

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

**ORDINARY MEETING OF COUNCIL
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
7.00 PM, Monday, 23 June, 2014**

CARL ASKEW
Chief Executive Officer

30 June 2014

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Town for any act, omission, statement or intimation occurring during council meetings.

The Town of Cottesloe disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation occurring during council meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a council meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Town of Cottesloe during the course of any meeting is not intended to be and is not taken as notice of approval from the Town.

The Town of Cottesloe wishes to advise that any plans or documents contained within the agenda or minutes may be subject to copyright law provisions (*Copyright Act 1968*, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction.

Members of the public should note that no action should be taken on any application or item discussed at a council meeting prior to written advice on the resolution of council being received.

Agenda and minutes are available on the Town's website

www.cottesloe.wa.gov.au

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS.....	3
2	DISCLAIMER	3
3	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	3
4	PUBLIC QUESTION TIME	3
4.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	3
4.2	PUBLIC QUESTIONS.....	3
5	PUBLIC STATEMENT TIME	3
6	ATTENDANCE.....	8
6.1	APOLOGIES.....	8
6.2	APPROVED LEAVE OF ABSENCE	8
6.3	APPLICATIONS FOR LEAVE OF ABSENCE.....	9
7	DECLARATION OF INTERESTS.....	9
8	CONFIRMATION OF MINUTES	9
9	PRESENTATIONS.....	9
9.1	PETITIONS	9
9.2	PRESENTATIONS.....	9
9.3	DEPUTATIONS	9
10	REPORTS	11
10.1	REPORTS OF OFFICERS	11
10.1.1	COTTESLOE TENNIS CLUB EXPANSION - FINAL RECOMMENDATION	11
10.2	REPORTS OF COMMITTEES.....	16
10.3	DEVELOPMENT SERVICES COMMITTEE MINUTES - 16 JUNE 2014.....	16
10.3.1	NO. 204 (LOT 22) MARINE PARADE - ADDITIONS AND ALTERATIONS TO THE FRONT AND SIDE OF AN EXISTING TWO STOREY DWELLING	16
10.3.2	NOS. 236-242 (LOTS 4, 5, 6 & 800) MARINE PARADE & 61 (LOT 801) MARGARET STREET - SINGLE DWELLING WITH BELOW-GROUND GARAGE/CELLAR AND POOL	21

	10.3.3 NO. 19 PERTH STREET - PROPOSED DEMOLITION OF DWELLING	32
10.4	WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 17 JUNE 2014	43
	10.4.1 DAVIS CUP TIE - SEPTEMBER 2014	43
	10.4.2 REVIEW OF BEACH POLICY	48
	10.4.3 ADOPTION OF THE 2014/2015 BUDGET	51
	10.4.4 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2013 TO 31 MAY 2014	61
	10.4.5 SCHEDULE OF INVESTMENTS AND LOANS AS AT 31 MAY 2014	63
	10.4.6 LIST OF ACCOUNTS FOR THE MONTH OF MAY 2014	65
	10.4.7 RATES AND SUNDRY DEBTORS REPORTS AS AT 31 MAY 2014	67
11	ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	69
12	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:	69
	12.1 ELECTED MEMBERS	69
	12.1.1 NORTH COTTESLOE SURF LIFE SAVING CLUB – LIQUOR LICENCE APPLICATION	69
	12.1.2 SUBMISSION TO EPA ON THE WA SHARK HAZARD MITIGATION DRUM LINE	70
	12.2 OFFICERS	71
13	MEETING CLOSED TO PUBLIC	71
	13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	71
	13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC	71
14	MEETING CLOSURE	71

1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 7:00 PM.

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Mayor announced that Music for Pleasure concerts start on 6 July and last for 9 weeks each Sunday until 31 August. Thank you for Councilors who have volunteered to host, we still have 3 more spaces to fill. The Mayor welcomed everybody to attend the concerts.

The Mayor formally congratulated Cottesloe Tennis club and the sponsor Events Corp and officers at the Town of Cottesloe for successfully winning the right to host the Davis Cup tie between Australia and Uzbekistan which will be on 12, 13, and 14 September 2014. The Tennis club has put in a lot of work and the Mayor reminded people that the Cup was last played in Perth in 2004 the players were Lleyton Hewitt, Wayne Arthurs and Todd Woodbridge and Australia won 3 out of 4 matches against Morocco and was held at Kings Park. It will be a good event for Cottesloe as Davis Cup is the largest team competition in the world.

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

Nil

4.2 PUBLIC QUESTIONS

Nil

5 PUBLIC STATEMENT TIME

Ms Margaret Chester, 2/154 Marine Parade, Cottesloe – Re. North Cottesloe Surf Life Saving Club – Liquor License

Ms Chester stated that she lives directly opposite the North Cottesloe Surf Life Saving Club and rejects the granting of a liquor license. She stated that events held throughout the year at the Club can be noisy affairs that run until midnight. The noise can be heard inside her property, ruining the quiet of the surrounding residential area. She stated that parking problems alongside Marine Parade may be exacerbated and that the club may struggle to control who attends the events and patrons may spill out on to the street. She also reminded the meeting that the Club is not a business venture.

Mr Geoff Jacoby, 3/154 Marine Parade, Cottesloe – Re. North Cottesloe Surf Life Saving Club – Liquor License

Mr Jacoby stated that he is representing himself and his wife and they have lived opposite the club for many years. He expressed an appreciation for Cottesloe and being able to live in close proximity to the Surf Club. He stated that he had moved to Cottesloe from Surfers Paradise, and had seen that area experience a change in culture over time in a way he believed to be objectionable. He expressed his fears that Cottesloe will undergo a similar change if the license is granted as the club will get louder and the desirability of the surrounding residential area will be reduced.

Mr Eric Phillips, 60 Marine Parade, Cottesloe – Re. North Cottesloe Surf Life Saving Club – Liquor License

Mr Phillips stated that he lives at 60 Marine Parade and owns 164 Marine Parade as a development property. When entering into this development in 2000 he had sought assurance that no other developments were to take place in the area nearby, with particular regards to the Surf Club. When purchasing the property he had not known that the Club would apply for an extended licence. He stated that the granting of the license will damage his investment and is not fair to those paying high property prices to live in the area.

Mr Laurie Fuhrmann, 5A Hamersley Street, Cottesloe – Re. North Cottesloe Surf Life Saving Club – Liquor License

Mr Fuhrmann rejected the granting of a liquor license to the North Cottesloe Surf Lifesaving Club on behalf of himself and his wife. Their property resides 100 metres from the Club and he stated that the noise from club functions can be quite significant within their property. Granting the license creates a possibility for numerous noisy functions up to seven nights a week every week, running until midnight. Both he and his wife are astonished that no community consultation had taken place before approval was given by Council at its July 2013 meeting. He too referred to the limited parking along Marine Parade stating that it is incompatible with the clubs function capacity of 300 persons or more, particularly during peak summer periods. He and his wife therefore do not support the license due to their belief regarding its potential to severely disrupt the amenity and quality of life of the nearby residential areas. He requested that Council's former approval of the permanent license be rescinded.

Mr Alex Norvilas, 4/150 Marine Parade, Cottesloe – Re. North Cottesloe Surf Life Saving Club – Liquor License

Mr. Norvilas referred to the location of his residence opposite the Ocean Beach Hotel (in a property that has been in his family for roughly 40 years) and the behaviour of the Hotel's patrons. He expressed his belief that this behaviour worsens during summer due to a large number of people celebrating over the festive season in thirsty weather. During this time patrons loiter outside the hotel, lingering for up to an hour after the venue has closed thereby creating a public nuisance. This will escalate with the granting of the permanent license to the Surf Club. He stated that it is in the public interest that venues for sporting and recreation exist where families and individuals can participate in activities that promote healthy lifestyles and family fun, but this license will increase the ties between alcohol consumption and sport. He

argued that as the club already offers a healthy lifestyle and a sense of belonging to its members without alcohol a license is unnecessary. He also stated that it is important to protect the clubs members from convenient exposure to alcohol. Its youth members may be influenced by the serving of alcohol and a drinking culture could develop within the club, and adult members may increase their alcohol intake. He questioned the clubs belief that the license will attract members as such a license would contradict the ethics of the club as a community group. He stated that the nature of the license would repel families, contrary to the clubs statements in its license application. He asserted that by granting the license Council had failed the Cottesloe community and ratepayers.

Ms Janet Reudavey, 156b Marine Parade, Cottesloe – Re. North Cottesloe Surf Life Saving Club – Liquor License

Ms Reudavey stated her position as a ratepayer of 30 years who resides directly opposite the club and does not understand Council's support of the Clubs' liquor license application without community consultation or impact assessments. She referred to the problems presented by other licensed premises in the area and questioned why a process more similar to that undertaken for Indiana Tavern's license application had not been carried out in this instance. The license will result in noise disturbances for surrounding properties, traffic congestion and parking problems, alcohol consumption in the club surrounds, and negative implications for residents sleep quality, health, and the overall amenity of the area and nearby homes. She referred to the existing three commercial licenses within 100 metres of the club, one of which shares premises with the club, and no other license has been granted permitting similar hours in a similar proximity to high density residential areas. She argued that the only benefit will be for members, not for residents, and that Yalumba (a sponsor of the club) may provide discounted and takeaway liquor will result in antisocial behaviour and noise disturbances. The license will diminish the value of investments in nearby residential locations and the Club has failed to appropriately communicate with residents. She requested that the Council withdraw support for the license and withdraw or suspend the Section 40 certificate until further consideration of the matter is given.

Mr Tim Monaghan, 26 Norfolk Street, Fremantle – Re. North Cottesloe Surf Life Saving Club – Liquor License

Mr Monaghan stated that he was speaking on behalf of Marilyn New, who lives at 166 Marine Parade, Cottesloe due to her being overseas. Ms New holds many concerns regarding the liquor license. Whilst she makes no complaints regarding previously held functions at the Surf Club, she believes that since the renovations to the Club premises there has been an increase in noise disturbances audible through closed windows until midnight, which negatively affects her lifestyle. She is concerned due to the lack of consultation from the Club or the Council on the matter and she had only become aware of the change in licensing through mandatory advertising. She also believes there is a lack of detail in the Clubs application, with no limit on the number of events to be held throughout the year, the use of open air spaces, entertainment, the number of guests, the size of the events, and the extent of the trading hours permitted. She wishes to have her concerns made public and will be making further enquiries on the matter.

Mr Rex Langmead, 3/160 Marine Parade, Cottesloe – Re. North Cottesloe Surf Life Saving Club – Liquor License

Mr Langmead explained that his family have lived at 160 Marine Parade since 1954 and he is concerned that the Club's liquor license will harm the amenity of the area. He referred to the trading hours allowed by the license and expressed his fear that this will result in weekly pub functions which will affect residential amenity in a similar way to weekly fundraising events that the club had relied on in the 1980's. He also referred to the lack of community consultation undertaken before approval for the license application was granted.

Mr Will Boulden, 3/158 Marine Parade, Cottesloe – North Cottesloe Surf Life Saving Club – Liquor License

Mr Boulden referred to the application made by the Surf Club to the Department of Racing, Gaming and Liquor WA and stated that the Club holds a lack of regard and respect for its nearby residents, as evidenced by the behaviour of attendees of the clubs functions during and after its events. He stated that his own property had been disrespected by its members following a function and that he opposes the license despite knowing many active members of the club. He argued that the club's role in the community is to provide life saving services and to encourage a healthy lifestyle, and that these roles will be diminished by the unrestricted liquor license. He stated that despite being eighteen and enjoying drinking with mates, Council's approval of the license was horrifying to him. He also detailed an encounter with an intoxicated member of the club following a function and requested that Council withdraw its approval of the unrestricted liquor license.

Mrs Yvonne Hart, 26 Mann Street, Cottesloe – Re. North Cottesloe Surf Life Saving Club – Liquor License

Ms Hart spoke as Chair of the Cottesloe Residents and Ratepayers' Association (SOS) and explained that one of their objectives is to work with council and represent the views of ratepayers. She questioned the necessity of an unrestricted liquor license for a surf club, particularly for the approved hours on all days of the week. Whilst the license is convenient for the Club, it is not in the best interests of nearby residents and whilst the Club has stated it will not become a commercial venue, Council has not fully considered the implications of the license for nearby residents. She questioned the ability of the Club and Councillors to demonstrate that the license is in the community's best interests, and whether any potential traffic management and parking issues as a result of the license have been considered. Council's approval for the license should be withdrawn until it has had time to fully consider its implications for surrounding residents, particularly with regards to noise, traffic, numbers of people, and anti social behaviour.

Mrs Yvonne Hart, 26 Mann Street, Cottesloe – Re. Whalebone Classic

Ms Hart stated that the Whalebone Classic is an event that has been held at Isolators Reefs, Cottesloe for 16 years and each year up until now Council has donated to the event. This year it is offering free rubbish bins for use during the event. She urged Council to reconsider this removal of support due to the local importance of the event.

