

# TOWN OF COTTESLOE



## ORDINARY COUNCIL MEETING

# MINUTES

ORDINARY COUNCIL MEETING  
HELD IN THE  
Council Chambers, Cottesloe Civic Centre  
109 Broome Street, Cottesloe  
6:00 PM Tuesday, 23 October 2018

**MAT HUMFREY**  
Chief Executive Officer

1 November 2018

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

The Presiding Member announced the meeting opened at 6:00pm.

**2 DISCLAIMER**

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

**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

The Mayor announced that the meeting is being recorded, solely for the purpose of confirming the correctness of the Minutes.

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

Yvonne Hart, 26 Mann Street, Cottesloe - Indiana Toilets (OCM 28/8/18)

Q1. Is Council aware that the men's toilets at Indiana were closed last weekend?

A1. Yes.

Q2. Why hasn't there been information to the community since the last confidential Indiana Council meeting?

A2: There have been no formal developments on the lease (this has changed since the meeting at which these questions were asked).

**Standing Order 8 – Questions Submitted by Cr Boulter via email 27 September 2018**

Q1: What are each of the standard event conditions that the TOC administration draws from in selecting conditions to be applied to events in Cottesloe?

A1. That Council APPROVE the application to hold the <event name> at <event location> on <event day, date> from <event start and finish time>, subject to the following conditions:

1. Class this event as a <event classification> event and charge the fee of <relevant fee> and a bond of <event bond>, to be paid prior to the event commencing.
2. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event.
3. Provision of a transport or parking plan and appropriate access/signage to and from the event, which is to be provided at least 30 days prior to the event for the approval of the Chief Executive Officer.

4. Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required.
5. All signage to be approved by the Chief Executive Officer one month prior to the event.
6. The event complies with all noise management conditions imposed on the event by the Town of Cottesloe.
7. Compliance with the Town's *Beaches and Beach Reserves Local Law 2012*.
8. Compliance with relevant sections of the Town's *Beach Policy*.
9. The event complies with all requirements of the:
  - ) *Health (Public Buildings) Regulations 1992*
  - ) *Food Act 2008*
  - ) *Town's Health Local Law 1997*
  - ) *Town's Liquor (Licensed Premises) Policy*
  - ) *Health (Miscellaneous Provisions) Act 1911*
  - ) *Environmental Protection (Noise) Regulations 1997*
10. No alcohol is to be served unless a valid licence or permit from the Department of Racing, Gaming and Liquor is provided to the Town prior to the event;
11. Adequate arrangements for rubbish removal and collection, including the provision for recycling.
12. The Applicant will (including by directing any parties under their control or supervision) use their best endeavours to minimise waste and litter production from the event.
13. Single use plastics including without limit balloons, plastic bottles, plastic bags that have a thickness of 35 microns or less, plastic takeaway containers and lids, plastic lined coffee cups/lids, plastic straws, plastic lolly sticks, plastic cutlery and single plastic wrapped lollies will not be used by the Applicant (and any parties under their control or supervision) in setting up, during or in clearing up after the event.
14. That the event is a non-smoking event.
15. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event.
16. That the Western Metropolitan Regional Council 'Earth Carers' Event Waste Minimisation Checklist is provided to the event organisers, who are to complete the checklist and return to

Council after the event with the aim of reducing the amount of plastics used at the event.

17. The provision of a Disability Access and Inclusion Plan.

ADVICE NOTE

The Town of Cottesloe Local Government Property Local Law 2001 (Consolidated) prohibits at clause 2.8(1)(i) “releasing an unsecured balloon inflated with a gas that causes it to rise in the air. Fines apply for breach of this Local Law, and applies to all events and food vans (and the like) approvals.

Exemptions may apply if the Applicant or the council requires the use of single use plastic items for medical reasons, where there is no reasonable alternative and the single use plastics are properly recycled or disposed of or stored safely and sustainably, or are removed from the Town of Cottesloe.

The full length of the Cottesloe Reef is protected by a Fish Habitat Protection Area (FHPA), the only one in the Perth Metropolitan Area. The principal aim of the Cottesloe Reef FHPA is to preserve valuable fish and marine environments for the future use and enjoyment of all people. Plastic and balloon litter pose a significant risk to this very special marine environment. A Cottesloe Reef FHPA brochure is enclosed for your further attention.

Q2: What is the content of the event application form used by the TOC and how many different forms are there?

**A2:** The forms have been recently updated and are available on the website.

Q3: What are each of the standard conditions that the TOC administration draws from in recommending conditions to the WAPC to be applied to scheme amendment proposals?

**A3:** There are no conditions applied to Scheme amendment proposals.

Q4: What are each of the standard subdivision/amalgamation conditions that the TOC administration draws from in recommending conditions to the WAPC to be applied to subdivision/amalgamation approvals in Cottesloe?

**A4:** The Department of Planning’s *Model Subdivision Conditions Schedule* is used for subdivision/amalgamation referrals.

Q5: What are each of the standard planning and development conditions that the TOC administration draws from in selecting conditions to be applied to development approvals in Cottesloe?

**A5:** Planning conditions are listed in the Council Agendas, but may be adapted to address specific requirements.

Q6: What are each of the standard building licence conditions that the TOC administration draws from in selecting conditions to be applied to building licences in Cottesloe?

A6: Planning conditions are listed in the Council Agendas, but may be adapted to address specific requirements.

Q7: What is the process for Council reviewing conditions and forms used by the TOC?

A7: Forms are reviewed by the Administration from time to time.

**Standing Order 8 – Questions Submitted by Cr Boulter via email 8 October 2018**

Q1. On what date was the whole TOC community last consulted formally about locating the TOC works depot at the Sea View Golf Course?

A1. 2010-2011.

Q2. What was the outcome of those submissions?

A2. General opposition to the depot being at the SVGC.

Q3. Does the TOC pay any ongoing subsidy to the SVGC? If yes, what are the details of this subsidy?

A3. No.

Q4. Does the TOC provide any assistance or use of TOC equipment to the SVGC to assist in the SVGC maintenance obligations for the golf course and its surrounds? If yes, can the precise nature of this assistance be described and the financial cost estimated?

A4. No.

Q5. What is the outstanding amount of any loans from the TOC to the SVGC? What was/were the loans for? When is/are the loan(s) due for final repayment?

A5. The Loan from WA Treasury was for \$380,000 taken out on 06-10-2008 for capital works to the irrigation system at the golf course, this agreement finishes on 06-10-23.

In 2016 the Town entered into an agreement to loan a further amount to SVGC of approximately \$48000 for repairs at the club house. This amount was effectively added to the original loan balance outstanding and a new schedule drawn up between the Town and SVGC so that their repayments to us now finish on 06-06-26.

As at 30-06-18 the Town owed \$180,840 to WA Treasury for the loan, and the Town was owed \$246,995.

Q6. What are the total donations from the TOC to the SVGC over the last 5 years and how much and what were these donations for?



- A6.** 2013-14 – Council donated \$3875 to purchase and install koppers logs on the courses boundary along Jarrad Street to prevent unauthorised parking.

Also in April 2016 Council approved to make a payment to the Golf Club for improvements to the clubhouse facilities. A payment of \$52800 was made on 17-07-2017.

**Standing Order 8 – Questions Submitted by Cr Pyvis via email 18 October 2018**

- Q1.** What are all outstanding capital works projects (that have been budgeted for)?
- A1.** Please refer to Note 13 of the Monthly Financial Statement (page 33 of the attachment) for the status of all capital works projects.
- Q2.** Has TOC Administration sought from Council prioritisation of the capital works projects?
- A2.** No.
1. If yes, please list in order of priority.
  2. If no, why not?
  3. Staff program capital works to be completed over the full 12 month period of a financial year. There are some factors that influence this timetable i.e. wet weather avoided for road resealing program.
- Q3.** If no (to 2. above) what is the process by which Council can set priorities for outstanding capital works?
- A3.** Either by way of Council resolution or direct request to the Chief Executive Officer.
- Q4.** How many consultants were/are contracted to provide a report/plan/study for the years
- 2016
- 2017
- 2018 to date
- Including itemised project name, consultant name/organisation, total project cost, amount paid to date, projected final payments
- A4.** This information was not available in time for the production of the agenda and will be provided by way of email to Elected Members.
- Q5.** What mechanism is in place to record reports/notifications/complaints made to TOC administration by residents/ratepayers/public?
- A5.** All of the above are recorded in Council's electronic record system.
- Q6.** What process is in place to report to Council on complaints made to TOC administration by residents/ratepayers/public?
-

- A6.** There is no formal process, however can be made available on request.
- Q7.** How many of these reports/notifications/complaints involve police?
- A7.** Unknown at this stage but is a relatively small number.

#### **4.2 PUBLIC QUESTIONS**

##### Russell Hall, 78 Broome Street, Cottesloe - Item 10.1.12

**Q1.** My question relates to rumours that yet again the relocation of the depot back to the golf course is under consideration. This has been dealt with by Council several times. I understand there's a clear financial gain for the golf course for the depot to move there. I'm still concerned that the proposal doesn't have merit. My understanding is it still has to be supported by both houses of parliament and it's a very long drawn out process. When it was being treated as a temporary depot, certainly from where I live across the road from the kindergarten, you notice the conflict of the heavy vehicles, noise and inconvenience of it being place there. The main point to me is I'm not sure how the Council believes it's going to get around the issue of it being a class A reserve and putting a fenced depot on it. Everyone I talk to in the area I live doesn't support the proposal. We understand it is cheap but fundamentally we're concerned that it's wasting the time of the Council and Council staff and the cost of an interim solution. We're talking about something that will take many years to get through both houses of parliament if it was supported.

Does the council have any formal plans to consider for relocating back to the Seaview Golf Course precinct and if they do can they please provide evidence that they've actually got the support of both houses of parliament rather than wasting the time and the money of the ratepayers of Cottesloe.

**A1.** Taken on notice.

##### Jim Green, 52 John Street, Cottesloe - Item 10.1.12

**Q1.** Seaview mini depot was there for about 5 years so what's changed to make it an industrial consideration? The West Australian Planning Commission allow titles for "A Grade Reserve" Golf Clubs to have a management attachment for "land use incidental" and with the leases for the nearby kindergarten, pavilion and sporting fields defining all costs to be borne by the Council there is no impediment for the mini depot. No money needs to change hands, just provide similar landlord assistance as to the other leases. Any business plan needs to include all options so maybe a mix of golf course and somewhere else needs to be studied or else you are not doing a plan at all. Suspend advertising the attached business plan until it is covering options for ratepayers to be properly informed.

- A1.** The CEO advised that we agree there's no impediment to having a mini depot at Seaview – what we're looking at tonight is a to have a full depot and given the size of the operation it would take 1,500 square metres of land and what would be stored there permanently would make it an industrial use that would require approval.

John Travers, 32 Forrest Street, Cottesloe – Item 10.1.12

- Q1.** Due to the concerns from Cottesloe ratepayers that the Mosman Park Depot is the only alternative mentioned in the business plan can the Town contract an independent expert to prepare a business plan and associated procedures for all matters pertaining to the Town of Cottesloe depot site including identifying costs and including a cost benefit analysis of leasing the Town of Cottesloe Depot at the Town of Mosman Park versus the Seaview Golf Club or another alternative site such as one of the railway reserves? I ask the Town of Cottesloe to suspend progress of the Memorandum of Understanding and suspend negotiations with the Town of Mosman Park in respect of the establishment of the depot until Council resolves the preferred siting of the Town of Cottesloe works depot on receipt of a fully independently formulated business plan, according to the law, having regard to the consequences of not meeting ratepayers' wishes and losing 1.1% of rates income to another suburb.

- A1.** Taken on notice.

