

#### Land uses

More information should be included regarding the options and suitability of potential land uses. Community, recreation and tourism uses should be considered, as well as sustainable development. Integration with the Beehive Montessori School is an opportunity.

#### Curtin Avenue

More information should be included in the report regarding the history, options and implications of planning for this regional road route.

#### Heritage

The McCall Centre is contained in the Town's Heritage List under its Scheme, which the report does not mention. Heritage conservation and adaptation will be important factors in the future use of the property.

#### Terminology

The report needs to refer correctly to *Local* rather than *Town* Planning Scheme and *LPS* rather than *TPS*.

### **VOTING**

Simple Majority

### **OFFICER RECOMMENDATION**

**Moved Mayor Dawkins, seconded Cr Rodda**

THAT Council:

Note the report from Rowe Group on behalf of the Western Australian Planning Commission on the prospective Metropolitan Region Scheme Amendment for the McCall Centre urban precinct.

Provide preliminary comment to the Commission as follows:

#### Extent of regional rezoning

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In accordance with the “urban precinct” concept espoused, the Beehive Montessori School site should be included for the purposes of rezoning and structure planning; for comprehensive planning and because the Metropolitan Region Scheme accommodates primary and high schools in the Urban zone.

#### Local rezonings

Clarification is required as to whether the local governments are being asked to amend their local planning schemes or whether that is to be caused automatically under Section 126(3) of the Planning and Development Act 2005 as referred to. More consideration may need to be given to the nature of the local rezonings, for coordination and compatibility of the urban precinct involving two local government areas. Under Local Planning Scheme No. 3 a Development Zone appears suitable in-principle, subject to further consideration.

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More information should be included in the report regarding the options and suitability of potential land uses. Community, recreation and tourism uses should be considered, as well as sustainable development. Integration with the Beehive Montessori School is an opportunity.

#### Curtin Avenue

More information should be included in the report regarding the history, options and implications of planning for this regional road route.

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The McCall Centre is contained in the Town’s Heritage List under its Scheme, which the report does not mention. Heritage conservation and adaptation will be important factors in the future use of the property.

#### Terminology

The report needs to refer correctly to *Local* rather than *Town* Planning Scheme and *LPS* rather than *TPS*.

### **AMENDMENT**

#### **Moved Cr Pyvis, seconded Cr Rodda**

**That the word “included” and before the words “the Beehive Montessori School site should be” and after “for the purpose of rezoning” be deleted and replaced with the word “excluded”**

**Carried 8/0**

### **AMENDED SUBSTANTIVE MOTION**

#### **THAT Council:**

**Note the report from Rowe Group on behalf of the Western Australian Planning Commission on the prospective Metropolitan Region Scheme Amendment for the McCall Centre urban precinct.**

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Provide preliminary comment to the Commission as follows:

Extent of regional rezoning

In accordance with the “urban precinct” concept espoused, the Beehive Montessori School site should be excluded for the purposes of rezoning and structure planning; for comprehensive planning and because the Metropolitan Region Scheme accommodates primary and high schools in the Urban zone.

Local rezonings

Clarification is required as to whether the local governments are being asked to amend their local planning schemes or whether that is to be caused automatically under Section 126(3) of the Planning and Development Act 2005 as referred to. More consideration may need to be given to the nature of the local rezonings, for coordination and compatibility of the urban precinct involving two local government areas. Under Local Planning Scheme No. 3 a Development Zone appears suitable in-principle, subject to further consideration.

Structure planning

This will need to address the urban precinct being defined by the rezonings, including its relationship with the surrounding transport corridors and the coastal location and environment.

Land uses

More information should be included in the report regarding the options and suitability of potential land uses. Community, recreation and tourism uses should be considered, as well as sustainable development. Integration with the Beehive Montessori School is an opportunity.

Curtin Avenue

More information should be included in the report regarding the history, options and implications of planning for this regional road route.

Heritage

The McCall Centre is contained in the Town’s Heritage List under its Scheme, which the report does not mention. Heritage conservation and adaptation will be important factors in the future use of the property.

Terminology

The report needs to refer correctly to *Local* rather than *Town* Planning Scheme and *LPS* rather than *TPS*.