Mr Peter Dunn, Fun's Back Surf, 120 Marine Parade Cottesloe – Re: Whalebone Classic

Mr Dunn stated that he is the founder of the Whalebone Classic, which started in 1998 and now has world class surfers entering, including applicants from Hawaii this year. It is a family oriented event featuring Australian surfing champions who live locally. The event has a large following, with visitors coming from all over the world. He stated that one of the biggest problems is toilets as the cost of putting up and cleaning out 6 toilets equals \$2000 and the costs of running the event have risen every year. He referred to the event towel given by the event to all international competitors this year and that these towels can be seen in the Eastern states and internationally being used by international surfing competitors, ensuring that the event promotes Cottesloe. He stated that this is the event is in its 17th year and that he would love the support of the Cottesloe Council.

The Mayor responded that Council is supporting the Whalebone Classic, however due to a significant number of requests for assistance by community groups this year it has been recommended at \$3500 for 2014/15.

Mr Dougal McLay, 4 Warnham Road, Cottesloe – Re. North Cottesloe Surf Life Saving Club – Liquor License

Mr McLay stated his support for the complaint against the unrestricted licensing of the Surf Club due to the behaviour and noise created by functions at the Club, with reference to his experiences of the Cottesloe Beach Hotel. The license will keep residents awake until midnight, resulting in many people disrespecting the surrounding areas over time. He referred to Ms Rodavey's statements regarding premises in Cottesloe holding an unrestricted license, and commented on the repercussions of the unrestricted licenses held by the Cottesloe Beach Hotel and the Indiana Tea Room. He stated that he has witnessed individuals defiling surrounding properties and laneways resulting in a long term battle between residents and those businesses and their patrons. He implored the surrounding residents and Council to object to the Department of Racing, Gaming and Liquor via section 117 of the Liquor Control Act 1988.

Dougal McLay, 4 Warnham Road, Cottesloe – Re. Cottesloe Beach Hotel Noise

Mr McLay referred to the Department of Racing, Gaming and Liquor WA notice for objectors to the noise from the Cottesloe Beach Hotel. Further submissions and evidence must be submitted by June 30th, 2014. He then asked whether Council is lodging further submissions and evidence regarding the unreasonable noise created by the hotel.

The Mayor referred the question to the Manager Development Services who advised that the Town had already confirmed to the DRGL that the stage two noise attenuation works had been approved and were to be implemented.

Ms Sue Freeth, 1 Florence Street, Cottesloe – Re. Item 10.1.1 - Cottesloe Tennis Club Expansion – Final Recommendation

Ms Freeth expressed thanks on behalf of Cottesloe Coastcare to Council and Mr. Andrew Jackson for the opportunity to be involved with the planning of

John Black Dune Park. They have met with landscape consultants and look forward to the concept plan for the park. She stated that the report concerns two matters considered to be important by Cottesloe Coastcare. She expressed the support of Cottesloe Coastcare for the Officers Recommendation to reduce the buffer zone on the Tennis Club's western boundary so that John Black Dune Park reserve is minimally affected. She then referred to point 2 of the Recommendation, which notes that the Construction Management Plan will address construction access including affecting John Black Dune Park. She stated that Coastcare has submitted a vegetation map of the park to consultants showing stands of important remnant vegetation near the western boundary that must be protected, and Coastcare is willing to attend onsite meetings for further clarification. She then stated that the organisation is looking forward to working with the town on planning for the reserve as it is an opportunity to transform a degraded space into a community asset.

In relation to the North Cottesloe Surf Life Saving Club liquor licence, the Mayor responded that it was initially supported by Council in July 2013 and whilst she appreciates everyone for speaking tonight, it is not on the Agenda for discussion. However it can be raised as an item of new business of an urgent nature. All comments have been noted and will be considered as part of any debate.

6 ATTENDANCE

Present

Mayor Jo Dawkins
Cr Jack Walsh
Cr Helen Burke
Cr Philip Angers
Cr Katrina Downes
Cr Sally Pyvis
Cr Robert Rowell
Cr Jay Birnbrauer

Officers Present

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

6.1 APOLOGIES

Officer Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Cr Peter Jeanes

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Burke, seconded Cr Downes

That Cr Burke's request for leave of absence from the July round of meetings be granted.

Carried 8/0

7 DECLARATION OF INTERESTS

Mayor Dawkins declared an impartiality interest in item 10.1.1, due to being a member of the Tennis Club.

Cr Downes declared an impartiality interest in item 10.1.1, due to being a member of the Tennis Club.

Cr Pyvis declared an impartiality interest in item 10.3.1, due to the applicant being her brother.

Mayor Dawkins declared a conflict of interest in item 10.3.3, due to being a close friend of the applicant.

Mayor Dawkins declared a impartiality interest in item 10.4.1, due to being a member of the Tennis Club.

Cr Downes declared a impartiality interest in item 10.4.1, due to being a member of the Tennis Club.

Mayor Dawkins declared a financial interest in item 10.4.3 (Part 6) - Mayoral Allowance.

8 CONFIRMATION OF MINUTES

Moved Cr Burke, seconded Cr Angers

[Minutes May 26 2014 Council.DOCX](#)

The Minutes of the Ordinary meeting of Council held on Monday, 26 May, 2014 be confirmed.

Carried 8/0

9 PRESENTATIONS

9.1 PETITIONS

Nil

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

For the benefit of the members of public present, the Presiding Member advised that item 10.3.3 had been withdrawn from the Development Services Committee and items 10.4.1 and 10.4.3 had been withdrawn from the Works and Corporate Services Committee items for consideration and would be determined first.

The remainder items were dealt with 'En Bloc.

She advised the members of the public present that items related to North Cottesloe Surf Life Saving Club Liquor Licence application and submission to the EPA on the WA Shark Hazard Mitigation Drum Line Program would be dealt with at the end of the meeting under New Business of Urgent Nature.

10 REPORTS**10.1 REPORTS OF OFFICERS**

Mayor Dawkins declared an impartiality interest in item 10.1.1 Cottesloe Tennis Club Expansion - Final Recommendation due to being a member of the Tennis Club, and stated that as a consequence there may be a perception that her impartiality may be affected and declared that she would consider the matter on its merits and vote accordingly.

Cr Downes declared an impartiality interest in item 10.1.1 Cottesloe Tennis Club Expansion - Final Recommendation due to being a member of the Tennis Club, and stated that as a consequence there may be a perception that her impartiality may be affected and declared that she would consider the matter on its merits and vote accordingly.

10.1.1 COTTESLOE TENNIS CLUB EXPANSION - FINAL RECOMMENDATION

File Ref:	2917
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Andrew Jackson Manager Development Services
Proposed Meeting Date:	23 June 2014
Author Disclosure of Interest:	Nil
MRS Reservation:	Parks & Recreation

SUMMARY

The purpose of this report is for Council to finalise its recommendation to the Western Australian Planning Commission (WAPC) in support of the Cottesloe Tennis Club (CTC) expansion proposal, comprising four more grass and hard courts each. The report recommends conditions to be placed on the planning approval.

BACKGROUND

Council at its 5 May 2014 meeting considered a report and additional material regarding the proposal to expand the Tennis Club site westward and resolved to:

- 1. Support the formal proposal for expansion of the Cottesloe Tennis Club site, including making a development application to the Western Australian Planning Commission and amending the lease boundary and lease document.*
- 2. Request the Club liaise with the Town and prepare more detailed information for consultation, further consideration by Council and submission to the Commission, such as: photos of the existing site and surrounds; drawings of the northern, southern and western elevations; likely retaining walls, bunds and landscape treatments; likely materials, finishes and colours.*

3. *Request staff undertake appropriate community consultation on the proposal and to report back to Council for its recommendation to the Commission.*
4. *Request staff advise the Club of its decision, including that Council cannot commit to any funding until planning approval, accurate costs and an agreed arrangement with the Cottesloe Tennis Club have been satisfied.*
5. *In conjunction with the above, request staff to engage a landscape consultant to prepare a concept plan to upgrade John Black Dune Park and Car Park No. 2, for Council consideration of approval, funding and works, taking into account the proposal to expand the Tennis Club, the Cottesloe Natural Areas Management Plan and the Cottesloe Foreshore Redevelopment Plan.*

The Town subsequently wrote to the CTC and Cottesloe Coastcare Association advising of Council's resolution. The points resolved have since been addressed to progress the Tennis Club and Dune Park proposals, sufficient to enable Council to confirm and condition its support for the development application lodged with and to be determined by the WAPC.

STRATEGIC IMPLICATIONS

Relates to planning for open space and fostering community facilities serving the district.

POLICY IMPLICATIONS

Relates to managing assets and providing infrastructure.

FINANCIAL IMPLICATIONS

The CTC has indicated approaching the Town and tennis organisations for funding assistance, which is to be considered by the parties further to the development application – this does not form part of the present decision.

STATUTORY ENVIRONMENT

Local Government Act; Land Administration Act; Metropolitan Region Scheme.

SUSTAINABILITY IMPLICATIONS

The CTC and Dune Park proposals are to be conscious of sustainability measures.

CONSULTATION

The Town has engaged landscape consultants and initiated the concept plan project focussed on John Black Dune Park. Productive meetings have been held between the Town and consultants with Coastcare and the CTC, to gather information about the park planning and discuss the interface with the Tennis Club extension. This has facilitated the consultant's appreciation of Coastcare's data base and aspirations for the Dune Park, and understanding of the physical extension of the Tennis Club for integration with improvement of the Dune Park.

The Dune Park concept is to have regard to views and planting for wind breaks, as well as the edge treatments to the Tennis Club site and any buffer requirement within the lease area. The preliminary plan is currently being prepared for Council

consideration then consultation and completion. This will dovetail with the detailed design of the Tennis Club extension, which will enable the Town to coordinate construction for successful integration with improvement of the Dune Park.

The Town has also liaised with the CTC regarding aspects of the physical works, including: the proposed limestone retaining wall to the S-W corner on Napier Street; court surfaces and colours; fencing height, materials and colours; and lighting height, design and control. These technical and aesthetic considerations remain to be determined during the detailed design phase and the CTC intends to consult the Town at that stage. Recommended conditions to the WAPC cover these matters.

The CTC has kept its members informed and has also provided additional plans showing cross-sections and the retaining wall, which the Town will forward to the WAPC to assist its assessment of the proposal.

The Town has written to 26 property owners along Napier Street and Bryan Way informing them of the CTC's development application, inviting viewing of the plans and the submission of any comments. The letter also advised that the Town has commenced concept planning for improvement of the Dune Park, in conjunction with the Tennis Club project and subject to future consultation. To date two enquiries have been made, one by an owner (non-resident) on Napier Street and the other from an owner (resident) on Gadsdon Street. Their feedback comprised: (i) support for improving the Dune Park, Car Park No. 2 and the foreshore generally, and (ii) no objection raised to the Tennis Club proposal but trust that the urban design (ie structures, materials, finishes) will be of good quality and attractive appearance.

In addition, there have been local press articles about the CTC proposal whereby the wider community would be aware of it.

PLANNING COMMENT

Council has supported the Tennis Club expansion and lodged the necessary development application with the WAPC. Council has also committed to improve John Black Dune Park in its own right and taking into account the expansion. The Dune Park project is underway and informs the Tennis Club proposal.

The consultation overseen by the Town in connection with both projects has assisted in devising appropriate conditions to manage the design and development details of the Tennis Club proposal, as set out below.

The current lease boundary provides a ten metre wide buffer to the northern and western sides of the Tennis Club site, originally conceived for amenity and maintenance. To the north this exists as a landscaped bank along Bryan Way, providing separation from residences. To the west it is not defined, being physically and visually within the Dune Park area. While it is desirable to be kept alongside the Bryan Way dwellings, there is less need for a formal buffer to the west where the Club site adjoins the Dune Park.

Consultation by the consultants and Town with Coastcare and the Club have discussed that this buffer could be minimised and disguised as part of the Dune Park landscaping (ie similar to as it is). The precise extent of a new western buffer is to be determined by the Town following development approval and detailed design of the

Tennis Club expansion together with progress of the Dune Park concept plan, and reflected in a lease boundary adjustment as an administrative process.

As to funding of the Tennis Club expansion, whether the Town contributes remains to be considered as a separate step not tied to the development application; subject to a formal request, more information and reporting to Council for a decision.

CONCLUSION

The CTC expansion proposal has coincided with producing a plan to improve John Black Dune Park. Consultation undertaken has identified relevant aspects to be addressed, as articulated in the recommended conditions for planning approval of the CTC application to manage detailed design and development.

The Dune Park concept plan will be brought to Council for ongoing consideration and consultation in the near future.

VOTING

Simple Majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Rowell

THAT Council confirms its support for expansion of the Cottesloe Tennis Club as indicated in the development application submitted to the Western Australian Planning Commission, and recommends the following conditions of approval to address the detailed design and construction requirements:

- 1. In order to obtain any necessary Building Permit or construction works approvals from the Town affecting the Tennis Club site and the public domain, prior to the commencement of development the Club shall liaise with the Town and submit details of the following for approval:**
 - a. A land survey of the extension area, affected features and proposed infrastructure in relation to the Tennis Club site, John Black Dune Park and the surrounds.**
 - b. All retaining walls, cut and fill, earth batters/bunds or other ground level treatments to the boundaries of and within the Tennis Club site.**
 - c. The surface material and colour of all new or modified tennis courts.**
 - d. The layout, design, height, materials and colours of all new or modified perimeter and internal fencing.**
 - e. The design, height, materials, colours, specification and control of all new or modified lighting within the Tennis Club site, having regard to the amenity of surrounding areas. This may include night-time limits on lighting.**
 - f. The drainage system for the tennis courts, grounds, buildings and structures within the Tennis Club site and in relation to surrounding areas, in order to manage stormwater runoff.**
 - g. The location, extent and type of landscaping envisaged within the Tennis Club site or the buffer area within the lease boundary**

under the lease from the Town, particularly in relation to John Black Dune Park.