Patricia Carmichael, 14-116 Marine Parade, Cottesloe – Item 10.1.2

- Q1.** My concerns – looking at the Certificate of Title of the Town of Mosman Park, its' stated there was both a memorial and notification on that particular site and the memorial states possibly contaminated, investigation required, which I think came out in the Town of Mosman Park website link. The other aspect, the notification, it states it's possibly contaminated, investigation required and states there are grounds to indicate that soil, groundwater and surface water at the site may be contaminated, however, more information is required to confirm or dismiss the possibility of contamination. The notification classification outlines that the Act requires the DEC to notify the following people of the reported site's classification and that also refers to in that aspect any relevant authority. I have found subsequently that the area surrounding this particular proposed site was used as a tip site by BGC (which is the Buckland Group of Companies) and I assume at some point in time, that the Town of Cottesloe Council through the Town of Mosman Park would be following through with a due diligence report, the soil sample testing on the site, prior to any arrangements being entered into.

- A1.** The CEO advised that the notification memorial on the Town of Mosman Park depot is very common to works depots across the state and our former depot site at Nailsworth Street had the same notification and memo associated with the certificate of title. If we were to locate the depot anywhere else it is likely that a similar notification memorandum would be put on whichever certificate of title that would apply for a depot. It's put there because of the nature of a works depots what's stored there in the way of chemicals and materials over a long period of time. As the land will remain under the control of the Town of Mosman Park at this stage we don't have any plans to investigate removing that memorial as it wouldn't affect the use of that land for a works depot.

Victor Strzina, 3A Deane Street, Cottesloe – Item 10.1.2

- Q1.** Given the potentially millions of dollars of savings in locating the depot elsewhere, other than the Town of Mosman Park Council site, has Council had any serious independent study done on the cost benefit analysis for either case and if not why not?
- A1.** The CEO advised he was not aware of an independent investigation having been done any time in the last decade to find a depot site in the Town of Cottesloe. Having said that, the number of sites is extremely limited. The Town does have some freehold land in the Town Centre and there are a number of reserves around the Town itself that are controlled by the Town but most of these are developed as recreation spaces. We have looked several times at the use of the Seaview site for a potential depot and in each and every case Council has chosen not to proceed with that option. While we haven't commissioned anyone to do an independent search, given the number of available spaces it hasn't been deemed warranted.

Keith Campbell, 14 Forrest Street, Cottesloe - Item 10.1.12

- Q1.** In my eyes the business plan examines all the alternatives for a business proposition and will evaluate the use of existing land, the utilities on that land, the cost, the effective management and the use of assets. When it's advertised for public submissions many people only look at what's on the plan available without any knowledge of the alternate solutions or costs. The ratepayers need to know if there are local areas that can be used, what assets need to be housed, either in the open or under cover, what duties the staff carry out, the travelling costs, efficiency with man hours for each alternative, security issues, the ownership of capital works. If a private company did the equivalent of what we're going to comment on they would not last in the real world. Do not pass in this inferior version of a business plan for advertising, do a proper one and with the delay that may be caused in doing a proper evaluation I think you could put part of the depot back on the Seaview Golf Course because it's part of a total A class reserve with incidental work needed through the golf course and if you needed to do work on the ovals or the kindergarten or any other area it doesn't go against any

laws or the WA Planning have. Basically I think that you need to look much further at doing a proper business plan, not just an alternative that people will look at and make a comment on one thing not three or four plans. I'm also a ratepayer in Mosman Park but I thought this business plan was very unfair to the ratepayers in Cottesloe. Mr Campbell submitted a petition of approximately 500 signatories.

- A1.** The CEO responded that the business plan that's been presented as a requirement of the *Local Government Act 1995* doesn't meet the common definition of a business plan. But a business plan that we're required to circulate, advertise and seek submissions on, is specified in the *Act* and Regulations, including what's to be in it. We've previously made available to Councillors examples of other business plans that meet that criteria, and the draft business plan does meet all criteria. The reason we haven't listed a host of options is that previous resolutions required the Administration Staff to begin negotiations with the ToMP and we've reached a point where we're now advertising the business plan required by the *Act* to inform the community what the costs and benefits of that transaction are.

Keith Campbell, 14 Forrest Street, Cottesloe - Item 10.1.12

I ended up with 45 people along Broome Street, 45 people in Forrest Street and more than 20 in Pier Street who were in favour of the depot being at Seaview Golf Course so it obviously hasn't affected them too much.

Shirley Primeau – 38 Marine Parade, Cottesloe – Item 10.1.12

- Q1. Is it correct that Mark Goodlet, the CEO of Mosman Park, with whom our CEO would have to negotiate the multi-million dollar deal for the proposed new depot, serves or has served, on the Town of Cottesloe North Cottesloe Primary Traffic Management Committee?
- Q2. How did Mr Goodlet obtain a place on this Committee? Was it an open and transparent vote?
- Q3. Is it correct that at a recent agenda forum Mayor Angers made a joke about the close working relationship of Mr Goodlet and Mr Humfrey and that the Town of Cottesloe CEO laughed and quipped that he called it "resource sharing"?
- Q4. Is it correct that Kirsty Barret in presenting the Cottesloe School Car park to Council at a Cottesloe Agenda Forum referred to Mark Goodlet both as the designer of the car park and as the CEO of Mosman Park?
- Q5. Is it correct that Ms Barret, who was working with and promoting Mr Goodlet's ideas, was herself promoted as a Cottesloe Council candidate in the North Cottesloe Surf Life Saving Club newsletter by an unauthorised advertisement written in the first person by Mayor Angers, along with Crs Young and Harkins?

- Q6. Is it correct that Mr Goodlet's concept plan for a carpark on Cottesloe Council Reserves was voted through by several Councillors present today?
- Q7. Should the Councillors who know of and have supported Mr Goodlet in his role as a resident, a school carpark proponent and/or a TOC Committee member declare an interest in this item?
- Q8. Is it correct that Mark Goodlet, CEO of Mosman Park, is also a resident and ratepayer in Cottesloe?
- Q9. Is Council aware that Mr Goodlet has been instructed by Mosman Park Council and will therefore be remunerated in part for attracting Cottesloe ratepayers' money to the Town of Mosman Park?
- Q10. Would you agree that these issues might contribute towards an insuperable conflict of interest if Mr Humfrey is supposed to be negotiating financially on the TOC works depot with Mr Goodlet?

Mayor stated that the remarks were highly inflammatory and called on the CEO to respond.

- A1.** The CEO confirmed that Mr Goodlet is on the Town of Cottesloe North Cottesloe Primary Traffic Management Committee and that information is freely available on the Towns's website.
- A2.** Mr Goodlet was appointed by Council at the same time all Committees were appointed.
- A3.** I do recall a a joke being made about our close working relationship. It's no secret that all the CEOs in the Western Suburbs have a close working relationship between Councils. We regularly meet to discuss all manner of resource sharing arrangements.
- A4&5** The comments regarding Kirsty Barret – I don't believe I'm able to answer because I'm not Ms Barret or have a working relationship with her.
- A6.** The concept for the North Cottesloe Primary School traffic improvements were put forward by Mr Goodlet in consultation with school members. Mr Goodlet is a highly experienced traffic engineer with more than 30 years' experience in the industry.
- A7.** With regards to declaring an interest – no. It's clearly stated on both Towns' Strategic Objectives to look at sharing a depot so the fact that the CEOs are working towards that is a part of our contract arrangements.
- A9.** I would believe that Mr Goodlet probably was instructed by the Town of Mosman Park to progress the shared depot arrangement in the same way as I've been instructed by the Town of Cottesloe to pursue a shared depot arrangement at the Town of Mosman Park. I have no

idea what Mr Goodlet's remuneration arrangements are with his Council, that's a question you would have to ask them.

- A10.** As far as conflict of interest is concerned, if CEOs were asked to declare an interest on every item that Council had asked them to progress, we would have to declare an interest on every item on tonight's agenda.

## 5 PUBLIC STATEMENT TIME

Jane Marwick, 6 Jarrad Street, Cottesloe - Item 10.1.12

- ) Having just returned from a holiday overseas where we saw noisy, dirty, crowded cities the first thing we did was walk to the Seaview Golf Course after the golfers had finished for the day. We were delighted to see that the piles of rubbish and smelly, decaying piles of mulch and muck had been removed, so too the piles of rubbish that had been a blight on this lovely site when it was a mini depot. Last year we were so concerned that we started to photograph the increasing piles of tiles, broken play equipment, old pallets, bins and junk. The place resembled a rubbish tip. It was noisy early in the mornings, it smelt and was unbecoming of an A class reserve. We and many of our fellow evening walkers were overjoyed when it disappeared. Well done Cottesloe Council. No more noisy trucks up and down Barsden, Jarrad and Broome Streets. The whole precinct has vastly improved. It was quieter, cleaner and much nicer. Our amenity had returned, our environment has improved.
- ) I remember when this issue was discussed previously we were referred to a few residents. Well, perhaps we are just a few along Barsden, Jarrad and Broome Streets. We might not be the noisiest. Many of us work and find it hard to attend meetings like this one tonight or join groups, but we matter. We are residents and ratepayers. Our enjoyment and point of view is as valid as anyone else's. We do not feel that we have been consulted. It's happening in our back yard and impacting us directly. The trucks up and down our street, and a tractor early in the morning were noisy and disruptive. These vehicles which used our streets with increasing frequency impacted our way of life and the enjoyment of our suburb. The frequency of trucks at the roundabout of Jarrad and Broome became problematic. A lot of families and people walking dogs use that crossing to the park near the kindergarten. We want less, not more traffic.
- ) It beggars belief that anyone thinks that a depot on this unique site, a beautiful A class reserve, with unparalleled views of pristine beach and Rottnest would be a good site for any depot. The reverse is in fact true. Multi-million dollar views. There are people who live nearby who use this lovely green open space, not just the golfers. In summer the lawns act as a giant evaporative cooler. Children run barefoot, the elderly stroll, families along the fairways and dogs – it's a wonderful community, we're passionate about it. I invite Councillors to and proponents of the depot site to do as I do and walk the course from behind the kindy every night – it's very important to us.

Tayne Evershed, 1/251 St Georges Tce, Perth - Item 10.1.3

- ) We support the officer's recommendation to approve the proposed development subject to conditions. As outlined in the officer's report, the proposed development complies with the Town's Town Planning Scheme and all the deemed-to-comply provisions of the R-codes, with the exception of two elements, being a small area of additional fill on the south-west corner of the site and some visual privacy provisions to the northern neighbour. Each of these two variations have been assessed against the design principles of the r-codes and they've been deemed to meet these principles. It's on this basis the application before you is recommended for approval.
- ) During the process, the application was advertised for comment and several neighbours expressed some concerns about certain aspects of the development and in response the applicant has made some changes to the plans. These include increased side setbacks, some additional privacy screens to restrict overlooking and the increase of open space to 50%. These modifications all form part of the plans before you this evening and have ultimately resulted in a plan that is deemed to comply with the exception of two minor variations which meet the design principles of the r-codes. We also note that there were three submissions supporting the proposed development and none against. We request planning approval be granted.