Lost 3/5

For: Mayor Dawkins, Crs Rodda and Angers

Against: Crs Boulter, Pyvis, Downes, Thomas and Burke

**FORESHADOWED MOTION & COUNCIL RESOLUTION**

Moved Cr Boulter, seconded Cr Pyvis

1. The item be deferred.

2. The draft proposed scheme amendment be advertised widely to the Cottesloe Residents and Ratepayers.
3. Town of Cottesloe and Town of Mosman Park administration have a community workshop together to discuss this proposal and specifically invite representatives of LandCorp, Western Australian Planning Commission, Greg Rowe Group, the Beehive Montessori School, tenants of the McCall Centre, the proponent of the Regional Park through this area, Mr Greg Dodds, and the residents and ratepayers of the Town of Cottesloe especially those in South Cottesloe.
4. Town of Cottesloe administration write to Western Australian Planning Commission and Rowe Group advising that this matter was only drawn to the attention of Councillors on 20 August and a report to Council was circulated only on 22 August 2016, seeking extension of time so as to properly consult our community and bring the results of that consultation back to Council given the 2 September 2016 date is unrealistic expectation of this Council.
5. Congratulate the Rowe Group on their most informative scheme amendment report.

**Carried 5/3**

**For: Crs Boulter, Pyvis, Downes, Thomas and Burke  
Against: Mayor Dawkins, Crs Rodda and Angers**

The Chief Executive Officer tabled a report, *Event Application – Change of Date – Zaccaria Concerts and Touring Beach Concert*.

**Moved Mayor Dawkins, seconded Cr Pyvis**

**That the report *Event Application – Change of Date – Zaccaria Concerts and Touring Beach Concert* be considered urgent business.**

**Carried 8/0**

### **12.2.2 EVENT APPLICATION – CHANGE OF DATE - ZACCARIA CONCERTS AND TOURING - BEACH CONCERT**

**File Ref:** SUB/2091  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Garry Bird  
Manager Corporate & Community Services  
**Proposed Meeting Date:** 23 August 2016  
**Author Disclosure of Interest** Nil

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#### **SUMMARY**

To consider a change of date for a beach concert event that was given in-principle support from Council at the June 2016 Council meeting.

#### **BACKGROUND**

At the June 2016 Council meeting, approval was given for Zaccaria Concerts and Touring (Zaccaria) to stage a major concert event at Cottesloe Beach on Saturday 26 November 2016 as per the following recommendation:

*“THAT Council provide in-principle support for the application by Zaccaria Concerts and Touring to stage a concert event at Cottesloe Beach on Saturday 26 November 2016 and authorise the Chief Executive Officer to issue final approval of the event subject to the requirements of the Town of Cottesloe being met by the applicant 30 days prior to the event.”*

Due to difficulties in signing the proposed artist, Zaccaria have requested a change of date. The original application was for Saturday 26 November 2016, with a start time of 3.00pm, finishing at 8.00pm. It is proposed that the concert date be changed to Sunday 20 November 2016, with the same times; starting at 3.00pm and finishing at 8.00pm

#### **STRATEGIC IMPLICATIONS**

The June 2016 Council report indicated the strategic implications from the original application.

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

The change of date would be in keeping with this stated strategic objective.

**POLICY IMPLICATIONS**

The report presented to Council at the June 2016 meeting included details of three policies. These were:

- Events Classification Policy
- Outdoor Concerts and Large Public Events Policy
- Beach Policy

There are no differing policy implications arising from the Officers Recommendation to what was outlined in the previous report.

**STATUTORY ENVIRONMENT**

The report presented to Council at the June 2016 meeting included the following:

*Local Government Act 1995*

*Environmental Protection (Noise) Regulations 1997*

*Health (Public Buildings) Regulations 1992*

*Town of Cottesloe Local Government Property Local Law 2001*

*Town of Cottesloe Beaches and Beach Reserves Local Law 2012*

*Metropolitan Region Scheme*

The statutory environment does not differ to what was outlined in the previous report.

**FINANCIAL IMPLICATIONS**

The June 2016 Council report provided information regarding the fees that would apply for a commercial event. The financial implications would not differ to the previous report.

**STAFFING IMPLICATIONS**

There are no staffing implications arising from the Officers Recommendation.

**SUSTAINABILITY IMPLICATIONS**

Such an event has the potential to impact on the beach environment and comprehensive waste and traffic management plans will alleviate much of this risk.

**CONSULTATION**

The Cottesloe Surf Life Saving Club has been consulted. The Club supports the change of date and would change their club day hours to accommodate.

**STAFF COMMENT**

Nil

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Downes, seconded Mayor Dawkins**

THAT Council Approve the change of date for the beach concert event to now be held on Sunday 20 November 2016.

Carried 8/0

**13 MEETING CLOSED TO PUBLIC**

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

Nil

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

Nil

**14 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 11:15 PM.

CONFIRMED MINUTES OF 23 August 2016 PAGES 1 – 109 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

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