2. A comprehensive Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit or works approvals, and shall address (amongst other things): construction access including affecting John Black Dune Park; traffic management and safety for the site and surrounding footpaths, verges and streets; worker parking; machinery and materials storage and security; dust and noise control; days and times of construction activity; notification to nearby properties and complaints handling; verge and tree protection and rehabilitation; and any staging of the development.
3. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction sites.

Carried 8/0

10.2 REPORTS OF COMMITTEES**10.3 DEVELOPMENT SERVICES COMMITTEE MINUTES - 16 JUNE 2014**

Cr Pyvis declared an impartiality interest in item 10.3.1 No. 204 (Lot 22) Marine Parade - Additions and Alterations to the Front and Side of an Existing Two Storey Dwelling due the applicant being her brother, and stated that as a consequence there may be a perception that her impartiality may be affected and declared that she would consider the matter on its merits and vote accordingly.

10.3.1 NO. 204 (LOT 22) MARINE PARADE - ADDITIONS AND ALTERATIONS TO THE FRONT AND SIDE OF AN EXISTING TWO STOREY DWELLING

File Ref:	2909
Attachments:	204 Marine Pde Aerial 204 Marine Pde Plans 204 Marine Pde Property Photo Floor Plan 202 Marine
Responsible Officer:	Andrew Jackson Manager Development Services
Author:	Ronald Boswell Planning Officer
Proposed Meeting Date:	16 June 2014
Author Disclosure of Interest:	Nil
Property Owner	Richard & Mandy Pyvis
Applicant	Maurice Ford
Date of Application	15 April 2014
Zoning:	Residential R20
Use:	P - A use that is permitted under this Scheme
Lot Area:	364m²
M.R.S. Reservation:	Not applicable

SUMMARY

This application is seeking the following variations to Council's Scheme and the Residential Design Codes:

- Front setback
- Visual privacy

Each of these aspects is discussed in this report and refers to plans received on 15 April 2014.

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

PROPOSAL

This development application is for additions and alterations to the front and side of an existing two storey dwelling.

Additions:

- Double glazed windows to bedroom 1.
- WIR to bedroom 1.
- Ensuite to bedroom 1.
- Double entry doors to den and family room.
- Aluminium fence to sit on top of existing brick front boundary wall.
- Deck over side-rear courtyard with privacy screening.
- New entry door.
- Balcony at the front of the dwelling with privacy screening.
- Stackable doors to first floor living room.
- Window to front informal living room.

Alterations:

- Bedroom 1 in lieu of living room.
- Study/den in lieu of dining room.
- Replace family window with stackable sliding door.
- Kitchen remodelled.
- Bathroom renovated.
- Demolish existing walls in entry hall and kitchen.
- New first floor living area including kitchenette in lieu of bedroom 1/WIR and study.

STATUTORY ENVIRONMENT

- Town Planning Scheme No. 2
- Residential Design Codes

PROPOSED LOCAL PLANNING SCHEME NO. 3

R25 is proposed as the density coding of this lot.

APPLICATION ASSESMENT**Areas of non-compliance****Residential Design Codes**

Design Element	Deemed-to-comply	Proposed	Design principles
5.4 Building design	7.5m cone of vision	2.8m, 5m	Clause 5.4.1 – P1.1 & P1.2

Council Policy/Resolution

Design Element	Permitted	Proposed
Streetscape	6m front setback (Council resolution 28/10/02).	4.5m to balcony.
Fencing	Open-aspect above 0.9m in front setback.	Solid letterbox at 1.5m long and 1.25m high.

ADVERTISING OF PROPOSAL

The application was advertised to adjoining owners in accordance with TPS2. No submissions were received during the advertising period.

PLANNING COMMENT

The following comments are made with respect to the proposed development:

Front setback

In 2002 Council resolved to generally require a 6m front setback for residential development which does not include averaging (for the preservation of streetscape, view corridors and amenity) regardless of the density coding.

The existing two storey dwelling protrudes forward of the 6m front setback and is setback 4.9m from the front boundary and the proposed balcony will be setback 4.5m from the front boundary. The applicant has increased the setback from the 4m originally proposed.

The dwelling adjoining 204 Marine Parade (No. 202 Marine Parade) received an approval by Council on 14 February 2012 for various concessions including a reduced setback for the balcony. Therefore the applicant has moved the balcony proposed for 204 Marine Parade to keep it in line with the newly built balcony at No. 202 Marine Parade.

The existing dwelling fits in with the pattern of reduced setbacks on the small lots along Marine Parade which has an open feel and looks to the ocean (ie with no development opposite). It also maintains the setback of the balcony that was recently constructed at No. 202 Marine Parade with Council approval and the design will compliment that dwelling.

The additions and alterations essentially revitalise the dwelling and maintain the streetscape arrangement with the dwellings either side. The overall degree of variation sought is relatively minor (whereas small lot dwelling designs can tend to seek quite significant variations), and does not affect neighbouring properties.

Visual privacy

The proposed first floor balcony to the front of the dwelling will have a 2.8m cone of vision to the northern boundary and a 5m cone of vision to the southern boundary, in lieu of 7.5m behind the front setback as required under the *deemed-to-comply* standards in the RDC. However, all overlooking is into the front setback areas and road reserve and does not pose any adverse affect on visual privacy for the neighbouring properties.

Fencing in front setback

A 1.5m wide x 1.25m high solid letterbox is proposed at the northern end of the western boundary wall (front fence).

This letterbox constitutes a variation to the Town's Fencing Local Law (FLL). Its length will only extend approximately 15% of the total length of the lot boundary with the remainder of the frontage having solid and open-aspect fencing that complies with the FLL. As such it is considered that this variation may be supported by Council as it is unlikely to have any significant adverse impact on the streetscape or neighbouring properties.

CONCLUSION

The proposed additions and alterations to the two storey dwelling can be supported as they represent acceptable variations under the RDC, Council's Resolution and the FLL. It satisfies the relevant performance criteria of the RDC and may be supported by Council. Furthermore, no submissions have been received from adjoining owners. The development is fully-compliant with the building height requirements of TPS2 and it is considered that the proposed addition will contribute to the prevailing streetscape.

COMMITTEE COMMENT

Committee was satisfied with the proposal and saw no need to discuss any detail.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Rowell

THAT Council GRANT its approval to Commence Development for Additions and Alterations to the Front and Side of an Existing Two Storey Dwelling at 204 Marine Parade, Cottesloe, in accordance with the plans received on 15 April 2014 and the revised plans received on 15 May 2014, subject to the following conditions:

1. All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. – Construction sites.
2. The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
3. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.
4. The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
5. Air-conditioning plant and equipment shall be located closer to the dwelling than adjoining dwellings, and suitably housed or treated as may be necessary to ensure that sound levels do not exceed those specified in the Environment Protection (Noise) Regulations 1997.

Advice Notes:

1. The owner/applicant is responsible for ensuring that all boundaries shown on the approved plans are correct and that the proposed development is constructed entirely with the owner's property.
2. The owner/applicant is responsible to apply to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.

Carried 8/0

**10.3.2 NOS. 236-242 (LOTS 4, 5, 6 & 800) MARINE PARADE & 61 (LOT 801)
MARGARET STREET - SINGLE DWELLING WITH BELOW-GROUND
GARAGE/CELLAR AND POOL**

File Ref: 2838 & 2841
Attachments: [236 242 Marine Pde Aerial](#)
[236 242 Marine Pde Submission](#)
[236 242 Marine Pde Property Photos](#)
[236 242 Marine Pde Plans](#)
[236 242 Marine Pde Pool Fencing](#)
Responsible Officer: Andrew Jackson
Manager Development Services
Author: Ed Drewett
Senior Planning Officer
Proposed Meeting Date: 16 June 2014
Author Disclosure of Interest: Nil
Property Owner: Stephen Tobin
Applicant: Hartree & Associates Architects
Date of Applications: 13 January 2014
Zoning: Residential R20
Use: P - A use that is permitted under this Scheme
Total Lot Area: 1877m² (following amalgamation)
M.R.S. Reservation: Not applicable

SUMMARY

Two planning applications have been submitted for this proposed development. One is for a proposed dwelling (DA 2841) and the other is for a swimming pool, fencing, retaining walls and landscaping (DA 2838).

These applications are seeking the following variations to Council's Scheme, Policies, Local Laws or the Residential Design Codes:

DA 2841

- Storeys
- Building height

DA 2838

- Front setback to pool
- Fencing

Each of these aspects is discussed in this report and refers to plans received on 19 May 2014.

Given the assessment that has been undertaken, the recommendation is to conditionally approve the application for the proposed dwelling subject to it not exceeding two storeys, and to conditionally approve the pool, retaining walls and landscaping.

PROPOSAL

The proposed dwelling is of contemporary design and comprises undercroft parking, a lower ground floor level, upper ground floor level, first floor level/terrace, and a pool. These are detailed as follows:

Basement level

- parking;
- store;
- cellar;
- lift;
- stairway;
- water tanks.

Lower ground floor level

- four bedrooms with ensuites;
- family room;
- store;
- laundry;
- lobby;
- lift;
- stairway/entry.

Upper ground level

- living room;
- kitchen/dining-room;
- rear terrace;
- library;
- lobby;
- lift;
- WC;
- stairway;
- courtyard area.

First floor/terrace

- bedroom with ensuite;
- walk-in robe;
- lobby;
- lift;
- terrace;
- covered stairway.

STATUTORY ENVIRONMENT

- Town Planning Scheme No. 2
- Residential Design Codes
- Fencing Local Law

PROPOSED LOCAL PLANNING SCHEME NO. 3

It is proposed to increase the density coding to R25 and to measure building heights between any point of natural ground level and the uppermost part of the building directly above that point.

HERITAGE LISTING

- N/A

APPLICATION ASSESSMENT**Areas of non-compliance****Town Planning Scheme No. 2**

	Permitted	Proposed
Storeys	Maximum 2 storeys, except that Council may permit a third storey to be located within the roof space and allow an undercroft space in accordance with TPS 2 clause 5.1.1.	3 storeys
Building height.	Max. wall height: 6m Max. flat roof height: 7m	Wall height: 7.05m (RL: 21.3) Flat roof height: 8.05m (RL: 22.3)

Council resolution/local law

	Permitted	Proposed
Streetscape	6m front setback (Council resolution 28/10/02).	5.4m to above-ground pool.
Fencing in front setback area.	0.9m unless open-aspect	0.9m - 1.1m along front boundary; 1.8m solid along southern elevation in front setback.

CONSULTATION

The application was advertised to 11 adjoining owners in accordance with TPS 2. No submissions have been received.

BACKGROUND

A history of applications on this site is as follows:

22 June 2009

Council approved a two-storey dwelling with undercroft and pool at 238-240 (Lots 4 & 5) Marine Parade (DA 1631). Expired 30 June 2011.

1 February 2010

The Town issued a Building Permit for earthworks on Lots 3 & 4. These works have been commenced.

1 June 2010

Amalgamation of Lots 4 and 5 approved by the WAPC. Expired 1 June 2013.

9 May 2011

Amalgamation of Lots 4, 5, 6, 800 & 801 approved by the WAPC. Expired 9 May 2014.

11 June 2011

Building Permit submitted for new dwelling. Not issued. Proposal pending further design.

13 January 2014

Current applications submitted.

Following an assessment of the current planning applications, the Town has been liaising extensively with the applicant and owner regarding maximum permitted storeys, building heights, front setbacks, fill/retaining walls and fencing. The Town subsequently received amended plans on 19 May 2014 which address some of the concerns raised but do not satisfy all of Council's requirements.

PLANNING ASSESSMENT

The following technical assessment is made with respect to variations sought under TPS 2 and Council requirements.

Storeys

The proposed development, including landscaping, fencing and pool, straddles five existing lots which are proposed to be amalgamated into one.

For the purposes of determining whether the proposed development exceeds the maximum two-storeys permitted under the Scheme, it has been necessary to determine the natural ground level (NGL) at the centre of the proposed amalgamated lots. This has been calculated at RL:14.25 using the corners of the site in accordance with Council Policy.

Clause 5.1.1(a) of TPS 2 advises:

Council's general policy for development within the district favours low rise development of no more than 2 storeys to maintain privacy, views and general amenity notwithstanding that Council may consider the circumstances and merits of each case in terms of amenity and development control provisions of this Scheme. In exercising height control policies Council will not regard as a storey undercroft space

designed and used for a lift shaft, stairway, meter room, bathroom, shower room, laundry, WC, other sanitary compartments, cellar, corridor, hallway, lobby, the parking of vehicles or any storeroom without windows or any workshop appurtenant to a car parking area where that space is not higher than 1m above the footpath level measured at the centre of the site along the boundary to which the space has frontage or where that space is below the NGL measured at the centre of the site as determined by Council.