Bill Cox, 69 Grant Street, Cottesloe (President of SVGC) - Item 10.1.12

- ) I wrote to the CEO three months ago. In the letter I suggested that Sea View Golf Course was no longer happy with the Town of Cottesloe using the mini depot without paying some form of compensation. I encouraged the Town to either consider compensation or move on and the CEO came back very quickly and said the Town would move on. I'd like to clarify that it was our preference that the mini depot would stay but we were quite keen to get some return on the fact that the mini depot would be there.
- ) I then wrote to the CEO last week and clarified that we were not opposed as a club, as a board or as a group of members, to the idea of having a mini depot on the golf course club, or indeed having the main depot on the SVGC. The CEO replied quickly to that too and we had a meeting today. We talked about the situation and the Town's responses and I'd like to point out that the CEO did explain that there were a number of reasons why a depot on the golf course wouldn't be easy and he explained that, both in his letter and in person, and offered to assist SVGC to find another use for the land, and offered to assist and investigate that. I'd like to formally state that regardless of how tonight goes we thank him for his invitation and we are going to accept that.
- ) I'm also a Cottesloe ratepayer and interested in the best use of Cottesloe land and the best use of money in this lovely suburb. From the SVGC point of view I'm interested in the financial well-being of the club and if we can find another



use for what was the mini depot, great. If the mini depot stays, we're happy with that too.

Katrina Downes, 76 Broome Street, Cottesloe - Item 10.1.12

- ) I'm pleased to see on tonight's agenda item 10.1.12, the business plan regarding the shared depot with the Town of Mosman Park. It's been a long time coming and the fact that this Council is being asked to consider authorising the attached draft business plan for advertising. I look forward to hearing the feedback when the plan is advertised for comment. I believe many stakeholders affected by this motion, including the Cottesloe residents and ratepayers, Seaview Kindergarten, athletes and clubs that use Harvey Field and I assume golf players, will be pleased that the SVGC will be conserved for the use that it is meant for - community enjoyment.
- ) The concept of locating a depot on SVGC was as logical as proposing it goes to John Black Dune Reserve or on the Civic Centre grounds. As an A class reserve, this land has the greatest degree of protection from development. It is in fact used solely to protect the areas of high conservation or high community value and I believe the SVGC has a very high community and environmental value. In the business plan we deal with the principles of sustainability, good governance, community participation and cooperation being practiced by the Town of Cottesloe – well done. I hope this motion is supported this evening and we can move forward with resource sharing with our close neighbours in Mosman Park.

Yvonne Hart, 26 Mann Street, Cottesloe - Item 10.1.12

- ) I'm following up on an e-mail that was sent to Councillors yesterday regarding Item 10.1.12 on the depot. I hope you've had time to read the e-mail and you're now fully aware that there is much disquiet among ratepayers regarding the proposal for a 21 year lease for a shared depot arrangement with the Town of Mosman Park. A 21 year lease is a major strategic step for Council to take. This is not simply writing a policy document that could be changed in five years. This is not a chummy arrangement between two local governments. A 21 year lease is a complex legal financial arrangement and Council needs to be very sure that a depot in Mosman Park is the very best deal for Cottesloe ratepayers.
- ) There is a long history surrounding the depot and Councillors may know of facts that ratepayers are not privileged to, however, it's pretty clear that it's critically important that all aspects of the proposal are explored.
- ) It does not appear that a cost benefit analysis has taken place. From what is written in the business plan, the costs to Cottesloe ratepayers are high and it seems to be a lose lose for Cottesloe and a win win for Mosman Park. The draft business plan states on page three that this arrangement will represent a saving to the Town of Cottesloe's existing arrangement and it says become a

revenue stream for the ToMP. That Cottesloe ratepayers would be providing a revenue stream to ToMP for 21 years is simply not acceptable. I therefore, respectfully request that Council firstly, defers approval for the business plan and secondly, before decisions are made, undertake a fully itemised cost benefit analysis of upgrading the Seaview site in comparison with the new depot at Mosman Park.

- ) A 21 year lease is a long-term strategic, complex decision to make. A 21 year lease has implications that will effect every ratepayer, not just for now but long-term into the future and so Councillors we must get this right.

Peter Harms, 19 Jarrad Street, Cottesloe - Item 10.1.12

- ) I'm in support of putting forward the major land transaction plan. There's a couple of reasons – I've been a resident of Jarrad Street and have been for 42 years and what you all need to understand is that A class reserve does not belong to the people of Cottesloe, we are custodians of it, it belongs to the people of Western Australia. If you proceed and want to upgrade the depot, be assured that the petition of 500 people from three streets will be absolutely dwarfed by a petition that will go statewide and invoke attention and all we're doing is going to draw attention to the fact that we we have been privy to this state-owned asset and we're abusing it.
- ) The reason that the SVGC has come back and said that they don't mind having the depot there is because there is a groundswell of disdain and it's problematic.
- ) We, the ratepayers of Cottesloe do not want a depot on an A class reserve. It's pretty simple, I've been campaigning on this issue for eight years, it's been going on for 10 years. Yvonne worries about 21 years, this issue has gone on for half that period and we haven't resolved anything - move forward. We've rejected the depot on the A class reserve twice. Council has twice acknowledged that the ratepayers do not want it - move forward, move this business plan.
- ) It's my understanding that the shared depot arrangement was the original proposal that was put to us ratepayers to aim at the sale of Nailsworth Street depot. All we're doing by ratifying this arrangement is just going back to where we started in 2010. Surely it's not a lot to ask for ratepayers for something to be resolved after this length of time.

Gary Barrow, 2 Wentworth Street, Cottesloe - Item 10.1.15

- ) I presume that nobody will deny there's a traffic hazard problem on the t-junction of Wentworth Street and Railway Street? I presume that because statutory no stopping lanes have been put down. Two options were put to the residents – one involved an increase or an extension of the lines by five metres, the second one involved an extension by 13 metres. Before you

tonight is an officer recommendation for a variation of that - a 13m extension but on northern side of the road only. My submission to you is that it's pointless.

- ) I again presume no-one will deny that the whole purpose of having no stopping lanes at intersections is to restrict parking and the purpose of restricting parking is to make sure that the intersection is clear by sight and gives sufficient room for vehicles approaching each other to manoeuvre. If you adopt the officer's recommendation and put the lines on the northern side of the road, you achieve nothing because if vehicles are parked on the southern side of the road, vehicles proceeding west on Wentworth Street must necessarily go onto the wrong side of the road for approximately 23 metres before the intersection. My submission to you is that is dangerous and I therefore urge you to accept the counter motion of Cr Boulter for option two, which is an increase of 13 metres from both sides of the road. I do appreciate and sympathise that it impacts on the residents of 1B on the corner. It also impacts on me.

Tania Waters, 9 Wentworth Street, Cottesloe – Item 10.1.15

- ) I too live in Wentworth Street. It's a short, narrow street in Cottesloe and we are only two streets away from the North Cottesloe Primary School. I'm on notice, Councillors are on notice, we're all on notice. I'm telling you that when I drive down Wentworth every morning, heading west to Railway, I can't see the children walking along Railway Street to get to North Cottesloe Primary because cars are parked on the southern side of the road. They never used to be parked there because there used to be one resident taking up that whole corner but a developer came and demolished the house and put two residences on the corner so Council actually looked at the plans and said too much parking close to the corner will affect line of site so they ordered the developer to make sure that there was offstreet parking and a double garage for both residents. Unfortunately the owners don't want to park the cars in the garage because they use that for storage, so instead they park on the corner on the southern side. I come down the street every morning about 10 past eight, as I work in the CBD, and I can't see the kids until they've stepped out from behind his car and by then I'm on the corner, so the risk is high. Everybody is on notice.
- ) When I've written to Council I've had a lot of support from Councillors, yes that makes sense. Rangers came out and could see the problem and said they could only put the no stopping lines in, they could only put the statutory ones in and they could see it wouldn't be enough and advised me to lobby Council about the problem. I did that and Council came back and said it wrote to every resident in Wentworth Street in September and said Council would give them two options – one option, a 5 metre extension and a second option of a 13 metre extension on both sides of the road, it was never talked about one side only. We all know it, the problem is only on the southern side, but yes if you want to spray paint the northern side, then go ahead.

- ) Nine of us put in submissions but strangely, none of our pro submissions are in this agenda pack tonight. Only the developer's single objection was included in the agenda tonight, which I find a bit strange. So the officer's recommendation, yes its a safety problem and everyone agrees, but the officers came back and said we'd support no stopping lines, the long ones we asked for, but only on the north.
- ) Cr Boulter has put through another recommendation. She has seen the site and seen that clearly we need no stopping lines on both sides of the road, even though clearly the southern side is a problem. Please Councillors, I urge all of you, you're on notice, just like me, please help me drive safely in my own street.

Tom Alabakis, 28 Loma Street, Cottesloe – Item 10.1.16

- ) I'm pleased to see that Council has reached a new draft street tree policy but what I'm not pleased about is that it's not been put out for public comment on a street tree policy that effects all our residents and should be put out to allow us some time to pass you our comments. I urge all the councillors here, when it comes to voting for this, that they allow some time for a statement to be made in the public and then we can review it properly. It's been a fairly shambolic policy over the last few years and I think it's time that we gave everyone a chance for their comments.

Gabrielle Gill, 63 Eric St, Cottesloe – Item 10.1.16

- ) I have spoken at Council meetings before regarding the crowded Norfolk Island Pines I have on my verge reserve and Eric Street. Tonight I'm here to ask Mayor Angers and the Councillors to support Cr Boulter's amendment to advertise the draft street tree policy – it would be wrong not to.
- ) I personally, after reading the draft policy, can't work out how it meets my request but I'm not here about that tonight. It's such an important policy and it needs to be improved to result in the best possible preservation of planting and management of trees in Cottesloe. There is also no mention of tree relocation in extreme circumstances, which I think needs to be included as an option, for example, in the future when we have the flyover done, some of those trees will probably have to be moved or knocked down. If you have a relocation clause in there it gives the trees another life somewhere else.
- ) There are individuals in our community who have extensive expertise in trees and there is a proper process and those interested in making a submission are given the opportunity to do so. Policies are only reviewed every five years or so and it's so important that the street tree policy that Council eventually approves is the best possible document that will result in an increase in Cottesloe's tree canopy. There are outstanding and unresolved tree issues like mine but a well-thought out street tree policy will protect trees and increase the canopy. An improved street tree policy, through community consultation,

is an excellent investment in the legacy of trees for future Cottesloe residents and ratepayers so I urge you now to support Cr Boulter's amendment to advertise the draft street tree policy for community submissions.

## **6 ATTENDANCE**

### **Present**

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

### **6.1 APOLOGIES**

Cr Mark Rodda

#### **Officers Apologies**

Nil

### **6.2 APPROVED LEAVE OF ABSENCE**

Nil

### **6.3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

## **7 DECLARATION OF INTERESTS**

Cr Young – declared a PROXIMITY INTEREST in item 10.2.1, part 4, Reserves Parks and Playgrounds

Cr Pyvis – declared an IMPARTIALITY INTEREST in item 10.1.16

Cr Tucak – declared an IMPARTIALITY INTEREST item 10.1.1

Cr Tucak – declared an IMPARTIALITY INTEREST item 10.1.7

Cr Tucak – declared an IMPARTIALITY INTEREST item 10.1.10

Cr Tucak – declared an IMPARTIALITY INTEREST item 10.1.15

Cr Tucak – declared a FINANCIAL INTEREST item 10.1.6

Cr Harkins – declared an IMPARTIALITY INTEREST item 10.1.10

Mayor Angers – declared a FINANCIAL INTEREST in item 10.1.6

The CEO declared an interest for all staff on item 10.1.8

**8 CONFIRMATION OF MINUTES**

That the Minutes of the Ordinary Meeting of Council held on Tuesday 25 September 2018 be confirmed as a true and accurate record.

**COUNCILLOR MOTION**

Moved Cr Young

Seconded Cr Thomas

That Council DEFER this item.

Carried 7/1

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

Against: Cr Tucak

**9 PRESENTATIONS****9.1 PETITIONS**

Moved Cr Sadler

Seconded Cr Boulter

That Council ACCEPT the petition.