Schedule 2 of TPS 2 provides the following definitions:

Storey: means that portion of a building which is situated between the top of any floor and the top of the floor next above, or if there is no floor above it, that portion between the top of the floor and the ceiling above it.

Building: Any structure whether fixed or moveable, temporary or permanent, placed or erected on land, and the term includes dwellings and structures appurtenant to dwellings such as carports, garages, verandahs, patios, outbuildings and retaining walls, but excludes boundary fences, pergolas and swimming pools (as stated in the RDC).

The proposed basement level constitutes an undercroft as it satisfies TPS 2 Clause 5.1.1(a). However, the proposed lower ground level constitutes a separate storey as the top of the floor level next above is 1.479m higher than that required under Clause 5.1.1(a) assuming the NGL at the centre of the lot is taken as the reference point. The alternative method of determining whether a space is considered a storey, by assuming a 1m height above the footpath level at the centre of the site along the boundary to which the space has frontage, does not help in this situation as the only visible street frontage of the lower ground floor is to Marine Parade which would provide a lower reference point than the centre NGL calculation. Furthermore, Margaret Street cannot be used as a reference point as the proposed lower ground floor space does not have frontage to that street.

The proposed lower ground floor also contains habitable rooms so even if the floor above it was lowered to below RL:14.25, only the proposed store, plant room, lift, stairs, laundry, bathrooms and entrance could be excluded from being counted as a storey. Therefore, the proposed covered stairway to the first level/terrace would have to be deleted to avoid this part of the dwelling being three-storeys, as the covered stairway is not excluded from the definition of a building. Furthermore, the covered stairway on the roof terrace could not be considered as being within the roof space of the dwelling as although the overall roof height is below 8.5m as required, the proposed wall heights (including the balustrades) are 6.25m (RL: 20.5) above NGL, which exceeds the maximum 6m wall height permitted under TPS 2 clause 5.1.1(b)(ii):

Council may permit a third storey to be located within the roof space of a dwelling provided that the development complies with the maximum wall and roof height provisions stipulated at paragraph(c) of this clause and also provided that, in Council's opinion, the dwelling will retain the appearance of a two-storey dwelling and will not adversely affect local amenity.

Council does not have discretion to approve a third storey in a residential zone where it does not satisfy clause 5.1.1(b)(ii), as this clause prevails over the general policy in the Scheme and over the RDC. It is therefore necessary for the applicant to revise the proposal to satisfy this requirement.

Building height

Clause 5.1.1(c) of TPS 2 contemplates an 8.5m maximum building height to the crown of a roof and a maximum wall height of 6m, measured from the NGL at the centre of the site. Council may vary this in exceptional cases where natural ground forms indicate that a variation is warranted provided that the amenity of the neighbouring area is not unreasonably diminished.

The traditional method used by Council for assessing concealed or flat roof designs has been to refer to the RDC which provide for a maximum wall height of 7m under the deemed-to-comply provisions.

It is proposed to construct the following:

- A curved gable-ended roof with a maximum height of 8.05m (RL: 22.3) above the calculated NGL (R: 14.25);
- Walls beneath the gable with maximum heights of 7.05m (RL: 21.3) above the calculated NGL; and
- A flat roof with a height of 8.05m (RL: 22.3) above the calculated NGL.

The overall height of the curved gable-ended roof is 0.45m below the maximum permitted height and therefore satisfies TPS 2. However, the proposed flat roof and walls below the curved gable-ended roof are 1.05m overheight and require approval by Council.

The overall site has a 3.53m fall from its north-east to south-west boundaries and is situated between two-storey dwellings on the northern side, and a two-storey dwelling fronting Margaret Street and a four storey block of units fronting Marine Parade on the southern side.

The existing dwellings on Lots 800 and 801 are owned by the same owner and are proposed to be demolished, whilst the existing dwelling on Lot 2, also owned by the same owner, is to be retained on a separate lot.

In considering the previous application for a dwelling on this site in 2009 Council approved the same wall height below the curved gable roof as that currently proposed, notwithstanding objections that were raised from the previous owner of 61 Margaret Street (since acquired and now to be demolished). The overall ridge height also remains the same as that previously approved. However, the proposed flat roof section that is approximately 32.5m² in area and located in the centre of the proposed dwelling, is 0.45m higher with a 2.5m ceiling height, although this could be reduced to 2.1m under the BCA which would reduce the overall building height.

The inclusion of 61 Margaret Street (Lot 801) in the current proposal allows the calculated NGL at the centre of the lot to be increased from RL:13.8 to RL:14.25 as Margaret Street is on the higher part of the site. As such, the building height variations are less than that previously approved. Furthermore, the inclusion of 236 Marine Parade (Lot 6) avoids any issue of overshadowing which was previously of concern to Council.

Therefore, having regard to TPS 2 and the RDC the proposed increased heights are supportable taking into account privacy, views, amenity, the desired height of building in the locality and overshadowing.

As assessed privacy and overshadowing satisfy the deemed-to-comply standards of the RDC and views of significance will not be significantly affected. Furthermore, whilst it is desirable to maintain low rise development in the locality, the presence of relatively high ridge lines on the existing adjoining properties would reduce the overall visual impact of the proposed dwelling in terms of bulk and scale. The applicant has shown the proposed heights in the context of the existing streetscape on drawing numbers A0.02 and A0.03, as well as shown the heights of the previous approved development on the site, which assists in demonstrating the potential visual impact of the proposed building heights on the existing streetscape.

Front setback to pool

An above-ground pool is proposed on the northern side of the site with a 5.4m minimum front setback, in lieu of Council's preferred 6m setback, and its wall height is approximately 2.4m which is significantly less than a single-storey building height for setback purposes. As the proposed dwelling has a front setback ranging from approximately 7m to 13m the proposed intrusion of the pool is well-compensated for by at least an equal area of open space behind the setback line. Furthermore, the total width of the proposed site is 40.24m (following amalgamation of four lots) and the area of the pool in the front setback area would only represent approximately 14% of the frontage so is unlikely to have any significant visual impact on the streetscape. The remainder of the site will also be extensively landscaped.

Although the pool could be designed to comply given the ample space available, Council previously approved a cantilevered pool with a 5m front setback located in front of the proposed dwelling on the site. The current pool design is setback further than the previous design, is to the side of the dwelling, and is on a significantly larger site.

Fencing in front setback

A solid wall ranging in height from 0.9m to 1.1m with open-aspect fencing above is proposed along the front of the site with an open-aspect sliding gate for vehicle access and entry gate for pedestrian access. A solid 1.8m high wall is also proposed along the southern boundary within the front setback area.

Although this constitutes a variation to Council's Fencing Local Law the proposed height variation to the solid section of wall along the front of the site is considered minor and would not have any significant adverse impact on the streetscape. However, the section of wall along the southern boundary within the front setback

should be amended to be of an open-aspect design above 0.9m to satisfy Local Law requirements. The owner will also need to liaise with the adjoining owners prior to commencement of works along the common boundary.

CONCLUSION

The proposed dwelling complies with TPS 2 and the RDC with the exception of the points discussed in this report. The original approval for a dwelling on the site has expired and although some earthworks were carried out within the necessary timeframe this is not considered sufficient to constitute substantial commencement of development.

The current application is similar to the previous proposal but contains various modifications which require consideration by Council. From a pure design prospective, despite its proportions, the proposal can be seen to suit the site and surrounds. Nonetheless, Council is unable to approve the development as submitted as it does not have discretion to approve three storeys in a residential zone.

COMMITTEE COMMENT

Committee was mindful of the site characteristics and the architectural concept, whilst also recognising the Scheme requirements and limitations. The Manager Development Services and the Senior Planning Officer explained how the aspects of number of storeys and height standards under the Scheme operated in relation to the design, which did not comply in some portions or required a degree of discretion for other portions, hence the necessary recommendation for revised plans to address those areas. As Committee was of the view that the basic design of the proposal had merit it was prepared to support approval on this basis.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Rowell

THAT Council:

- 1. GRANT its approval to commence development for a dwelling with undercroft at 236-242 (Lots 4, 5, 6 & 800) Marine Parade and 61 (Lot 801) Margaret Street (DA 2841) in accordance with the plans received on 19 May 2014, subject to the following conditions:**
 - (a) Revised plans being submitted showing the maximum building height not exceeding two storeys, except where permitted under Clause 5.1.1 (b)(ii) of Town Planning Scheme No. 2, to the satisfaction of the Manager Development Services.**
 - (b) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13.
- Construction sites.**

- (c) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (d) All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.
- (e) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours, following completion of the development.
- (f) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
- (g) The applicant applying to the Town for approval to construct a crossover in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.
- (h) The existing redundant crossover in Marine Parade shall be removed and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Manager Engineering Services.
- (i) Lots 4, 5, 6, 800 and 801 shall be amalgamated into one lot prior to occupation of the dwelling.
- (j) All proposed fencing within the front setback area shall be in accordance with planning application DA 2838 or require a separate approval from Council.

Advice notes:

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible to apply to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.
2. GRANT its approval to commence development for a pool, fencing and landscaping (DA 2838) at 236-242 (Lots 4, 5, 6 & 800) Marine Parade and 61 (Lot 801) Margaret Street in accordance with the plans received 19 May 2014, subject to the following conditions:

- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. – Construction sites.
- (b) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (c) The proposed fencing within the front setback area may be solid to a maximum height of 900mm (with the exception of the minor height variation shown on the approved plans along the front boundary) and the infill panels shall have an “open aspect” in that the palings shall be spaced to ensure the width between each paling is at least equal to the width of the paling, with a minimum space of 50mm and a minimum open aspect of 50% of the infill panel, and the piers shall not exceed 2.1m in height from Natural Ground Level. Details shall be submitted at Building Permit stage.
- (d) The pool pump and filter shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that nuisance due to noise or vibration from mechanical equipment is satisfactorily minimized to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
- (e) Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property on which the swimming pool is located and disposed of into adequate soakwells.
- (f) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum of 1.8metres away from any building or boundary. Wastewater or backwash water shall not be disposed of into the street drainage system or the Water Corporation’s sewer.
- (g) Lots 4, 5, 6, 800 and 801 shall be amalgamated prior to completion of the works.
- (h) Construction of the pool shall not commence prior to approval of a Building Permit for the dwelling being issued.

Advice notes:

1. The owner/applicant is responsible to apply to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.

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

Carried 8/0

Mayor Dawkins declared a conflict of interest in item 10.3.3 No. 19 Perth Street - Proposed Demolition of Dwelling due to being a personal friend of the applicant, and left the Chambers at 7:55 PM.

In the absence of the Mayor and Deputy Mayor Cr Walsh was nominated to preside for this item. There being no further nomination or objections Cr Walsh assumed the role of Presiding Member.

10.3.3 NO. 19 PERTH STREET - PROPOSED DEMOLITION OF DWELLING

File Ref: 2896
Attachments: [19 Perth St Aerial](#)
[19 Perth St Floor Plan](#)
[19 Perth St Neighbouring Property Photos](#)
[19 Perth St MI Criteria Listing](#)
[19 Perth St Heritage Assessment](#)
[19 Perth St Heritage Opinion TOC](#)
[19 Perth St Objection Letters](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services
Proposed Meeting Date: 16 June 2014
Author Disclosure of Interest: Nil

SUMMARY

A development application has been lodged by the owners of 19 Perth Street to demolish the heritage-classified dwelling, which is a planning consideration requiring Council's approval, prior to obtaining a demolition permit to undertake such work.

The property is classified in the Town's Municipal Inventory (MI) as a Category 2 place of heritage significance, which carries a preference for retention and conservation of heritage buildings rather than their loss through demolition.

This report assesses the proposal and heritage worth of the property and concludes that it would be desirable to decline the request for planning consent to demolish.

BACKGROUND

19 Perth Street has a long history of significance within the municipality and was fully-restored by the previous owners, preserving its heritage values and contributing to the streetscape as something of a local landmark.

The current owners are associated with a development company and aspire to demolish the dwelling in order to realise the redevelopment potential of the three lots comprising the land parcel. At this stage the applicant has no clear intention of whether to sell the lots or develop them with single or grouped dwellings, and therefore has not submitted plans of any replacement proposal.

The application contains a heritage assessment report by a consultancy (attached) which finds that demolition could be supported. In addition, the Town has obtained an opinion from another heritage-experienced architectural consultant on the proposal (attached).

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

WAPC SPP 3.5 Historic Heritage Conservation
Town of Cottesloe Municipal Inventory
TPS2 Policy 12

STATUTORY ENVIRONMENT

Town Planning Scheme No. 2
Local Planning Scheme No. 3

CONSULTATION

Initially the Town received enquiries from neighbours who had heard that the owners were contemplating demolition, which was followed by local press coverage and then receipt of the application. Subsequently some concerned persons expressed objections to the proposal to the Town and/or in the local press, as well as emailed Elected Members urging against demolition.