Carried 7/1

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

Against: Cr Young

**9.2 PRESENTATIONS**

Nil

**9.3 DEPUTATIONS**

Nil

For the benefit of the members of the public present, the Mayor announced that items 10.1.1, 10.1.5, 10.1.10, 10.1.14, 10.1.18 would be dealt with en bloc.

For the benefit of the members of the public present, the Mayor announced that item 10.1.12 would be considered first.

**10 REPORTS****10.1 REPORTS OF OFFICERS****PLANNING****10.1.1 LOCAL PLANNING POLICY - WEARNE SITE**

**File Ref:** SUB/2594  
**Applicant(s) Proponents:** Nil  
**Attachments:** 10.1.1(a) Draft Local Planning Policy  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Mat Humfrey, Chief Executive Officer  
**Author Disclosure of Interest:** Nil

Cr Tucak – declared an **IMPARTIALITY INTEREST** item 10.1.1 by virtue the Executive of Wearne are known to him.”

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**SUMMARY**

Council is being asked to authorise the advertising of the draft Local Planning Policy (Wearne Site) attached, seeking submissions on it as a part of the policy development process.

**BACKGROUND**

The development of a Local Planning Policy for the Wearne Site is a part of the overall process for the development of the Wearne Site, as previously resolved by Council. The adopted process allowed for the four “owner” local governments to consider and adopt a Master Plan, required under the Agreement for Lease for the site, with the Town of Cottesloe to then consider the planning aspects separately, via the Local Planning Policy Framework.

At the July 2018 Ordinary Council Meeting Council resolved;

*THAT Council;*

- 1. ENDORSE Curtin Care Incorporated’s Wearne Redevelopment Draft Concept Master Plan; and*
- 2. AUTHORISE the Town of Cottesloe Administration to develop a Local Planning Policy, incorporating the Master Plan, for Council’s consideration and for potential scheme amendments to protect the amenity of the locality and to ensure there are binding development controls made in the interests of the community.*

*CARRIED 8/0*

The attached Local Planning Policy has been developed in consultation with Curtin Care and incorporates the provisions of the Master Plan, as resolved by Council.

At this stage officers have not prepared Scheme Amendment documentation. It was anticipated that the Scheme Amendment process would begin following consideration of the Policy itself.

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**STRATEGIC IMPLICATIONS**

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Priority Area 4: Managing Development

Major Strategy 4.2: Consider undeveloped Government owned land for higher density development provided there is both public support and benefit for the Cottesloe community.

The Wearne Site is currently owned by four local government authorities and the proposed development would provide a higher density. It could also be argued that the provision of aged care and housing options also provides a benefit to the Cottesloe community.

**POLICY IMPLICATIONS**

If the Officer's recommendation is adopted, the administration will prepare a draft Local Planning Policy for the purposes of community consultation and Council's consideration.

**STATUTORY ENVIRONMENT****Planning and Development (Local Planning Schemes) Regulations 2015*****Regulation 4 - Procedure for making local planning policy***

- (1) *If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows –*
- (a) *publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of –*
    - (i) *the subject and nature of the proposed policy; and*
    - (ii) *the objectives of the proposed policy; and*
    - (iii) *where the proposed policy may be inspected; and*
    - (iv) *to whom, in what form and during what period submissions in relation to the proposed policy may be made;*
  - (b) *if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
  - (c) *give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*
- (2) *The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).*
- (3) *After the expiry of the period within which submissions may be made, the local government must –*
- (a) *review the proposed policy in the light of any submissions made; and*
  - (b) *resolve to –*
    - (i) *proceed with the policy without modification; or*
-



(ii) *proceed with the policy with modification; or*

(iii) *not to proceed with the policy.*

(4) *If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.*

(5) *A policy has effect on publication of a notice under subclause (4).*

(6) *The local government –*

*(a) must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and*

*may publish a copy of each of those local planning policies on the website of the local government.*

### **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

There are no perceived financial implications arising from the officer's recommendation.

### **STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer's recommendation.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There are no perceived sustainability implications arising from the officer's recommendation.

### **CONSULTATION**

The development of the draft policy as attached was undertaken in consultation with Curtin Care

If the recommendation from officers is adopted, the draft Policy would be the subject of public consultation, including a formal submission period.

### **OFFICER COMMENT**

The development of the Wearne Site by Curtin Care has been before Council several times now, as each step that required Council approval was considered. The Master Plan has been extensively advertised and the subject of several rounds of consultation already. Council has been briefed several times on the intended development, in some detail and has had the opportunity to provide comment on the lessee's intentions.

Despite this, Council now needs to consider the proposed development from the point of view of a planning regulator and consider the planning implications of the development itself. Further, as the area in which the proposed development sits is a Development Zone in LPS3 – Council also needs to set in place a mechanism to control development.

Previously when this issue was considered by Council, the requirement within the Scheme for a Structure Plan has been discussed. It should be noted that previous advice remains

current, being that the Deemed Provisions remove the need for a Structure Plan to be in place, prior to a Development Application being lodged for a single site. Further, the deemed provisions also make it such that any Structure Plan is ultimately approved by the State, with the local government merely making a recommendation.

Based on this advice, the fact that the land in question is not to be subdivided and the Town is a 25% owner (whose approval is needed before any application can be lodged), Council has previously resolved to require a Local Planning Policy to be in place, which would incorporate the required elements of the agreed Master Plan. The Master Plan itself is not a planning document, but rather a requirement of the Agreement For Lease. The Master Plan had to be endorsed by all four local governments (as owners), which has recently been achieved.

The attached draft Local Planning Policy incorporates the elements of the approved Master Plan. The draft Policy was written to emulate the planning controls contained within the Scheme for the Central Foreshore Zone and if brought into the Scheme by way of amendment, would strictly control development on the site.

Officers are now recommending that the draft Policy be advertised for the required 21 days, as per the Regulations (relevant extract above). If Council ultimately adopts the draft Policy, the lessee would then be in a position to progress to the Development Application Stage. The Town could then (either concurrently or after consideration of the DA) start the process of amending the Scheme to bring in the provisions contained within the draft Policy.

### **COUNCILLOR QUESTIONS**

#### **Submitted by Cr Boulter – Emailed 14 October 2018**

Q1. Who drafted the LPP?

**A1.** Contract Coordinator Statutory Planning (Angela Clare).

Q2. What is the independent expert strategic planning advice to Council about this LPP?

**A2.** Please refer to the officer's report.

Q3. What scheme amendments are proposed to implement some development controls on this site? Has the WAPC been consulted about this?

**A3.** No scheme amendments are proposed at this stage. These will be considered if the LPP is supported by Council following community consultation.

Q4. What type of consultation is required by Council's Consultation Policy?

**A4.** Direct mail to all affected residents and local public notice.

Q5. Is the draft LPP consistent with all the WA State Planning Policies as per Regulation 4, and has the WAPC been consulted about this?

**A5.** The Department of Planning has been consulted and they raised no issues.

Q6. Under financial implications what is the budget allocation line item for this consultation and how much will it cost?

**A6.** A budget allocation for advertising under development services. The exact cost won't be known until adverts are drafted and notification lists are finalised. This is expected between \$3,000 to \$5,000.

Q7. Does the TOC administration have the resources to prepare the public consultation documents, send them out, receive them, assess them and prepare a report to Council about them?

A7. Yes – this project has been in the planning for a long time.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Sadler

Seconded Cr Tucak

**That Council AUTHORISE the advertising of the draft Local Planning Policy (WEARNE Site), as attached, in accordance with Regulation 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.**

**Carried 8/0**

**10.1.2 LOT 38 (109) BROOME STREET (COTTESLOE CIVIC CENTRE) - SEA CONTAINER FOR TEMPORARY STORAGE**

**File Ref:** SUB/2594  
**Applicant(s) Proponents:** Town of Cottesloe  
**Attachments:** 10.1.2(a) Plan - 109 Broome Street - Sea Container  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Ed Drewett, Coordinator Statutory Planning  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

On 30 August 2018, the Town lodged a retrospective planning application for the installation of a 5.89m long x 2.35m wide x 2.36m high sea container along the northern boundary of the Civic Centre grounds for a period of 12 months to provide temporary storage for depot equipment.

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

**BACKGROUND**

On 30 August 2018, the State Heritage Office advised that the proposal is supported for a period of 12 months, whereafter it is to be removed.

The planning application was included on the notice of delegation on 17 September 2018.

On 19 September 2018 the application was 'called-in' by Cr Pyvis and Cr Boulter.

**STRATEGIC IMPLICATIONS**

There are no perceived strategic implications arising from the officer's recommendation.

**POLICY IMPLICATIONS**

There are no perceived policy implications arising from the officer's recommendation.

**STATUTORY ENVIRONMENT**

) *Planning and Development (Local Planning Schemes) Regulations 2015*

) *Local Planning Scheme No. 3*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

The yearly cost of leasing the container is \$1,540. Three quotes were obtained for the hire, consistent with the Town's Purchasing Policy for works within this threshold.

**STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer's recommendation.

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**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There are no perceived sustainability implications arising from the officer's recommendation.

**CONSULTATION**

Referral to State Heritage Office.

**OFFICER COMMENT**

Following the recent relocation of the Town's depot facility from the Seaview Golf Club, temporary alternative accommodation is required to store gardening equipment and the like which is required by depot staff on a daily basis.

**COUNCILLOR QUESTIONS****Submitted by Cr Boulter – Emailed 14 October 2018**

- Q1. What is the fine/extra cost for applicants who make a retrospective development application?
- A1.** An additional amount that is twice the original fee.
- Q2. Could the temporary depot be sited on the railway reserve somewhere and could the DOT be requested to advise where and at what cost?
- A2.** No. A separate permit would be required.
- Q3. Which company is the sea container being leased from?
- A3.** Sea Containers WA.
- Q4. How much were the other two quotes?
- A4.** Quotes will be provided under separate cover to Councillors.
- Q5. What vehicles have to access the container and what route do they use to access the container?
- A5.** All Town owned vehicles can access the Civic Centre.
- Q6. Where are staff undertaking vehicle washdowns that used to happen at SVGC?
- A6.** Civic Centre.
- Q7. Where is the beach cleaner being stored?
- A7.** Mosman Park Depot.
- Q8. Where is the garden/grass waste being stored that used to be stored at SVGC?
- A8.** We've entered into an arrangement with the Town of Claremont and the Town of Mosman Park for greenwaste.

**VOTING REQUIREMENT**

Simple Majority

For the benefit of the members of the public present, the Mayor agreed to consider item 10.1.2 first and then return to the order of items in the agenda.

**OFFICER RECOMMENDATION****Moved Cr Young****Seconded Cr Sadler**

**THAT Council GRANT temporary planning approval for a sea container on Lot 38 (No. 109) Broome Street, Cottesloe (Cottesloe Civic Centre), as shown on the plan received 30 August 2018, subject to the following conditions:**

- 1. The sides of the sea container being screened within 14 days of the date of this approval to protect the amenity of the locality.**
- 2. The structure being removed within 12 months of the date of this approval, and the land made good thereafter.**

**PROCEDURAL MOTION****Moved Cr Sadler****Seconded Cr Harkins**

**That the motion be put to the vote.**

**Carried 5/3****For: Mayor Angers, Crs Sadler, Young, Harkins and Thomas****Against: Crs Boulter, Tucak and Pyvis****SUBSTANTIVE MOTION****Carried 5/3****For: Mayor Angers, Crs Sadler, Young, Harkins and Thomas****Against: Crs Boulter, Tucak and Pyvis**

**10.1.3 LOT 18 (50A) MARGARET STREET - FOUR MULTIPLE DWELLINGS**

<b>File Ref:</b>	<b>SUB/2594</b>
<b>Applicant(s) Proponents:</b>	<b>Planning Solutions</b>
<b>Attachments:</b>	<b>10.1.3(a) Letter and response to submissions [under separate cover]</b>
	<b>10.1.3(b) Plans - 50A Margaret Street [under separate cover]</b>
	<b>10.1.3(c) Submissions [under separate cover]</b>
<b>Responsible Officer:</b>	<b>Mat Humfrey, Chief Executive Officer</b>
<b>Author:</b>	<b>Ed Drewett, Coordinator Statutory Planning</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

**SUMMARY**

A planning application has been received for a two-storey residential development comprising four multiple dwellings with basement level vehicle parking and storage. It will replace four existing multiple dwellings.