Given this level of enquiry and concern, the Town wrote to fifteen Perth Street owners in the vicinity of the property confirming that an application had been made and inviting comment. Several responses resulted (attached), as summarised below:

<i>Name</i>	<i>Locality</i>	<i>Comment</i>
D Hyde	Perth Street	Greatly concerned at demolition. Long-time residents whose families grew up in street. Provides personal historical insights. Witnessed decline of the property then its loving restoration. Writer was on Heritage Walk Trail committee identifying beautiful old homes such as this. There are few well-known heritage properties in the east ward and only a few remaining in Perth Street, which still has an overall ambience. Pictorial records alone are a sad substitute for the real thing. Need to protect heritage and be proud of history, as so many properties have been lost – this one is well worth preserving.
P&J Roberts	Perth Street	Very concerned about destruction of grand old buildings in WA, compared to considerable conservation overseas – can't fathom our demolition mentality. Values the property as gracious, with an interesting history. Hopes

		Council will consider keeping the property and including it in the Heritage List.
V Formby	Perth Street	Concerned at demolition. Dwelling is stately and in excellent condition. Houses aren't built like it anymore, which are important to Cottesloe's heritage. The place has historical value and is well-displayed. It could become a community asset. Hopes Council will strive to save the beautiful building and its rare architecture.
Greg Jude	Cottesloe	Former owner and restorer of the property. Objects to demolition. Supports its strengthened heritage status. Provides restoration information.
DL Jones	Cottesloe	Heritage listing of property should be upgraded. Demolition would be a travesty. Provides historical information.
E Lindsay	Country WA	Concerned at so few heritage properties generally in WA. Advocates mandatory heritage protection and demolition consent. Prevent heritage vandalism and save this house.
J Loveland	Mornington VIC	Descendent of original owner. Appalled at and objects to demolition, which would be a travesty – urges refusal. Cites outstanding architectural example and excellent condition and promotes community value of property. Provides family history details.
Petition	Perth and Napier Sts; Shenton Rd, Claremont.	Letter and 25 signatures from 14 properties in Perth St, three in Napier St and one in Shenton Rd. Asks Council to defer item pending outcome of State Register nomination application [now known]. Further historical information has been found and is provided. Refers to Hocking Heritage Studio report and seeks time for a report from another heritage architect [which the Town has obtained]. 19 Perth St has contributed much to the social and historical fabric of the community and should be preserved.

This feedback is useful and should be had regard to in several respects. It demonstrates that: (i) heritage conservation and protection practices are a reflection of community values; (ii) the place is well-known and valued by the local community and persons elsewhere with connections to the place; (iii) the place has a strong association with the street and its residents, including some long term residents with intimate knowledge of its history; and (iv) the property is much-admired and in the eyes of the community does not deserve to be demolished.

The previous owner provided a gift to the community in retrieving 19 Perth Street from its dilapidated state and restoring the property to its former glory, resurrecting and enhancing its heritage value and its contribution to the street for all to experience. The current owner has obviously enjoyed the heritage quality, amenity and prestige of the property as part of the street. 19 Perth Street would appeal to

many potential purchasers for its charm, character, heritage significance and fascinating history. It is axiomatic that the preferable attitude to heritage properties of cultural heritage significance disfavours demolition.

HERITAGE CONSIDERATIONS

Assessment framework

There is a well-defined planning and heritage framework for assessment of the demolition proposal, as set out below.

Western Australian Planning Commission (WAPC) Heritage Policy

The WAPC State Planning Policy (SPP) 3.5 Historic Heritage Conservation was gazetted in 2007. The Policy has statutory bearing and its objectives are:

- to conserve places and areas of historic heritage significance;
- to ensure that development does not adversely affect the significance of heritage places and areas;
- to ensure that heritage significance at both the State and local levels is given due weight in planning decision-making; and
- to provide improved certainty to landowners and the community about the planning process for heritage identification, conservation and protection.

The Policy describes the statutory framework for heritage conservation and the relationship and responsibilities of the HCWA, the WAPC and local governments.

It also specifies policy measures and the means for their implementation and requires local governments to have regard to specific matters relating to heritage in considering applications for planning approval. Those matters relevant to the proposed development include:

- the conservation and protection of any place or area that has been registered in the register of heritage places under the Heritage Act or is the subject of a conservation order under the Act, or which is included in the heritage list under a Scheme;
- the level of heritage significance of the place, based on a relevant heritage assessment;
- measures proposed to conserve the heritage significance of the place and its setting; and
- the structural condition of the place, and whether the place is reasonably capable of conservation.

Local government has a role in applying and supporting the policy through ensuring that due regard is given to heritage significance in development assessment, planning schemes and planning strategies.

Proposals should aim to meet this overarching policy guidance, satisfy the heritage values associated with the particular place under its heritage classifications, and address the heritage-related requirements of the local government's planning scheme and policies.

Municipal Heritage Inventory (MI)

The property is classified as Category 2 in the Town's MI, in which the description and history of the place is as follows:

An elegant presence in the street and of historic importance as a hospital and brothel. The original section of this house has historical significance for being constructed on part of the original subdivision prior to 1901.

A large timber-framed house built before 1901 with symmetrical front comprising a door and sidelights and flanking double-hung sash windows with flanking coupled sidelights. There is a major gable over the front door and surrounding bull-nosed verandah. It commenced life as a smaller cottage and has been enlarged at some time during its life.

In 1905 owned by Alfred Loveland, labourer. Nurse Loveland and her daughter Naomi had four rooms of this house as a hospital at some time. Reputed to also have been a boarding house and a brothel.

The associated Management Category statement defines the importance of Category 2 as:

Maximum incentives under Town Planning Scheme. High level of protection appropriate. Provide maximum encouragement to the owner under the Town Planning Scheme to conserve the significance of the place. Photographically record the place prior to any major redevelopment or demolition.

The Town's website elaborates that:

Buildings in Category 2 of the Municipal Inventory are considered to be highly important in terms of local heritage significance. Demolition approvals may be granted by the Council upon review and subsequent downgrading of the listing. As is the case with all buildings, development approval is required for any proposed alterations or additions.

TPS2 Policy 12

19 Perth Street is also contained in this Scheme Policy, which reinforces its heritage significance by being identified for consideration of inclusion in Schedule 1 of the Scheme, for statutory protection. The Policy objective is:

To protect existing places of cultural heritage significance, and to maintain the character, amenity and sense of place of the suburb.

The Policy states that:

The places identified in Categories 1 and 2 of the Municipal Inventory contribute significantly to the character of Cottesloe, and Council is conscious that they form an integral part of the character, amenity and sense of place of the suburb.

Clause 5.1.2(b) of the Town Planning Scheme text requires Council to have regard to the need for the preservation of buildings of architectural or historical interest.

The Council considers that those properties described in Clause 6 [of the Policy] are buildings of architectural and historical interest for the purpose of Clause 5.1.2(b) of Town Planning Scheme No. 2.

Demolition of places covered by this policy will not be supported by Council, unless it is demonstrated to Council's satisfaction that the listed building is not of local cultural heritage significance.

Review of MI Category 2 Places

In 2005 the Town undertook a review of MI Category 2 places and evaluation criteria towards an improved appreciation of heritage in the district, better protection of places and a future heritage list for LPS3.

The study report recommended that 19 Perth Street be retained as Category 2 and given higher protection by inclusion in Schedule 1 of TPS2 (extract attached). This outlook is consistent with TPS2 Policy 12.

This work was performed by Hocking Planning & Architecture, now known as Hocking Heritage Studio, the consultancy currently acting for the applicant wishing to demolish the property. The study did not envisage demolition of the places reviewed and certainly did not foresee 19 Perth Street as a candidate for demolition.

It is noted that the report in discussing the evaluation process for Category 2 places subject to development applications advised:

The other redevelopment situation that needs to be addressed is whether Category 2 heritage places may be replaced by contemporary structures or significantly adapted.

CAT 2 heritage places, determined by objective assessment methods, have that value ascribed by the community. Hocking Planning & Architecture considers that Category 2 places should only be considered for replacement by contemporary places of potentially greater cultural heritage value. The onus would be on the proponent to demonstrate how this principle would be satisfied.

As mentioned, at this stage there is no replacement redevelopment proposal by the applicant or any purchaser of the lots. It is unlikely that any modern housing developed on the land parcel could surpass the values derived from the heritage place and its significant presence in the street.

LPS3 draft Heritage List

Echoing this identified heritage value, it is further intended to include the property in the Heritage List to be created under imminent LPS3. The new Scheme is in the process of being endorsed for final approval and gazettal, upon which it will become

effective. It therefore constitutes a “seriously entertained planning proposal” as a relevant planning consideration that Council can take into account.

Under LPS3 statutory heritage protection is to be afforded by a Heritage List to be created pursuant to Part 7, with listed properties drawn from (but not limited to) the MI:

7.1.1. The local government is to establish and maintain a Heritage List to identify those places within the Scheme area which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry.

7.1.2. In the preparation of the Heritage List the local government is to —

- (a) have regard to the municipal inventory prepared by the local government under section 45 of the Heritage of Western Australia Act 1990; and*
- (b) include on the Heritage List such of the entries on the municipal inventory as it considers to be appropriate.*

The Town has commenced preparation of a draft heritage list, including properties listed in the State Register of Heritage Places, TPS2 Schedule 1 and Policy 12, and the MI Categories 1 and 2, with a view to creation pursuant to LPS3 upon its commencement. Hence the aim is to accord 19 Perth Street a higher level of heritage protection.

Heritage Council of WA

A concerned submitter (DL Jones) has researched the heritage significance of 19 Perth Street and lodged a Heritage Nomination with the State Heritage Office (SHO) for the place to be considered for inclusion in the State Heritage Register.

The Heritage Council's Register Committee has given preliminary consideration to the nomination and the SHO has advised that whilst the place has cultural heritage significance this is of a local nature rather than state-level for classification, and that the Town should consider protecting the place through the Heritage List in its town planning scheme [ie as intended].

This does not lessen the local heritage significance of the place and its corresponding classifications.

ASSESSMENT

Introduction

Heritage is fundamentally about saving, conserving, respecting and appreciating places of cultural heritage significance. Where a place has already been assessed and classified as being of significance, the presumption is in favour of retention and appropriate heritage treatment, and the encouragement of such, as opposed to allowing heritage places to deteriorate or be lost. The very purpose of heritage as a

philosophy is orientated towards preserving and fostering places exhibiting cultural heritage values.

Even the most dilapidated heritage properties can be kept, restored and added to or adapted to be actively used and enjoyed, rather than lapse to demolition. In Cottesloe, *Le Fanu* is a prime example of a virtual ruin having been faithfully repaired and sympathetically extended instead of demolition being sought. Hocking Heritage Studio was the consultancy responsible for that successful outcome.

Applicant's heritage report

The Town is aware that the applicant initially approached another heritage consultancy to prepare an assessment report for the proposal, but the consultancy felt that it could not support demolition of the place. The applicant has since engaged Hocking Heritage Studio to provide a report on the proposed demolition (attached). The Town makes the following observations about the report having regard to the above background and framework.

The consultant's report assesses whether demolition of the dwelling could be allowed, having regard to established criteria for determining heritage worth. It must be emphasised that the property is already classified as being of heritage significance, which is not under review.

It should be noted that the 2005 review undertaken for the Town by the same consultancy confirmed the MI Category 2 status of 19 Perth Street, as well as recommended that it be protected via Schedule 1 of TPS2. The present assessment report by the consultancy omits to mention the recommendation for inclusion in Schedule 1 and attempts to diminish the bearing of TPS2 Policy 12.

The report identifies that assessed against the nine criteria 19 Perth Street has a number of important cultural heritage values, ranked from little to high. This reveals that three criteria (a one third minority) are considered to have little, some or low significance, and that six criteria (a two-thirds majority) are found to have moderate, good or high significance. It should be noted that the weight of values attributable to the place validates its heritage classification and the objective of preservation.

The report acknowledges that the place demonstrates cultural heritage value, which it does not dispute. The report advises that: the dwelling is a good example of its era/type and retains many of its original architectural features, which can be visibly appreciated; the place reflects the early settlement pattern, has aesthetic value, is one of the grander houses in the street, the only one of its kind in the street and contributes to the mixed character of the street; it has aesthetic value in its own right, has specific [and locally uncommon] historic value and local social value [note: the submissions from the community elaborate on this]; and the dwelling is quite representative and in good condition, with a high level of integrity and a moderate degree of authenticity, and has been restored and well maintained.

On this basis it is plainly apparent that the property possesses suitable cultural heritage significance verifying its classification and the preference of retention. Yet the consultancy report, whilst articulating these values and their associated evidence, proceeds to argue that they can be dismissed. To do so, the report raises the

concept of heritage context and contends that this sustains the proposed demolition, whereby if the setting of a heritage place is sufficiently altered over time its worth may be affected.

However, this construct is at odds with other dimensions of heritage. Firstly, heritage recognises both individual and collective significance; that is, the intrinsic value of each place in its own right (as the consultant has found for the property), as well as the contribution of any extant context in enhancing a place. Secondly, context underpins the mechanism of a heritage area as enshrined in town planning schemes, which is aimed at defining and conserving a group of places, which may include places of individual distinction. That is, a place does not have to possess a strong context or need to be in a heritage area to be significant, as its stand-alone value is intact despite the absence or evolution of context.

Were context adhered to as the key determinant in heritage assessment and in deciding upon proposed demolition, then many singular or isolated places of cultural heritage significance could be demolished premised simply on lacking context. This could be the case with numerous places of local, state, national or international significance, many of which are one of a kind and/or devoid of their historical context.

The reality is that as settlements change, heritage places, even if few and far between or closed-in by more subsequent development, retain their intrinsic value, becoming in that sense rarer and may be seen as landmarks or iconic. Many historical buildings comprising public places or private properties exists today by themselves with their original surroundings long gone, yet are valued for their past and protected from demolition. As an analogy, a significant painting of value by a well-known artist would not be deemed unworthy for want of any other works by that person; indeed, although having several paintings would add to its appreciation, not having them makes the one more special.

The report concludes that 19 Perth Street has cultural heritage significance and merits its MI Category 2 classification. Despite that it then references the notion of context to discount this worth as “token” and puts that demolition of the property would not matter. The officer assessment is that this proposition is an unreasonable diminution of the value of heritage places and undermines heritage philosophy.

The consultant’s summation is that demolition of the property would not harm the mixed streetscape. The converse view to the questionable rationale advanced is that the property is a distinguished gem in a narrow street of predominantly smaller lots and dwellings of interesting and eclectic style, including several older cottages (photos attached). The place is not anomalous; the dwelling is a surviving and well-restored attractive feature with a degree of grandeur which enhances the street and neighbourhood. Demolition would be detrimental to the street as a quite dramatic change and a marked loss of heritage value spanning more than a century of the district’s history and development.

Town’s heritage architect’s opinion

The Town has obtained a detailed opinion (attached) from another heritage architect with substantial experience, Mr Antony Ednie-Brown, who has reviewed the applicable material and the Hocking Heritage Studio report.

This advice provides a deeper analysis of the appropriate approach to assessment of the proposal to demolish the heritage place. It is unable to agree to the grounds argued by the applicant's consultant. It offers a more complete and sensitive appreciation of heritage evaluation and historical significance, including the facets of streetscape, sense of place and context.

This overview supports the higher-level local heritage status of 19 Perth Street and its preservation in perpetuity, and concludes that demolition would be a retrograde act. It arrives at the correct conclusion that the property should be preserved and protected.

CONCLUSION

The proposal has been assessed in accordance with the relevant heritage framework and it is clear that the property is of higher-order local cultural heritage significance. This is recognised by its heritage classifications, both existing and intended (ie to be elevated to town planning scheme level of protection). The community-held value is also manifest by the objections lodged to the prospect of demolition and historical information supplied about the property.

The status and thrust of the heritage classifications is retention and preservation of the place. Demolition runs counter to that. The street setting does not unduly devalue the heritage qualities of the property, which actually benefits the street. The danger of the context argument is that a great many places could be flagged for demolition, resulting in the widespread destruction of heritage properties.

It is concluded that demolition is undesirable and unjustified.

COMMITTEE COMMENT

Committee was unanimous that the heritage place should be preserved rather than demolished, noting that it has a considerable history. The Manager Development Services confirmed that the property has been classified in the MI (Category 2) for many years, including when the property was purchased by the present owners in more recent years. The Manager Development Services also confirmed that the heritage consultancy, currently acting for the owners, had produced the Town's 2005 MI Category 2 Review (which supported protection of the place). He further advised that although the HCWA had concluded to not add the place to the State Heritage Register, it had encouraged the Town to protect the place via the Scheme Heritage List and had not suggested the place could be demolished, which is a matter for Council to determine.

VOTING

Simple Majority

Mayor Dawkins left the meeting at 7:55 PM

Cr Walsh presided for this item in the absence of the Mayor and Deputy Mayor.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Birnbrauer

THAT Council REFUSES the application for planning consent to demolish 19 Perth Street, Cottesloe, for the following reasons:

- 1. The property is a place of cultural heritage significance included in the Town's Municipal Inventory and Town Planning Scheme Policy 12, as well as recommended to be included for heritage protection in existing Town Planning Scheme No. 2 and in proposed Local Planning Scheme No. 3.**
- 2. The heritage place has been restored to a high standard and is in excellent condition, contributing to the character and amenity of the street. Demolition of the heritage place would be detrimental to the street and locality.**
- 3. The assessment provided by the applicant is not considered to be a convincing rationale for demolition of the heritage place.**
- 4. An alternative heritage opinion provided to the Town supports that the heritage place ought to be retained and preserved.**
- 5. Submissions invited by the Town in response to community concerns expressed about the proposed demolition attest to the cultural heritage significance of the place, and the information provided augments the knowledge of its history and fosters the appreciation of its values.**

Carried 6/1

Mayor Dawkins returned to the meeting at 7:57 PM and resumed presiding at the meeting.

10.4 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 17 JUNE 2014

Mayor Dawkins declared an impartiality interest in item 10.4.1 Davis Cup Tie - September 2014 due to being a member of the Tennis Club, and stated that as a consequence there may be a perception that her impartiality may be affected and declared that she would consider the matter on its merits and vote accordingly.

Cr Downes declared an impartiality interest in item 10.4.1 Davis Cup Tie - September 2014 due to being a member of the Tennis Club, and stated that as a consequence there may be a perception that her impartiality may be affected and declared that she would consider the matter on its merits and vote accordingly.

10.4.1 DAVIS CUP TIE - SEPTEMBER 2014

File Ref:	SUB/236
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Mat Humfrey Manager Corporate & Community Services
Proposed Meeting Date:	17 June 2014
Author Disclosure of Interest:	Nil

SUMMARY

Council is being asked to approve the hosting of aspects of the Davis Cup Tie, set for September 2014, at the Cottesloe Civic Centre. The event would be a partnership between several organisations, most notably, Tennis Australia, Cottesloe Tennis Club and the Town of Cottesloe.

BACKGROUND

The Davis Cup is an international tennis tournament which originated in 1899. Australia is the second most successful nation in the competition's history, winning the tournament 28 times, with only the US being more successful with 32 wins.

Cottesloe Tennis Club has been working with Tennis Australia, to see if this particularly tie (match) could be hosted in Cottesloe. In May 2014, it was announced that Cottesloe had been successful in winning the right to host the tie.

Hosting an event of such international standing has many benefits for the community. It is a unique opportunity and one that is unlikely to return to Perth for some time. It will allow the Town's assets to be showcased and will promote the Town in a positive light.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

There will be a cost to the Town in the hosting of this event. This cost will consist of increased maintenance work to restore facilities to normal post event.

Council is also being asked to consider a fee waiver for the event. The Town's fees and charges schedule assigns a fee for multiple area events based on the number of people who would attend. However, as not all of the ticket holders would attend the Civic Centre, this figure has been reduced. Based on the per day figure of \$6,000, the fees would equate to \$18,000. In exchange for waiving this fee, and in recognition of other in-kind support, Tennis Australia would name the Town of Cottesloe as an event sponsor and appropriate signage and acknowledgements would be made available to recognise this.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Due to the timing of the announcement, and the need for arrangements to be put in place as soon as possible, no consultation has been able to be undertaken with residents at this stage.

If approved, the event and its impacts on residents, particularly those in close proximity to the Tennis Club, will need to be communicated to those residents. Those residents directly affected will need to be considered in all planning for the event and event organisers have acknowledged in discussions their role in working with residents to ensure the smooth running of this event.

Officers have met with representatives of Tennis Australia and the Cottesloe Tennis Club to discuss the requirements of this event.

STAFF COMMENT

The hosting of a Davis Cup Tie is a unique opportunity for the Town that comes with its own challenges. The lead time for this event is only 14 weeks, which for an event of this size is unusual and challenging. There will be an impact on residents in the immediate area which will also need to be managed – as well as a number of logistical challenges which will need to be resolved.

However, the event is not beyond the capabilities of the Town to manage, nor is it out of scale with events that are hosted within the Town. Organisers are expecting 5,000 people per day of competition (3 days) which is a lower per day average than Sculpture by the Sea (approximately 9,000 per day, but higher peaks are experienced on weekends). Further as the event will be hosted in September, the

beach is not expected to have particularly large crowds like we would see at other times of the year (Australia Day, HBF Channel Swim and Sculpture by the Sea).

The Civic Centre at this stage has no bookings on the days of competition – and officers have tentatively booked all areas to prevent any conflict occurring. Initial discussions with event organisers have indicated that the Civic Centre itself would be ideal for hosting the following activities:

- VIP Marquee (Main Lawn)
- Office Space (Upstairs training room)
- Media Room / Media Conferences (War Memorial Hall)
- Volunteer Muster Space (Lesser Hall)
- VIP Parking (Western Lawn)

All of these areas have been used for similar purposes for events previously and are well suited to the intended use.

In addition to the requirements mentioned above, organisers are also looking for support for event parking and a road closure. The organisers have indicated that they would like to be able to use Car Park 2 as a ticketed carpark for the three days of competition. While this has not been done before there are a number of factors that make this worthy of consideration;

1. The carpark only has two access points, making control of entry possible;
2. The carpark is in close proximity to the Tennis Club and Civic Centre;
3. There are nearly 500 bays in this carpark which represents the bulk of parking required; and
4. It would mean that rangers would not be required to patrol the carpark or monitor overstays in that area during the event itself.

Organisers have also acknowledged the need for public transport to be used by people attending the event. At this stage it is anticipated that people will be provided with information on how to get from Cottesloe Train Station to the event, and the possibility and cost of a shuttle bus service is being investigated.

Due to the number of people that would be expected to cross from the Civic Centre to the Tennis Club and the infrastructure that would be brought in to service the event, organisers have suggested that it would be appropriate to close Napier Street, between Broome Street and the western boundary of the Civic Centre from 10 September to 15 September 2014. This is the three days of competition itself, with two days before and one after, to allow for the bringing in and removal of equipment and infrastructure.

Officers also recommend that the road closure be extended to Marine Parade (from Broome Street) during the times peak crowds are expected, with permits given to affected residents to bypass road blocks. With the number of people expected in this area, it would be best to avoid a turn-around point where a large volume of people is expected. The additional road closures would be kept in place for the minimum amount of time possible and the requirements would be conveyed to affected residents.

The office space that is required by Tennis Australia is for event organisers and support staff. The upstairs training room has been looked at and considered ideal for this purpose. The room has been used for a similar purpose by Sculpture by the Sea, with minimal disruption to the Town's staff.

COMMITTEE DISCUSSION

Cr Pyvis queried whether there were any potential sources of revenue for the Town to cover the cost of hosting the event. Mayor Dawkins commented that the Town is sponsoring the event "in kind" rather than financially and this was Council's way of supporting the event.

COUNCIL DISCUSSION

Cr Pyvis spoke to this item and referred to the officer advice in relation to the involvement in the event by the Town and the relatively low level of costs to be borne by the Town. She also referred to the use of the car park number 2 including the potential for permit/ticketed parking.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council:

1. **Approve the use of the Cottesloe Civic Centre from Thursday 11 September 2014 to Sunday 14 September 2014, for events ancillary to the Davis Cup Tie;**
2. **Approve the closure of Napier Street, between Broome Street and the western boundary of the Cottesloe Civic Centre from Tuesday 09 September 2014 to Monday 15 September 2014 inclusive;**
3. **Approve the closure of Napier Street, between Broome Street and Marine Parade (residents excepted) on 12, 13 and 14 September, for 2 hours before the scheduled start of play to 1 hour post the completion of play at the Davis Cup Tie;**
4. **Approve the use of the training room from 01 September 2014 to 15 September 2014 for Tennis Australia staff and officials, subject to any conditions imposed by the Chief Executive Officer for reasons of occupational health and safety or building security;**
5. **Waive fees and charges associated with the hosting of the Davis Cup at the Cottesloe Tennis Club, including the permit fees associated with the event itself as well as the hire of the Cottesloe Civic Centre, in return for the support being appropriately recognised by Tennis Australia, to the satisfaction of the Chief Executive Officer; and**

6. Require that the event organisers, to the satisfaction of the Chief Executive Officer, advise adjacent residents of the event and the impact it will have on them and to work with the effected residents to minimise any disruption.

Carried 8/0

10.4.2 REVIEW OF BEACH POLICY

File Ref: POL/40
Attachments: [Beach Policy](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate & Community Services
Proposed Meeting Date: 17 June 2014
Author Disclosure of Interest: Nil

SUMMARY

The Town's Beach Policy has been in place since May 2004. As it is more than 10 years old and pre-dates the current Beaches and Beach Reserves Local Law, it is recommended that it be reviewed.

BACKGROUND

The Beach Policy was formulated to guide the decision making of the Administration in the management of the beaches and beach reserves within the Town of Cottesloe. The policy is needed as while the local law does regulate activities on the beach, the local law is premised in most instances with the phrase "without the prior written approval of the Town". The effect of this is that most activities can be permitted, so long as an application is made which is in turn approved.

In 2012, the Town adopted a new Beaches and Beach Reserves Local Law. The revision of the local law, saw many redundant clauses removed. Further the form of the local law was amended such that rather than going into every specific activity that may be possible and writing a clause that prevents it, the law was written such that anything that was dangerous or would cause a nuisance was prohibited without prior written approval.

One such example is in the listing of the various forms of surfing. The previous local law went into great detail as to the various forms of surfing and excluding some but not others. For example windsurfing was allowed in some locations, but kite surfing was not mentioned and thus prohibited without written approval. The current version of the local law doesn't discriminate between activities that can be referred to as surfing, if one type of surfing is allowed, then the law allows all of them, unless the Town places signs to the contrary.