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

**BACKGROUND**

Zoning	MRS:	Urban
	LPS:	Residential R20
Use Class:		D (means the use is not permitted unless the decision-maker has exercised its discretion by granting planning approval).
Development Scheme:		Local Planning Scheme No. 3 (LPS 3)
Lot Size:		1131m <sup>2</sup>
Existing Land Use:		Four multiple dwellings
Value of Development:		\$4.7M
Owner:		Richard Radcliffe Hawley (Goldsport Pty Ltd)

On 8 October 2018, amended plans were received from the applicant addressing the Town's preliminary comments following assessment of the proposal and neighbour comments received during advertising.



50A Margaret Street

**STRATEGIC IMPLICATIONS**

There are no perceived strategic implications arising from the officer's recommendation.

**POLICY IMPLICATIONS**

There are no perceived policy implications arising from the officer's recommendation.

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

There are no perceived financial implications arising from the officer's recommendation.

**STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer's recommendation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There are no perceived sustainability implications arising from the officer's recommendation.

**CONSULTATION**

The application was advertised to four neighbouring properties. Advertising was for 14 days and closed on 18 September 2018. Four submissions were received during advertising.

Three other submissions, all in support of the proposal, were received after the advertising period had closed.



**OFFICER COMMENT**

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

Where the proposal requires the exercise of discretion, the relevant planning element is discussed in the section of the report following this table.

Planning assessment	Complies	Requires exercise of discretion
Density		✓
Storeys	✓	
Street setback	✓	
Lot boundary setbacks	✓	
Open space	✓ (50%)	
Street surveillance	✓	
Street wall and fences	✓	
Sightlines	✓	
Outdoor living area	✓	
Landscaping	✓	
Parking	✓	
Vehicle Access	✓	
Privacy		✓
Solar Access	✓ (21.3%)	
Site Works		✓
Retaining Walls	✓	
Utilities and Facilities	✓	
Matters to be considered by local government	✓	
Bushfire risk management	✓	

**Summary of comments received during public consultation**

- ⌋ The development should adhere to the Town's guidelines and regulations as closely as possible;
- ⌋ The bulk and scale of the development will result in significant overshadowing and appear detrimental to the streetscape;
- ⌋ There will be a loss of visual privacy;
- ⌋ Increased use of laneway may result in safety & noise issues;
- ⌋ Insufficient open space is proposed;
- ⌋ The proposal appears to exceed permitted density;
- ⌋ A dilapidation report should be required;
- ⌋ Property values may be affected.

Local Planning Scheme No. 3	Density
Permitted	Maximum 2.5 units based on R20 zoning, although this may be increased subject to the development satisfying clause 5.3.5 of Local Planning Scheme No. 3.
Applicant's proposal	4 units

**Comment**

Clause 5.3.5 in Local Planning Scheme No. 3 states, inter alia:

*Despite anything contained in the Residential Design Codes and notwithstanding the density codes shown on the Scheme Map, existing grouped dwellings or multiple dwellings that exceed a density code shown on the Scheme Map at the Gazettal date of the Scheme can, with the approval of the local government, be redeveloped at a density higher than that shown on the Scheme Map, equal to, but not exceeding the existing built density, subject to the proposed development:*

- ) complementing the character of the streetscape;*
- ) not detrimentally increasing the mass, scale or surface area of the development relative to existing development on surrounding properties;*
- ) resulting in improved landscaping of the land;*
- ) providing adequate and safe means of vehicular and pedestrian access to the land; and*
- ) providing an adequate number of car parking spaces on the land.*

The four proposed units will replace four existing units so there will be no increase in density on the lot and it can be considered under Clause 5.3.5.

**Applicant's comment**

<p><i>a) complementing the character of the streetscape</i></p>	<p>The proposed development is considered to make an excellent contribution to the streetscape. The key design outcomes include:</p> <p><b>Good passive surveillance:</b> All dwellings have an outdoor living area and major openings which offer passive surveillance to Margaret Street.</p> <p><b>Landscaped street setback area:</b> The proposal seeks to remove the existing crossover and quadruple garage from the Margaret Street frontage, with all vehicular access via the right of way. The street setback area is presented with high quality landscaping and ground floor terraces which offer an attractive interface between the development and the street.</p>
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	<p><b>Design:</b> The design takes cues from the Cottesloe coastal theme and closely responds to the prevailing materiality within the locality.</p> <p><b>Scale:</b> The subject site is surrounded by two storey development on both sides, the front and the rear of the site. The proposed development is a similar height to its surroundings and will fit neatly into the scale of the streetscape.</p>
<p><i>b) not detrimentally increasing the mass, scale or surface area of the development relative to existing development on surrounding properties.</i></p>	<p>The proposed development has a maximum wall height which is approximately 0.7m higher than the existing development. Notwithstanding, the proposed development maintains a compliant building height and compliant front and side setbacks. The overall mass and scale is considered appropriate for its context.</p> <p>The proposed development:</p> <ul style="list-style-type: none"> <li>⌋ Is a minor 0.15m higher than the two storey single house to the south (this site is topographically lower than the subject site).</li> <li>⌋ Has an identical ‘top-of-wall height’ to the two storey single house to the north; although, the pitch of the roof on the adjoining dwelling is approximately 1.5m higher than the roof of the subject development.</li> </ul> <p>Clearly, the proposed development offers a similar mass and scale to the adjoining dwellings.</p> <p>In relation to its broader surroundings, the subject site is encircled by two storey development on all sides, including the opposite sides of the street and right of way.</p>
<p><i>c) resulting in improved landscaping of the land.</i></p>	<p>As it fronts Margaret Street, the existing development comprises:</p> <ul style="list-style-type: none"> <li>⌋ A driveway for approximately 50% of its frontage.</li> <li>⌋ A grassed area on the south of the lot; and</li> <li>⌋ Garden beds with low landscaping on the north of the lot.</li> </ul> <p>The proposed development includes a landscape architect designed garden within the street setback area. It will include a variety of elements including a water feature, low level landscaping and small trees, the side and rear boundary setbacks are lined with landscaping including trees and ground cover vegetation which add a high level of amenity to the development. It is considered the proposed landscape design offers a significant improvement to the</p>

<p><i>d) providing adequate and safe means of vehicular and pedestrian access to the land</i></p>	<p>existing landscaping on site.</p> <p>Vehicular access is provided via the right of way. The vehicular access conforms with the deemed to comply requirements of the R-Codes, being situated away from the primary street. As outlined above, this results in a significant streetscape improvement compared with the existing quadruple garage.</p> <p>Pedestrian access is available to the main lobby, connecting to the Margaret Street footpath.</p>
<p><i>e) providing an adequate number of car parking spaces on the land</i></p>	<p>The proposed development includes three parking bays for each dwelling. This exceeds the number of car bays required by the R-Codes.</p>



Existing development



Proposed development

**Conclusion**

The proposal satisfies the provisions of Local Planning Scheme No. 3 (clause 5.3.5) and the density can be approved.

Residential Design Codes - Visual privacy	Deemed-to-comply provision Design principles	
Requirement	<p>Required cone of vision from lot boundary:</p> <ul style="list-style-type: none"> <li>• Major openings to bedrooms and studies: 4.5m;</li> <li>• Major openings to habitable rooms other than bedrooms and studies: 6m;</li> <li>• Unenclosed outdoor active habitable spaces: 7.5m</li> </ul> <p>Screening devices such as obscure glazing, timber screens, external blinds, window hoods and shutters are to be at least 1.6m in height, at least 75 per cent obscure, permanently fixed, made of durable material and restrict view in the direction of overlooking into any adjoining property.</p>	<p>Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</p> <ul style="list-style-type: none"> <li>• building layout and location;</li> <li>• design of major openings;</li> <li>• landscape screening of outdoor active habitable spaces; and/or</li> <li>• location of screening devices.</li> </ul> <p>Maximum visual privacy to side and rear boundaries through measures such as:</p> <ul style="list-style-type: none"> <li>• offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;</li> <li>• building to the boundary where appropriate;</li> <li>• setting back the first floor from the side boundary;</li> <li>• providing higher or opaque and fixed windows; and/or</li> <li>• screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).</li> </ul>
Applicant’s proposal	3.3m from front balcony to northern boundary.	

**Comment**

Except for the northern side of the proposed upper-floor front balcony to Unit 4, the plans have been amended so that all major openings and raised outdoor living areas are setback from the boundaries and/or are screened to comply with the deemed-to-comply

provisions of the Residential Design Codes. The side of the upper-floor front balcony facing the northern boundary is proposed to have bi-fold operable screens.

The applicant has advised:

*The adjoining property to the north comprises a two-storey single house with a number of upper floor major openings facing the subject site. The windows are currently well screened by existing vegetation on the adjoining lot. Should the adjoining owners retain this vegetation, it is considered the views from the front balcony and upper floor courtyard would be almost completely obscured. Additionally, the planter box screening and sliding screens offers further protection to the privacy of the adjoining development.*



View facing north

According to the Town’s records, the affected part of the adjoining dwelling at 52 Margaret Street is setback approximately 8m from its southern boundary and its upper floor openings are to a void and sitting room area. There is a driveway separating the properties.

The proposed balcony to 50A Margaret Street will be setback 3.3m from its northern boundary so will be approximately 11m from any major openings at No. 52. This is in excess of the 7.5m cone of vision required from a balcony under the Residential Design Codes and satisfies the relevant design principles as the Codes advise that evaluation of proposals should only take account the potential impact of sightlines within the cone of vision where separation distances do not meet the deemed-to-comply provisions.

**Conclusion**

The proposed north-facing, upper-floor front balcony to Unit 4 satisfies the design principles of the Residential Design Codes for visual privacy and is supported.

<p><b>Residential Design Codes - Visual privacy</b></p>	<p><b>Deemed-to-comply Design principles</b></p>	<p><b>provision</b></p>
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Requirement	Excavation or filling between the street and building, or within 3m of the street alignment, whichever is the lesser, shall not exceed 0.5m, except where necessary to provide for pedestrian or vehicle access, drainage works or natural light for a dwelling.	Development that considers and responds to the natural features of the site and requires minimal excavation/fill.  Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.
Applicant's proposal	Up to 1m within street setback.	

**Comment**

The applicant has advised:

*The proposed fill in the street setback area is in response to the natural topography. The location where the fill exceeds the deemed-to-comply requirement corresponds with the lowest point of the subject site.*

*Raising the ground level allows for a degree of privacy between the ground floor terraces and the street. However, at 1m above natural ground level at its highest point, it is not raised so much that it inhibits passive surveillance.*

*To mitigate the impact of the fill, the retaining walls have been 'tiered'. The proposed development comprises a 1m wide garden bed at the street frontage which is approximately 0.5m above the natural ground level. Behind this, there is another retaining wall of approximately 0.5m. The tiered retaining helps to mitigate the visual impact from the street.*

*The proposal exceeds 0.5m above natural ground level for only a small portion of the front setback area. It is considered the proposal is consistent with the design principles of the R-Codes.*

The proposed tiered frontage will respond to the natural features of the site whilst respecting the natural ground level at the lot boundary of the site as viewed from the street. It satisfies the relevant design principles and is supported.