Since the writing of the policy there have been other changes that would have an impact on it. Examples include the arrival of events, such as Sculpture by the Sea. As these events are not specifically covered in the policy, any revision of the policy could reference these events and outline the Town's commitment to them.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

The Beach Policy would be reviewed and adopted with or without modification

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

While there is anticipated costs in the advertising of the policy review and the administrative costs in undertaking the works, it is anticipated these costs can be covered within the normal operating budgets.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

At this stage there is no anticipated sustainability implications in the review of the Beach Policy. However the beaches and beach reserves are an environmentally sensitive area and the recreation areas in these reserves are also prone to litter and other waste issues. Any policy position on these areas could have sustainability implications.

CONSULTATION

While no direct consultation has occurred on the Beach Policy to date, there have been a number of letters received in recent times on the events and activities that are permitted to occur on the beach and within the beach reserves. These letters often express concern about the activities that are allowed and potential impact on either the environment and/or other beach users.

It is proposed that the review will occur in two stages. The first stage will be advertising the Town's intent to review the policy and to seek submissions. Once received the submissions would be collated and referenced by Council in formulating a revised Beach Policy. The revised Beach Policy would then be advertised to allow further comment before final adoption.

STAFF COMMENT

Cottesloe is famous for its beaches and its coastal lifestyle. As such management of the beaches and beach reserves is of the highest importance. As the Beach Policy plays a vital role in the management of these areas, the policy should almost be given the same standing as a local law when it is reviewed and or amended. As such, it is recommended that the same consultation process be followed as set out below;

1. The intent to review the policy is advertised and submissions called for. It would also be appropriate to contact interested parties, such as the surf clubs, event organizers (Sculpture by the Sea for example), Coastcare and ratepayer and residents associations, to state the policy is being reviewed and requesting their input.
2. Once feedback is received and known issues collated, a re-write of the any required sections of the policy is undertaken. This would normally be done using in house resources, however, if the volume of feedback is considerable, a facilitator may be required and the issues workshopped.

3. Once any amendments are made and endorsed by Council, the amended policy would be advertised. Once again, interested parties would be notified, as would anyone who previously made a submission.
4. Once any further submissions are considered, the policy would be adopted with or without any minor amendments.

It is anticipated that there will be a higher level of interest in this policy, as there are many groups and individuals who use the beach who have concerns about how the beach is managed or how it is used by other beach goers. It will be a difficult task to balance all of the competing interests. However, as the policy provides a guide to decision making, the document itself can also be dynamic and have several revisions if required.

COMMITTEE DISCUSSION

Mayor Dawkins queried when the new policy would be implemented. Manager Corporate and Community Services estimated that the time frame would be approximately six months, however, this would depend upon the amount of feedback received.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Birnbrauer

THAT Council advertise its intent to review the Beach Policy and call for submissions accordingly.

Carried 8/0

Mayor Dawkins declared a financial interest in item 10.4.3 Adoption of the 2014/2015 Budget (Part 6) - Mayoral Allowance, and left the Chambers at 8:02 PM.

In the absence of the Mayor and Deputy Mayor Cr Rowell was nominated to preside for item (6). There being no further nominations or objections Cr Rowell assumed the role of Presiding Member.

10.4.3 ADOPTION OF THE 2014/2015 BUDGET

File Ref:	SUB/1827
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Mat Humfrey Manager Corporate & Community Services
Proposed Meeting Date:	17 June 2014
Author Disclosure of Interest:	Nil

SUMMARY

Council is being asked to consider adopting the draft 2014/2015 as set out in Attachment 1.

BACKGROUND

Council is required under the *Local Government Act 1995* to adopt a budget for each financial year between 1 June and 31 August. The budget must be in the prescribed format and set expenditure levels and type for the year. The budget must also contain a forecast of all income and set the rate in the dollar for rates levied in the 2014/2015 financial year.

STRATEGIC IMPLICATIONS

The budget sets out how funds will be allocated to all project during the financial year, including all strategic projects. In the 2014/2015 there is funding allocated to strategic projects such as the infrastructure project in the Town Centre. All works outlined in the Town's five year asset replacement schedules for the 2014/2015 budget have been incorporated into the budget.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 (s6.2)

6.2. Local government to prepare annual budget

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.
-

* Absolute majority required.

- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
 - (a) the expenditure by the local government;
 - (b) the revenue and income, independent of general rates, of the local government; and
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.
- (4) The annual budget is to incorporate —
 - (a) particulars of the estimated expenditure proposed to be incurred by the local government;
 - (b) detailed information relating to the rates and service charges which will apply to and within the district including —
 - (i) the amount it is estimated will be yielded by the general rate; and
 - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;
 - (c) the fees and charges proposed to be imposed by the local government;
 - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
 - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
 - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
 - (g) such other matters as are prescribed.
- (5) Regulations may provide for —
 - (a) the form of the annual budget;
 - (b) the contents of the annual budget; and
 - (c) the information to be contained in or to accompany the annual budget

Local Government (Financial Management) Regulations 1996

Regulations 22 to 33 contain the requirements for the form of the budget document and the information to be contained within it.

FINANCIAL IMPLICATIONS

The budget allocated the Town's financial resources for the financial year ending 30 June 2015.

Overall the budget reflects the strong financial position the Town now finds itself in. The rate increase has been kept to 4.1% while still allowing for all asset management obligations to be met, as well as allowing for discretionary capital projects without effecting overall service provision. Importantly, the impact of cost increases imposed on the Town is the major contributor to the rate increase. One example being the increase in the landfill levy, which alone causes a 0.8% increase in rates.

STAFFING IMPLICATIONS

All associated staffing costs are contained within the draft 2014/2015 Budget.

SUSTAINABILITY IMPLICATIONS

The Town has several sustainability projects and programs contained within the budget. The Town is also benefiting financially from previous sustainability projects, such as reduced costs of fuel from more fuel efficient vehicles and reduced electrical costs through improvements to IT equipment. The Town also makes significant savings in electricity costs through the placement of photovoltaic cells on the roof of the Cottesloe Civic Centre, which provide a substantial portion of the electricity required by the Town's administration systems.

CONSULTATION**Public Consultation**

As Council raises a differential rate, it is required to advertise its intention to do so. Council resolved to advertise its intention to raise a differential rate at its May round of meetings. The advertisements and notices were placed as required and no comment or feedback has been received.

The Town also advertised the community grants program and sent letters to community and sporting groups requesting submissions. The requests have been summarised within the budget document (page 42).

Council Workshops

There have been two Council workshops to directly discuss formulating the budget and a further two workshops to discuss the Long Term Financial Management Plan and the 5 Year Asset Replacement Schedules. These workshops also provided elected members with a chance to provide feedback on draft budgets and the documents that guide the formation of the budget. The final draft of the budget presented for consideration by Council incorporates the feedback received during these workshops.

The use of the Long Term Financial Plan and 5 Year Asset Replacement schedules is a part of shift to a more strategic budgeting process, rather than a reactive budgeting process. Council now anticipates its expenditures several years in advance and the administration allocate those expenditures to best ensure there are no significant increases in rates in any one year.

STAFF COMMENT

The process of compiling the 2014/2015 Budget began in February 2014, with Council adopting its 10 Year Financial Management Plan. This plan seeks to show all of Council's financial commitments over the 10 year period and allows for the allocation of that expenditure such that rate shocks can be avoided. In March Council then considered and adopted the 5 year asset replacement schedules as the second part of formulating its budget. These plans for the basis for the "Capital" section of the budget. In April 2014, the current year's budget was reviewed and projections were made for the anticipated end of year position. In May the final budget workshops were held to ensure that all of the required issues were covered and that the budget reflected Council's strategic position.

The Town is in a strong financial position, having healthy reserves and operating at a very high level of operational efficiency. Much work has been done to ensure that operating revenue is maximised and that expenditure is undertaken in the most efficient way possible. While the Town is still budgeting for a small operating deficiency, the projections are showing this deficiency will reduce and become a small surplus in the near term. However, administration are still investigating ways this can be achieved in a shorter period of time, so that a greater portion of funds can be allocated to capital improvements and replacements.

The Town also has well maintained assets, which is the result of many years of investment in these assets and a well planned approach. As the assets are replaced as a part of the systematic approach, the yearly maintenance costs decreases and staff are spending less time responding to call outs, and more time working on strategic projects.

With an increase in rates at 4.1%, with all of the Town's operating and asset management obligations being met – as well as their still being discretionary capital items within the budget – the Town is operating in the most sustainable way possible. Low rate increases with cuts to operating or asset management obligations are not sustainable – but neither are budgets that continue to raise rates well above the level inflation. If the Town can maintain the financial discipline it currently has, then the short to mid-term financial outlook for the Town is very positive.

Importantly, the rate increase above the level of inflation (3.1% in the March quarter) is a result of factors beyond the control of the Council itself. The increases in the landfill levy and utility costs have an impact of approximately 0.9% of rates, and other changes (such as increases to superannuation) account for the another 0.1%. While these cost increases could be offset by a reduction in other operating costs or reducing asset replacements, these strategies are not sustainable in the long term and would likely result in an increase of costs in later years.

VOTING

Absolute Majority

OFFICER & COMMITTEE RECOMMENDATION**Moved Cr Rowell, seconded Cr Angers**

THAT Council:

1. ADOPT the Budget for the year ended 30 June 2015, as attached, including:
 - (a) Adopting the Statement of Cashflows for the year ended 30 June 2015;
 - (b) Adopting the Rate Setting Statement for the year ended 30 June 2015;
 - (c) Endorsing the Statement of Comprehensive Income (by Nature and Type) for the year ended 30 June 2015;
 - (d) Endorsing Note 6 – Statement of Reserves for the year ended 30 June 2015;
 - (e) Endorsing Note 7 – Net Current Assets as at 30 June 2014; and
 - (f) Adopting the Fees and Charges for the year ended 30 June 2015.
2. ADOPT the rates (as per Section 6.32 of the Local Government Act 1995) as follows;
 - (a) Differential General Rates

Impose rates in the dollar on the gross rental value of all the rateable property within the Town of Cottesloe for the financial year ending 30 June 2015 as follows;

 - (i) GRV – Residential Improved (RI) – 5.263 cents in the dollar
 - (ii) GRV – Residential Vacant (RV) – 5.263 cents in the dollar
 - (iii) GRV – Commercial Improved (CI) – 5.263 cents in the dollar
 - (iv) GRV – Commercial Town (CT) – 6.086 cents in the dollar
 - (v) GRV – Industrial (II) – 5.263 cents in the dollar
 - (b) Minimum Rate

Impose a minimum rate of \$1,008 for the financial year ended 30 June 2015
 - (c) Refuse Collection

Include in the rate charge for residential properties

 - (i) a once per week service of 120 litre mobile garbage bin (MGB) for general household rubbish
 - (ii) a once per fortnight service of a 240 litre MGB for recyclable household rubbish
 - (iii) a once per fortnight service of a 240 litre MGB for household green waste

Apply the following charges to residential properties for additional services (per annum GST inclusive)

- (i) General Rubbish – each service per week (120 litre MGB) - \$295
- (ii) Recycling – each additional service per fortnight (240 litre MGB) – \$40
- (iii) Greens Waste – each additional service per fortnight (240 litre MGB) - \$40

Apply the following charges to commercial properties (per annum GST inclusive)

- (i) General Rubbish – each service per week (240 litre MGB) - \$335
- (ii) Recycling – one service per fortnight (240 litre MGB) - \$140
- (iii) Recycling – one service per week (240 litre MGB) - \$280

- (d) Administration Charge – Local Government Act 1995 – S6.45(3)

Impose an administration charge of \$18.60 where a payment of a rate of service charge is paid in instalments, except that eligible pensioners will be exempted from paying the charge

- (e) Interest on Outstanding Rates and Charges – Local Government Act 1995 – S6.51

Apply an interest rate of 11% per annum to rates and services levied in the year ended 30 June 2015 which remain unpaid after they become due and payable and where no election has been made to pay the rate or service charge by instalments

- (f) Rates Instalment Payment Options

Adopt the following rate instalment plans

- (i) Option 1

To pay the total amount of rates and charges included in the notice in full by the 35th day after the issue of the notice

- (ii) Option 2

To pay by four instalments, as detailed on the rate notices with the following anticipated dates;

First instalment	01 September 2014
Second Instalment	03 November 2014
Third Instalment	12 January 2015
Fourth Instalment	16 March 2015

After the due date for the first instalment, accounts paid by instalment will have an interest rate of 5.5% applied to the outstanding balance until the account is paid in full of the due date for an instalment lapses. At that point the rates will become

due and payable and interest of 11% will be applied to the outstanding balance at that time.

3. ADOPT a rate of interest on money owing – Local Government Act 1995 – S6.13

That Council apply an interest rate of 11% per annum to any amount not paid within 25 days of the date of issue of the account.

4. ADOPT a Telecommunications Allowance – Local Government Act 1995 – S5.99A

That Council adopt a Telecommunications allowance of \$1,600 for elected members

5. ADOPT Members Attendance Fees – Local Government Act 1995 – S5.99

That Council set an annual meeting attendance fee of \$15,500 for Council members and \$24,000 for the Mayor

6. ADOPT the Mayor's Allowance – Local Government Act 1995 – S5.98 and S5.98A

That Council set a Mayoral Allowance of \$27,500

7. ADOPT the Deputy Mayor's Allowance – Local Government Act 1995 – S5.98 and S5.98A

That Council set a Deputy Mayoral Allowance of \$6,875

COUNCIL DISCUSSION

CEO tabled a memo and updated fees and charges schedule as a consequence of late notification from the Building Commission for certain changes. The recommendation was to amend part 1(f) of the Committee Recommendation.

AMENDMENT

Moved Cr Rowell, seconded Cr Angers

That before the word "Fees" in item number 1 (f) the word "amended" be added

Carried 8/0

Moved Cr Rowell, seconded Cr Angers

THAT Council:

1. ADOPT the Budget for the year ended 30 June 2015, as attached, including:
 - (a) Adopting the Statement of Cashflows for the year ended 30 June 2015;
 - (b) Adopting the Rate Setting Statement for the year ended 30 June 2015;
 - (c) Endorsing the Statement of Comprehensive Income (by Nature and Type) for the year ended 30 June 2015;

- (d) Endorsing Note 6 – Statement of Reserves for the year ended 30 June 2015;
 - (e) Endorsing Note 7 – Net Current Assets as at 30 June 2014; and
 - (f) Adopting the amended Fees and Charges for the year ended 30 June 2015.
2. **ADOPT** the rates (as per Section 6.32 of the Local Government Act 1995) as follows;
- (a) **Differential General Rates**

Impose rates in the dollar on the gross rental value of all the rateable property within the Town of Cottesloe for the financial year ending 30 June 2015 as follows;

 - (i) GRV – Residential Improved (RI) – 5.263 cents in the dollar
 - (ii) GRV – Residential Vacant (RV) – 5.263 cents in the dollar
 - (iii) GRV – Commercial Improved (CI) – 5.263 cents in the dollar
 - (iv) GRV – Commercial Town (CT) – 6.086 cents in the dollar
 - (v) GRV – Industrial (II) – 5.263 cents in the dollar
 - (b) **Minimum Rate**

Impose a minimum rate of \$1,008 for the financial year ended 30 June 2015
 - (c) **Refuse Collection**

Include in the rate charge for residential properties

 - (i) a once per week service of 120 litre mobile garbage bin (MGB) for general household rubbish
 - (ii) a once per fortnight service of a 240 litre MGB for recyclable household rubbish
 - (iii) a once per fortnight service of a 240 litre MGB for household green waste

Apply the following charges to residential properties for additional services (per annum GST inclusive)

 - (i) General Rubbish – each service per week (120 litre MGB) - \$295
 - (ii) Recycling – each additional service per fortnight (240 litre MGB) – \$40
 - (iii) Greens Waste – each additional service per fortnight (240 litre MGB) - \$40

Apply the following charges to commercial properties (per annum GST inclusive)

 - (i) General Rubbish – each service per week (240 litre MGB) - \$335

- (ii) Recycling – one service per fortnight (240 litre MGB) - \$140
 - (iii) Recycling – one service per week (240 litre MGB) - \$280
 - (d) Administration Charge – Local Government Act 1995 – S6.45(3)
Impose an administration charge of \$18.60 where a payment of a rate of service charge is paid in instalments, except that eligible pensioners will be exempted from paying the charge
 - (e) Interest on Outstanding Rates and Charges – Local Government Act 1995 – S6.51
Apply an interest rate of 11% per annum to rates and services levied in the year ended 30 June 2015 which remain unpaid after they become due and payable and where no election has been made to pay the rate or service charge by instalments
 - (f) Rates Instalment Payment Options
Adopt the following rate instalment plans
 - (i) Option 1
To pay the total amount of rates and charges included in the notice in full by the 35th day after the issue of the notice
 - (ii) Option 2
To pay by four instalments, as detailed on the rate notices with the following anticipated dates;

First instalment	01 September 2014
Second Instalment	03 November 2014
Third Instalment	12 January 2015
Fourth Instalment	16 March 2015

After the due date for the first instalment, accounts paid by instalment will have an interest rate of 5.5% applied to the outstanding balance until the account is paid in full of the due date for an instalment lapses. At that point the rates will become due and payable and interest of 11% will be applied to the outstanding balance at that time.
3. ADOPT a rate of interest on money owing – Local Government Act 1995 – S6.13
That Council apply an interest rate of 11% per annum to any amount not paid within 25 days of the date of issue of the account.
4. ADOPT a Telecommunications Allowance – Local Government Act 1995 – S5.99A
That Council adopt a Telecommunications allowance of \$1,600 for elected members
5. ADOPT Members Attendance Fees – Local Government Act 1995 – S5.99
-

That Council set an annual meeting attendance fee of \$15,500 for Council members and \$24,000 for the Mayor

7. **ADOPT the Deputy Mayor's Allowance – Local Government Act 1995 – S5.98 and S5.98A**

That Council set a Deputy Mayoral Allowance of \$6,875

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 8/0

Mayor Dawkins left the meeting at 8:01 PM

Cr Rowell as the Chairman of Works and Corporate Committee, presided over item 6 of the recommendation in the absence of the Mayor and Deputy Mayor.

Moved Cr Rowell, seconded Cr Burke

That Council

6. **ADOPT the Mayor's Allowance – Local Government Act 1995 – S5.98 and S5.98A**

That Council set a Mayoral Allowance of \$27,500

Carried 7/0

Mayor Dawkins returned to the meeting at 8:03 PM and resume presiding the meeting.

**10.4.4 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2013
TO 31 MAY 2014**

File Ref: SUB/1720
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate & Community Services
Proposed Meeting Date: 17 June 2014
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present the Statutory Financial Statements and other supporting financial information to Council for the period 1 July 2013 to 31 May 2014.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Statement of Financial Activity on page 1 of the attached Financial Statements shows favourable operating revenue of \$626,286 or 27% more than year to date budget. All material variances are detailed in the Variance Analysis Report on pages 7 to 11 of the attached Financial Statements. Operating expenditure is \$11,513 or 0.1% less than year to date budget and capital expenditure, which is detailed on pages 29 to 33, is \$130,694 or 7% less than year to date budget.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Birnbrauer

THAT Council receive the Statutory Financial Statements including other supporting financial information as submitted to the 17 June 2014 meeting of the Works and Corporate Services Committee.

Carried 8/0

10.4.5 SCHEDULE OF INVESTMENTS AND LOANS AS AT 31 MAY 2014

File Ref: SUB/1720
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate & Community Services
Proposed Meeting Date: 17 June 2014
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present to Council the Schedule of Investments and the Schedule of Loans as at 31 May 2014, as included in the attached Financial Statements.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on page 23 of the attached Financial Statements shows that \$3,766,283.79 was invested at 31 May 2014. Approximately 28% of the funds are invested with Bankwest, 27% with Westpac Bank, 24% with National Australia Bank, and 21% with the Commonwealth Bank of Australia.

The Schedule of Loans on page 24 of the attached Financial Statements shows a balance of \$5,513,130.24 s at 31 May 2014. Included in this balance is \$291,856.83 that relates to self supporting loans.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Birnbrauer

THAT Council receive the Schedule of Investments and the Schedule of Loans as at 31 May 2014. These schedules are included in the attached Financial Statements as submitted to the 17 June 2014 meeting of the Works and Corporate Services Committee.

Carried 8/0

10.4.6 LIST OF ACCOUNTS FOR THE MONTH OF MAY 2014

File Ref: SUB/1720
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate & Community Services
Proposed Meeting Date: 17 June 2014
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present to Council the list of accounts paid for the month of May 2014, as included in the attached Financial Statements.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The list of accounts paid for the month of May 2014 is included in pages 12 to 20 of the attached Financial Statements. The following significant payments are brought to Council's attention:-

- \$31,020 to B & B Waste for waste collection/disposal charges
- \$46,971 to Perthwaste Green Recycling for waste collection/disposal charges
- \$83,263 & \$82,866 to Town of Cottesloe staff for fortnightly payroll
- \$186,180 to ROADS 2000 for construction and resurfacing works

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Birnbrauer

THAT Council receive the list of accounts paid for the month of May 2014 as included in the attached Financial Statements, as submitted to the 17 June 2014 meeting of the Works and Corporate Services Committee.

Carried 8/0

10.4.7 RATES AND SUNDRY DEBTORS REPORTS AS AT 31 MAY 2014

File Ref: SUB/1720
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate & Community Services
Proposed Meeting Date: 17 June 2014
Author Disclosure of Interest: Nil

SUMMARY

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

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report on pages 25 to 27 of the attached Financial Statements shows a total balance outstanding of \$95,871 as at 31 May 2014. Of this amount, \$83,867 relates to debt less than sixty days old, with the balance of aged debtors totalling \$12,184.

The Rates and Charges Analysis on page 28 of the attached Financial Statements shows a total balance outstanding of \$274,130 of which \$177,114 and \$36,952 relates to deferred rates and outstanding emergency services levies respectively.

The Statement of Financial Position on page 4 of the attached Financial Statements shows total rates outstanding as a current asset of \$154,459 as compared to \$245,621 at the comparable time last year.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Birnbrauer

THAT Council receive the rates and Charges Analysis Report and the Sundry Debtors Report as at 31 May 2014 as submitted to the 17 June 2014 meeting of the Works and Corporate Services Committee.

Carried 8/0

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

Nil

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

12.1 ELECTED MEMBERS

Cr Walsh proposed a new item of Business of an Urgent Nature and moved that it be considered urgent.

Moved Cr Walsh, seconded Cr Downes

That a motion related to North Cottesloe Surf Life Saving Club - Liquor Licence Application be considered as urgent business.

Carried 7/1

COUNCIL DISCUSSION

Cr Walsh spoke to the recommendation and referred to the comments from the members of the public present at the meeting. *"When we voted to support the North Cottesloe Surf Life Saving Club Liquor licence application it was on the basis of occasional casual functions at the club for members and their guests. I have listened to the concerns of our residents and feel we must ensure greater control of the hours available for functions and more so the numbers of times in a year that midnight functions occur. Occasional is fine and we so voted last year but regular events has an adverse effect on our residents and society."*

Council discussed the matter at length and clarified that North Cottesloe Surf Life Saving Club could make an alternate application to the Town and the Department of Racing, Gaming and Liquor if Council did not support the current proposal.

12.1.1 NORTH COTTESLOE SURF LIFE SAVING CLUB – LIQUOR LICENCE APPLICATION

Moved Cr Walsh, seconded Cr Downes

That the Town write urgently to the Department of Racing, Gaming and Liquor, advising that Council objects to the application by the North Cottesloe Surf Life Saving Club for an unrestricted Club Liquor Licence.

Carried 8/0

Cr Birnbrauer proposed a new item of Business of an Urgent Nature and moved that it be considered urgent.

Moved Cr Walsh, seconded Cr Pyvis

That a motion related to Submission to EPA on the WA Shark Hazard Mitigation Drum Line Program be considered as urgent business.

Carried 5/3

COUNCIL DISCUSSION

Cr Birnbrauer spoke to the recommendation and provided the following reason to support his proposal. *"The state government's drum line baiting programme was installed without proper planning, with no evidence of its efficacy, no provision for data collection and inaccurate recording and projection of data from the recent trial. It appears that Council would be representing the majority of rate payers and residents by asking the EPA to reject the proposal to resume the programme. Given the projected elimination of Federal Government environmental protection oversight, it is essential that we meet the state EPA closing date if our position is to be considered"*.

Cr Pyvis supported Cr Birnbrauer's comments and Council discussed the matter at length. Several Elected Members raised concerns including the lateness of the proposal, the lack of opportunity to research, investigate and debate the issues, and importantly the lack of Community consultation.

12.1.2 SUBMISSION TO EPA ON THE WA SHARK HAZARD MITIGATION DRUM LINE

That Council:

- 1. Instruct the CEO to lodge a submission with the Environmental Protection Authority that the Town of Cottesloe opposes the Drum Line Program by the State Government for placement of baited drum line hooks off Cottesloe beaches.**
- 2. The Town of Cottesloe lodge the submission by the deadline of 7 July 2014.**
- 3. The Town of Cottesloe particularly raise the following issues as part of the submission:**
 - (a) The use of baited drum lines off Cottesloe beaches attracts sharks and makes the marine environment less safe for swimmers**
 - (b) The trial program this year led to the death of many sharks which posed little or no threat to human safety**
 - (c) The release of undersized injured sharks from drum lines 1km offshore from Cottesloe beaches made the marine environment less safe for swimmers**
 - (d) The dumping of shark carcasses offshore from Cottesloe beaches attracts other sharks and makes the marine environment less safe for swimmers**

- (e) Cottesloe has a Fish Habitat Protection Area (FHPA) directly off its beaches and this practice damages the integrity of the FHPA and upsets the ocean ecosystem by removing species important for overall system balance.
- (f) There are real alternatives, such as research, education, tagging, and personal and area-based shark deterrents.

Lost 3/5

12.2 OFFICERS

Nil

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 08:46 PM.

CONFIRMED MINUTES OF 23 June 2014 PAGES 1 – 71 INCLUSIVE.

PRESIDING MEMBER:
POSITION:

.....

DATE: / /