**CONCLUSION**

The application, and amended plans received 8 October 2018, satisfactorily address Local Planning Scheme No. 3 and the Residential Design Codes and have regard to the submissions received during advertising.

The proposed setbacks from the boundaries are generally in excess of that required under the deemed-to-comply provisions of the Residential Design Codes and the overall building height does not exceed 7m above natural ground level which is permitted for a two-storey development.

The residential density will not exceed that existing on the lot and is permissible under the Scheme. Furthermore, the removal of the existing crossover off Margaret Street, the use of

the rear laneway for access, and the positive appearance of the two-storey development on the streetscape will improve the overall visual amenity of the locality.

### **COUNCILLOR QUESTIONS**

#### **Submitted by Cr Boulter – Emailed 14 October 2018**

- Q1. Which of the 8 dot point summary of comments from public consultation were objections?
- A1.** The submissions received are included in the agenda attachments for Councillors to review.
- Q2. Which of the objections have not been resolved to the objector's satisfaction?
- A2.** The Town does not follow-up with submitters regarding comments received. However, submitters are invited to attend the Council meetings and can access the agenda on the website.
- Q3. Could/should this design be put to the TOC Design Advisory Panel for comment?
- A3.** It can but it would be unusual for a development of this size.
- Q4. What length of the street setback area and what percentage of the length of the street setback area does the proposal exceed more than 0.5 metres above natural ground level? By how much height is the 0.5 metres exceeded? Is the picture of the front walls on page 27 to scale and properly reflect what is proposed? How much will the building be above natural ground level as a result of these concessions?
- A4.** The south-west portion of the paved terrace and adjoining landscape planter in front of Unit 1 will be approximately 0.6m above natural ground level.
- Q5. Is the presence of screening vegetation on the adjoining lot between the proposed development and the upper floor major openings of the northern neighbour a relevant consideration when considering privacy issues under the R Codes?
- A5.** Yes.
- Q6. In the officer's report on page 24 does the column in the table headed "Complies" mean complies with the deemed to comply provisions of the R Codes or what does it mean?
- A6.** Yes.
- Q7. Is the landscaping foreshadowed in the plans, as indicated in the comments in the table at pages 25 and 26 and 27 in support of the density concession, binding on the recipient of the DA? If not, how could this be achieved?
- A7.** The landscaping is included on plans and therefore forms part of the approval. The applicant can develop this area with garden beds, shrubs, trees, lawn and the like.
- Q8. Should Condition 8 have the word "and" where the words "and/or" appear?
- A8.** No. The management plans can be submitted individually or together.
- Q9. Who is the owner of the land?
- A9.** Please refer to the table under the background section of the officer's report.



**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**Moved Cr Harkins**

**Seconded Cr Thomas**

THAT Council GRANT planning approval for four multiple dwellings on Lot 18 (No. 50A) Margaret Street, Cottesloe, as shown on the plans received 8 October 2018, subject to the following conditions:

1. All construction work being carried out in accordance with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
2. The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.
3. 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. Air-conditioning plant and equipment shall be located closer to the proposed development than adjoining dwellings, and suitably housed or treated as may be necessary to ensure that sound levels do not exceed those specified in the *Environment Protection (Noise) Regulations 1997*.
5. The existing redundant crossover shall be removed and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Town.
6. The owner/applicant shall contribute to the Town a sum of money equal to the cost of sealing and draining the full length and width of the right of way abutting the eastern boundary, prior to the issue of a Building Permit.
7. The north and south facing upper floor central courtyards and the south-facing upper floor front balcony shall all be permanently screened to a minimum of 1.6m high from the finished floor level, details to be shown at the Building Permit stage to the satisfaction of the Town.
8. A comprehensive Demolition and/or Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit, and shall address (amongst other things) maintaining lane access for residents; traffic management and safety for the street, lane and site; worker parking, including off-site parking in consultation with and approval by the Town; and verge and street tree protection.
9. The owner/applicant shall be responsible for producing a comprehensive dilapidation report, to the satisfaction of the Town, to ascertain and monitor any damage caused to neighbouring properties as a result of the demolition and/or construction works, with copies being provided to the Town and relevant neighbours in order to consider any repairs required.

Advice Notes:

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.
3. In relation to this planning approval, the owner/applicant is advised that the Town operates a notification system for intended demolitions, including letters to nearby owners/occupiers and a sign(s) on site. The Town sends an initial letter to those owners/occupiers, arranges for signage as appropriate, and requests the demolition contractor to also provide follow-up notification letters to those owners/occupiers ahead of the demolition works to confirm the timing and any other aspects.
4. The owner/applicant is advised that the removal of any hazardous materials/substances, including asbestos, is required to be undertaken in accordance with the relevant regulations and procedures.

**COUNCILLOR AMENDMENT****Moved Cr Boulter****Seconded Cr Pyvis****Condition 8 is amended to replace the words "and/or" with "and".****Carried 7/1****For: Mayor Angers, Crs Boulter, Sadler, Young, Harkins, Pyvis and Thomas****Against: Cr Tucak****COUNCILLOR AMENDMENT****Moved Cr Boulter****Seconded Cr Pyvis****Add the word "amended" on the second line of the officer's recommendation between the words "the" and "plans".****Lost 2/6****For: Crs Boulter and Pyvis****Against: Mayor Angers, Crs Tucak, Sadler, Young, Harkins and Thomas****SUBSTANTIVE MOTION****THAT Council GRANT planning approval for four multiple dwellings on Lot 18 (No. 50A) Margaret Street, Cottesloe, as shown on the plans received 8 October 2018, subject to the following conditions:**

1. **All construction work being carried out in accordance with the requirements of the *Environmental Protection (Noise) Regulations 1997*.**
2. **The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.**

3. 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. Air-conditioning plant and equipment shall be located closer to the proposed development than adjoining dwellings, and suitably housed or treated as may be necessary to ensure that sound levels do not exceed those specified in the *Environment Protection (Noise) Regulations 1997*.
5. The existing redundant crossover shall be removed and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Town.
6. The owner/applicant shall contribute to the Town a sum of money equal to the cost of sealing and draining the full length and width of the right of way abutting the eastern boundary, prior to the issue of a Building Permit.
7. The north and south facing upper floor central courtyards and the south-facing upper floor front balcony shall all be permanently screened to a minimum of 1.6m high from the finished floor level, details to be shown at the Building Permit stage to the satisfaction of the Town.
8. A comprehensive Demolition and Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit, and shall address (amongst other things) maintaining lane access for residents; traffic management and safety for the street, lane and site; worker parking, including off-site parking in consultation with and approval by the Town; and verge and street tree protection.
9. The owner/applicant shall be responsible for producing a comprehensive dilapidation report, to the satisfaction of the Town, to ascertain and monitor any damage caused to neighbouring properties as a result of the demolition and/or construction works, with copies being provided to the Town and relevant neighbours in order to consider any repairs required.

**Advice Notes:**

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.
3. In relation to this planning approval, the owner/applicant is advised that the Town operates a notification system for intended demolitions, including letters to nearby owners/occupiers and a sign(s) on site. The Town sends an initial letter to those owners/occupiers, arranges for signage as appropriate, and requests the demolition contractor to also provide follow-up notification letters to those owners/occupiers ahead of the demolition works to confirm the timing and any other aspects.
4. The owner/applicant is advised that the removal of any hazardous materials/substances, including asbestos, is required to be undertaken in accordance with the relevant regulations and procedures.

Carried 8/0

**10.1.4 LOTS 14 & 15 (220) MARINE PARADE - THREE MULTIPLE DWELLINGS**

<b>File Ref:</b>	<b>SUB/2594</b>
<b>Applicant(s) Proponents:</b>	<b>Peter Webb &amp; Associates</b>
<b>Attachments:</b>	<b>10.1.4(a) Planning Report - 220 Marine Parade [under separate cover]</b>
	<b>10.1.4(b) Plans and 3D Perspective drawings [under separate cover]</b>
<b>Responsible Officer:</b>	<b>Mat Humfrey, Chief Executive Officer</b>
<b>Author:</b>	<b>Ed Drewett, Coordinator Statutory Planning</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

**SUMMARY**

A planning application has been received for a three-storey residential development comprising three multiple dwellings with basement level vehicle parking and storage. It will replace nine existing multiple dwellings.

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

**BACKGROUND**

Zoning	MRS:	Urban
	LPS:	Residential R25
Use Class:		D (means the use is not permitted unless the decision-maker has exercised its discretion by granting planning approval).
Development Scheme:		Local Planning Scheme No. 3 (LPS 3)
Lot Size:		728m <sup>2</sup>
Existing Land Use:		Nine multiple dwellings
Value of Development:		\$4.5M
Owner:		Mark Ratta (Berrimel No.2 Pty Ltd)



220 Marine Parade

**STRATEGIC IMPLICATIONS**

There are no perceived strategic implications arising from the officer's recommendation.

**POLICY IMPLICATIONS**

There are no perceived policy implications arising from the officer's recommendation.

**STATUTORY ENVIRONMENT**

- )] Planning and Development (Local Planning Schemes) Regulations 2015;
- )] Local Planning Scheme No. 3;
- )] Residential Design Codes.

**FINANCIAL IMPLICATIONS**

There are no perceived financial implications arising from the officer's recommendation.

**STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer's recommendation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There are no perceived sustainability implications arising from the officer's recommendation.

**CONSULTATION**

The application was advertised to neighbouring properties within a catchment area bounded by Ozone Parade (both sides), Grant Street, North Street and Marine Parade. Advertising was for 14 days and closed on 15 October 2018. No submissions were received at the time of writing.

It has since become apparent that not all the affected owners and occupiers may have received a notification letter from the Town and so it has been re-advertised until 25 October 2018. Notwithstanding this, the most affected adjoining neighbours to the north, south and east of the site have all viewed the plans and verbally have advised that they are supportive of the proposal.

#### OFFICER COMMENT

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

Where the proposal requires the exercise of discretion, the relevant planning element is discussed in the section of the report following this table.

Planning assessment	Complies	Requires exercise of discretion
Density		✓
Storeys		✓
Street setback	✓	
Lot boundary setbacks		✓
Open space	✓	
Street surveillance	✓	
Street wall and fences	✓	
Sightlines	✓	
Outdoor living area	✓	
Landscaping	✓	
Parking	✓	
Vehicle Access	✓	
Privacy	✓	
Solar Access		✓
Site Works	✓	
Retaining Walls	✓	
Utilities and Facilities	✓	
Matters to be considered by local government	✓	
Bushfire risk management	✓	

Local Planning Scheme No. 3	Density and Storeys
Permitted	Maximum 2.08 units and two-storeys based on R25 zoning, although this may be increased subject to the development satisfying clause 5.3.5 of Local Planning Scheme No. 3.
Applicant's proposal	3 units

**Comment**

Clause 5.3.5 in Local Planning Scheme No. 3 states, inter alia:

*Despite anything contained in the Residential Design Codes and notwithstanding the density codes shown on the Scheme Map, existing grouped dwellings or multiple dwellings that exceed a density code shown on the Scheme Map at the Gazettal date of the Scheme can, with the approval of the local government, be redeveloped at a density higher than that shown on the Scheme Map, equal to, but not exceeding the existing built density, subject to the proposed development –*

- (a) complementing the character of the streetscape;*
- (b) not detrimentally increasing the mass, scale or surface area of the development relative to existing development on surrounding properties;*
- (c) resulting in improved landscaping of the land;*
- (d) providing adequate and safe means of vehicular and pedestrian access to the land; and*
- (e) providing an adequate number of car parking spaces on the land.*

*Furthermore, and notwithstanding any other clause in this Scheme, for developments under this clause within the Residential and Residential Office zones, the local government may approve the development with a building height one storey higher than the maximum building height that would otherwise be applicable to the development in accordance with Table 2 if, in the opinion of the local government, the original number of dwellings (and their replacement plot ratio) cannot be appropriately accommodated on the lot without an increase in building height.*

**Applicant's comment (extract)**

4. It is our view that the proposed high quality design of built form of the proposed development will greatly improve the amenity of the site, and contribute to an overall increase in amenity of the Marine Parade environment.

5. When comparing the proposed development with the street and the wider locality, it is evident that the development generally fits with the existing (eclectic) range of properties in the locality which does not have a set style, development form, height or dwelling type.

6. In addition, the existing three storey multiple unit development only has a 1.00m northern and southern side setback to the adjacent sites, with blank brick walls. The proposed development seeks to increase the setbacks of the side boundaries to improve the amenity of those adjacent and nearby properties. Increased setbacks of side boundaries provides additional opportunity for cooling breeze to extend to adjacent properties (both to the sides and rear), as well as improve view corridors from adjacent sides (both side and rear). This improves the amenity of the immediately adjacent properties.

7. The northern proposed setback will be at least 1.50m at its closest point, extending further away from the boundary for the most part, with a 2.80m to 3.60m setback.

8. The southern proposed setback will be at least 2.00m at its closest point, extending further away from the boundary at other locations.

9. These greater side setbacks invariably improve the amenity of the adjacent properties and reduces building bulk as viewed from adjacent properties.

10. In all of these circumstances, the existing amenity of the locality will not be compromised by this proposed development, but in many areas, the proposed development will improve the amenity of the locality by virtue of:

- ⌋ **increased side and front setbacks**, which gives rise to better cooling opportunities, increased view corridors and reduction of building bulk;
- ⌋ **high quality built form outcomes**, which improves the streetscape and amenity of the Marine Parade streetscape environment and wider locality;
- ⌋ **increased opportunities for landscaping**, 'softening' built form and reducing heat effect;
- ⌋ **reduced overall number of dwellings** (from nine to three), which reduces traffic movements from the site; and
- ⌋ **no greater overshadowing impact** on adjacent properties to the south.

11. The amenity will be demonstrably improved by the proposed development.



Existing development





Proposed development



Streetscape

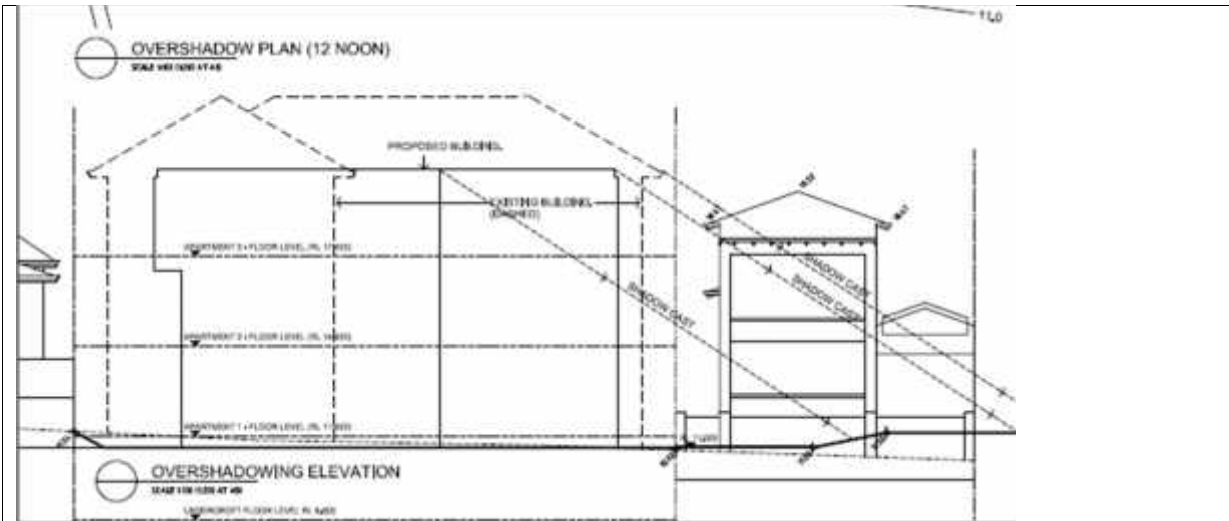
**Conclusion**

The proposal satisfies the provisions of Local Planning Scheme No. 3 (clause 5.3.5) and the density and additional storey is supported.

Residential Design Codes - Setbacks	Deemed-to-comply provision	Design principles
Requirement	Buildings which are set back in accordance with the R-Codes:	Buildings set back from lot boundaries so as to: <ul style="list-style-type: none"> <li>• reduce impacts of building bulk on adjoining properties;</li> <li>• provide adequate direct sun and ventilation to the building</li> </ul>

		and open spaces on the site and adjoining properties; and <ul style="list-style-type: none"> <li>• minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</li> </ul>
Applicant's proposal	0.9m from undercroft to southern boundary, in lieu of 1.5m; 1.2m from undercroft to eastern boundary, in lieu of 1.5m; 1.1m from ground floor walkway to northern boundary, in lieu of 1.5m; 0.9m from ground floor walkway to southern boundary, in lieu of 1.5m.	
<b>Comment</b>		
<ul style="list-style-type: none"> <li>⌋ The side and rear setback variations are only to the ground floor and basement areas;</li> <li>⌋ The articulation of the side and rear elevations will assist in reducing building bulk on adjoining properties;</li> <li>⌋ The accessible areas will not have any significant impact on light, ventilation or privacy to adjoining properties;</li> <li>⌋ The adjoining owners have the viewed plans and advised that they had no objections.</li> </ul>		

Residential Design Codes – Solar access for adjoining sites	Deemed-to-comply provision	Design principles
Requirement	On adjoining properties coded R25 and lower – 25 per cent of the site area	Development designed to protect solar access for neighbouring properties taking account the potential to overshadow existing: <ul style="list-style-type: none"> <li>• outdoor living areas;</li> <li>• north facing major openings to habitable rooms, within 15 degrees of north in each direction; or</li> <li>• roof mounted solar collectors.</li> </ul>
Applicant's proposal	46% of adjoining southern lot (existing = 42%).	
<b>Comment</b>		
The applicant has provided an overshadowing diagram:		



The proposed development is lower than the existing development and although the northern elevation of the adjoining southern property will be overshadowed this will be similar to that which currently exists. The design of the proposed development has greater setbacks from the southern boundary at the front and rear and the section closest to the boundary has a greater setback than that existing.



View of adjoining southern property (216)

The Town’s records for the adjoining property at 216 Marine Parade show that its upper floor north-facing windows to habitable rooms have an alternative light source from the east or west and are not reliant on northern light or ventilation. The remainder of the windows are generally to non-habitable rooms.

The owner of 216 Marine Parade has viewed the proposed development and has advised that he has no objection to the plans, including the overshadowing.

**CONCLUSION**

The application satisfactorily addresses the Town's Local Planning Scheme No. 3 and the Residential Design Codes, and the resultant development will significantly reduce the existing residential density on the site so that it is more consistent with the current R25 zoning. The proposed third-storey is within the maximum permitted building height and can be approved under Clause 5.3.5 of the Scheme. The development will also be lower than the existing building and its overall bulk and scale will appear more compatible with its setting and preserve the amenity of the locality.

**COUNCILLOR QUESTIONS****Submitted by Cr Sadler – Emailed 14 October 2018**

Q1. What is the deemed to comply allowable percentage overshadowing?

A1. 25%.

Q2. Can solar access and lot boundary setbacks please be routinely reported on in "Environmental Sustainability Implications" in the Officers report?

A2. No. These matters are required to be considered under the Residential Design Codes section of the report where Council is asked to exercise its discretion.

**COUNCILLOR QUESTIONS****Submitted by Cr Boulter – Emailed 14 October 2018**

Q1. Who is the owner of the land?

A1. Please refer to the table under the background section of the officer's report.

Q2. Should/could this be sent to the TOC Design Advisory Panel for comment?

A2. It could but officers have not deemed it necessary for this development.

Q3. Is any height variation proposed?

A3. No. The 'Conclusion' refers.

Q4. What is the proposed front setback and how much is this greater than the required setback, if at all?

A4. Please refer to agenda attachments. The front setback ranges from 6m to 16m (excluding minor balcony projections). 6m is required, but this can be averaged.

Q5. Is it the case that the existing building overshadows the southern lot by 42%, the proposal overshadows the southern lot by 46% and the deemed to comply provisions limit overshadowing to 25%? If that is the case which of the design principles are most compromised to allow for the significant exercise of Council's discretion requested in relation to almost double the deemed to comply limitations on overshadowing the southern lot?

A5. The proposal will overshadow 49%. The most relevant Design Principles are discussed in the report.

Q6. Is the current building across two lots? Where are the lot boundaries?

A6. Yes. Down the middle.

Q7. Why doesn't condition 6 align with advice note 5?

**A7.** It does not need to. The advice note relates to the Building Permit process.

Q8. Should the words "and/or" in Condition 9 be replaced with the word "and"?

**A8.** No. The management plans can be submitted individually or together.

Q9. Could there be an advice note advising of a Fish Habitat Protection Area over the road and providing a copy of the FHPA brochure?

**A9.** No.

Q10. Do any of the nearby road drains that could be illegally used by the builders drain onto the beach?

**A10.** No (the question above has been edited).

Q11. And the ospreys nest and feed over the road from here – do we know what months and could this be part of the Construction Management Plan?

**A11.** No.

Q12. If TOC had a set of design principles for the Foreshore redevelopment, how might they have improved this design in terms of the amenity of this foreshore locality?

**A12.** Unable to comment as we're not able to determine what might have been contained in the design principles.

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER RECOMMENDATION**

**Moved Cr Harkins**

**Seconded Cr Young**

THAT, Council authorise the Coordinator Statutory Planning to GRANT planning approval for three multiple dwellings on Lots 14 & 15 (No. 220) Marine Parade, Cottesloe, as shown on the plans received 8 June 2018, having regard to any written comments received during the advertising period on or before 25 October 2018, and subject to the following conditions:

- (1) All construction work being carried out in accordance with the requirements of the Environmental Protection (Noise) Regulations 1997.
- (2) The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.
- (3) 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) Air-conditioning plant and equipment shall be located closer to the proposed development than adjoining dwellings, and suitably housed or treated as may be necessary to ensure that sound levels do not exceed those specified in the Environment Protection (Noise) Regulations 1997.

- (5) A separate application for a new crossover meeting Council specifications shall be submitted for approval by the Town.
- (6) The existing two lots being amalgamated and a new Certificate of Title being issued for the proposed lots prior to occupation.
- (7) The design and functionality of the access ramp and bin store shall be to the Town's specifications and Australian Standards.
- (8) The privacy screens shown on the approved plans shall be a minimum 1.6m in height above the finished floor level, 75% obscured, permanently fixed, made of durable material and designed to restrict overlooking of the adjoining property, to the satisfaction of the Town.
- (9) A comprehensive Demolition and/or Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit, and shall address (amongst other things) traffic management and safety for the street and site; worker parking, including off-site parking in consultation with and approval by the Town.
- (10) The owner/applicant shall be responsible for producing a comprehensive dilapidation report, to the satisfaction of the Town, to ascertain and monitor any damage caused to neighbouring properties as a result of the demolition and/or construction works, with copies being provided to the Town and relevant neighbors in order to consider any repairs required.

Advice Notes:

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.
3. In relation to this planning approval, the owner/applicant is advised that the Town operates a notification system for intended demolitions, including letters to nearby owners/occupiers and a sign(s) on site. The Town sends an initial letter to those owners/occupiers, arranges for signage as appropriate, and requests the demolition contractor to also provide follow-up notification letters to those owners/occupiers ahead of the demolition works to confirm the timing and any other aspects.
4. The owner/applicant is advised that the removal of any hazardous materials/substances, including asbestos, is required to be undertaken in accordance with the relevant regulations and procedures.
5. The owner/applicant is advised that the lots may be required to be amalgamated and a new Certificate of Title be issued prior to the granting of a Building Permit.

**COUNCILLOR AMENDMENT**

**Moved Cr Boulter**

**Seconded Cr Pyvis**

**Amend the officer recommendation as follows:**

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Condition 9 is amended to replace the words “and/or” with “and”.

Carried 7/1

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

Against: Cr Tucak

#### COUNCILLOR AMENDMENT

Moved Cr Boulter

Seconded Cr Pyvis

Add the following Advice Notes to the approval:

- a. Add the Standard TOC FHPA notification and include the FHPA brochure.
- b. The sand dunes opposite the development site are the nesting and feeding habitat of the Eastern Osprey, which breeds July – September.

Lost 2/6

For: Crs Boulter and Pyvis

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

#### SUBSTANTIVE MOTION

THAT, Council authorise the Coordinator Statutory Planning to GRANT planning approval for three multiple dwellings on Lots 14 & 15 (No. 220) Marine Parade, Cottesloe, as shown on the plans received 8 June 2018, having regard to any written comments received during the advertising period on or before 25 October 2018, and subject to the following conditions:

- (1) All construction work being carried out in accordance with the requirements of the Environmental Protection (Noise) Regulations 1997.
- (2) The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.
- (3) 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) Air-conditioning plant and equipment shall be located closer to the proposed development than adjoining dwellings, and suitably housed or treated as may be necessary to ensure that sound levels do not exceed those specified in the Environment Protection (Noise) Regulations 1997.
- (5) A separate application for a new crossover meeting Council specifications shall be submitted for approval by the Town.
- (6) The existing two lots being amalgamated and a new Certificate of Title being issued for the proposed lots prior to occupation.
- (7) The design and functionality of the access ramp and bin store shall be to the Town's specifications and Australian Standards.
- (8) The privacy screens shown on the approved plans shall be a minimum 1.6m in height above the finished floor level, 75% obscured, permanently fixed, made of

durable material and designed to restrict overlooking of the adjoining property, to the satisfaction of the Town.

- (9) A comprehensive Demolition and Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit, and shall address (amongst other things) traffic management and safety for the street and site; worker parking, including off-site parking in consultation with and approval by the Town.
- (10) The owner/applicant shall be responsible for producing a comprehensive dilapidation report, to the satisfaction of the Town, to ascertain and monitor any damage caused to neighbouring properties as a result of the demolition and/or construction works, with copies being provided to the Town and relevant neighbors in order to consider any repairs required.

**Advice Notes:**

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.
3. In relation to this planning approval, the owner/applicant is advised that the Town operates a notification system for intended demolitions, including letters to nearby owners/occupiers and a sign(s) on site. The Town sends an initial letter to those owners/occupiers, arranges for signage as appropriate, and requests the demolition contractor to also provide follow-up notification letters to those owners/occupiers ahead of the demolition works to confirm the timing and any other aspects.
4. The owner/applicant is advised that the removal of any hazardous materials/substances, including asbestos, is required to be undertaken in accordance with the relevant regulations and procedures.
5. The owner/applicant is advised that the lots may be required to be amalgamated and a new Certificate of Title be issued prior to the granting of a Building Permit.

Carried 7/1

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



**10.1.5 PLANNING APPLICATIONS DETERMINED UNDER DELEGATION**

**File Ref:** SUB/2594  
**Applicant(s) Proponents:** Nil  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Ed Drewett, Coordinator Statutory Planning  
**Author Disclosure of Interest:** Nil

**SUMMARY**

This report provides details of the planning applications determined by officers acting under delegation, for the month of September 2018.

**BACKGROUND**

Pursuant to Local Planning Scheme No.3, Council has delegated its power to determine certain planning applications to the Chief Executive Officer and the Coordinator, Statutory Planning. This provides efficiency in processing applications, which occurs on a continual basis.

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

**STRATEGIC IMPLICATIONS**

There are no perceived strategic implications arising from the officer's recommendation.

**POLICY IMPLICATIONS**

There are no perceived policy implications arising from the officer's recommendation.

**FINANCIAL IMPLICATIONS**

There are no perceived financial implications arising from the officer's recommendation.

**STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer's recommendation.

**CONSULTATION**

Nil.

**OFFICER COMMENT**

During September 2018 the following planning applications were determined under delegation:

Address	Owner	Applicant	Description	Delegation Notice	Date Determined
35 Kathleen Street	S Phillips	Owner	Front boundary fence	15/08/2018	14/09/2018

Address	Owner	Applicant	Description	Delegation Notice	Date Determined
7 Kiln Lane	A Currall	Wolveridge Architects	Two-storey dwelling (renewal of previous approval)	15/08/2018	14/09/2018
20A & 20B North Street	A Corbu & M Grzanka	Design & Construct Residential	Two, two-storey dwellings	06/08/2018	19/09/2018
136 Grant Street	A & J Lambo	Vernon Homes	Ground and first floor additions including carport	15/08/2018	19/09/2018
233 Marmion Street	W Bailey & T A Nguyen	Philip Stejskal Architecture	Front fence and rear outbuilding	22/08/2018	19/09/2018
230 Marine Parade	M S Nelson	Owner	Two fixed (angled) louvered privacy screens	7/09/2018	28/09/2018
33 Lyons Street	N Kendal	Poho Adams Architects	Two-storey dwelling	7/09/2018	28/09/2018
20 Macarthur Street	C Andrew & L F Knox	Richard Szklarz Architects	Single-storey dwelling	22/08/2018	28/09/2018
138 Broome Street	C Dale	Arcadia Design Studio	Two-storey additional grouped dwelling	7/09/2018	28/09/2018

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Sadler

Seconded Cr Tucak

**THAT Council receive this report on the planning applications determined under delegation for the month of September 2018.**

Carried 8/0

**ADMINISTRATION****10.1.6 ELECTED MEMBER APPOINTMENT TO SHORT STAY USE COMMITTEE**

**File Ref:** SUB/2594  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Elizabeth Nicholls, Senior Administration Officer  
**Author Disclosure of Interest:** Nil

Mayor Angers – declared a **FINANCIAL INTEREST** in item 10.1.6 by virtue “his wife runs a short stay in their house”.

Cr Tucak – declared a **FINANCIAL INTEREST** item 10.1.6 by virtue “he previously operated an Air BnB.”

Mayor Angers and Cr Tucak left Chambers at 7:42pm.

In accordance with section 5.6 of the Local Government Act 1995, the members of Council are to appoint a chairperson (presiding member) from amongst themselves, if the Mayor or Deputy Mayor are not available to Act.

At 7:42pm, the Chief Executive Officer took the Chair and called for nominations for Chair.

Cr Young nominated Cr Thomas.

Cr Thomas accepted the nomination.

Cr Boulter nominated Cr Pyvis.

Cr Pyvis accepted the nomination.

The CEO advised that a ballot would be organised.

Cr Boulter withdrew her nomination of Cr Pyvis.

The CEO declared Cr Thomas elected unopposed.

At 7:43pm, Cr Thomas assumed the Chair.

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**SUMMARY**

To consider appointing two Elected Members to the Short Stay Use Committee.

**BACKGROUND**

At the Ordinary Meeting of Council held 28 November 2017 it was resolved:

*That Council:*

1. *Establishes a Town of Cottesloe Short Stay Use Committee with Cr Boulter, Cr Young, Cr Harkins, and Cr Pyvis as members for the purpose of:*
    - a. *Developing a comprehensive Cottesloe Short Stay Use strategy for consideration by Council and the Community;*
    - b. *Draft for the consideration of Council of a short stay use brief to an expert planning law solicitor for an opinion about short stay use regulation under*
-

*LPS3, LPS3 short stay scheme amendment recommendations and the efficacy of using Local Laws to supplement LPS3*

3. *Recommends that the first meeting of the Short Stay Use Committee be held not later than the December Agenda Forum.*

Cr Boulter and Cr Pyvis have formally resigned from the Short Stay Use Committee.

### **STRATEGIC IMPLICATIONS**

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Priority Area 6: Providing open and accountable local governance

### **POLICY IMPLICATIONS**

There are no perceived policy implications arising from the officer's recommendation.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

### **FINANCIAL IMPLICATIONS**

There are no perceived financial implications arising from the officer's recommendation.

### **STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer's recommendation.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There are no perceived sustainability implications arising from the officer's recommendation.

### **CONSULTATION**

The issue was considered at the Short Stay Use Committee on Wednesday 10 August 2018. The Committee resolved to recommend to Council to;

1. Appoint up to two elected members to the committee; and
2. Subject to 1, amend the number of offices accordingly.

Minutes of the Committee meeting will be made available prior to the Council meeting.

### **OFFICER COMMENT**

With the recent resignations of two elected members from this committee, Council now needs to consider whether or not it wishes to appoint replacements.

Under the provisions of the Local Government Act, a quorum requires that 50% plus 1 members are present, of the numbers of offices, whether vacant or not. So in this case, even though only 5 people are members, the quorum for a meeting stays at 4.

To resolve the quorum issue, Council can either appoint two additional people or alternatively, resolve that the number of offices reduces accordingly.

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION**

That Council

1. APPOINT Cr \_\_\_\_\_ and Cr \_\_\_\_\_ to the Short Stay Use Committee; and
2. Subject to point 1 above, amend the number of offices of the Short Stay Use Committee to \_\_\_\_.

**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

Moved Cr Young

Seconded Cr Harkins

That Council:

1. APPOINT Cr Rodda to the Short Stay Use Committee; and
2. Subject to point 1 above, amend the number of offices of the Short Stay Use Committee to 5.

Lost\* 4/2

For: Crs Sadler, Young, Harkins and Thomas

Against: Crs Boulter and Pyvis

\* The above motion required an absolute majority which was not achieved, therefore the motion failed.

At 7:48pm, Mayor Angers and Cr Tucak returned to Chambers.

**10.1.7 COTTESLOE FILM FESTIVAL - EVENT FEES 2019 AND 2020**

**File Ref:** SUB/2594  
**Attachments:** 10.1.7(a) Event Application Form [under separate cover]  
10.1.7(b) Letter of support [under separate cover]  
**Responsible Officer:** Garry Bird, Deputy Chief Executive Officer  
**Author:** Gabrielle Hall, Events Officer  
**Author Disclosure of Interest:** Nil

Cr Tucak – declared an **IMPARTIALITY INTEREST** item 10.1.7 by virtue “the applicants of Cottesloe Film Festival are known to him.”

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**SUMMARY**


The Cottesloe Film Festival are requesting the venue hire fees, noise monitoring fees, section 59 liquor licensing fees, stallholder fees and bin hire fees be waived for the 2019 and 2020 film season, as they were for the 2018 season, as per the resolution below.

**BACKGROUND**

Cottesloe Film Festival has approval to hold the Cottesloe Outdoor Film Festival on the Main Lawn at Cottesloe Civic Centre for several dates throughout February in 2019 and 2020 between 5.30pm to 11.00pm respectively. Approval is per the resolution of the Ordinary Council Meeting held on 26 September 2017:

*That Council approve the application to hold The Cottesloe Outdoor Film Festival on the Main Lawn at Cottesloe Civic Centre on: Saturday 27 January, Sunday 28 January, Friday 2 February, Saturday 3 February, Friday 9 February, and Saturday 10 February 2018; Friday 1 February, Saturday 2 February, Sunday 3 February, Friday 8 February, Saturday 9 February, Sunday 10 February, Friday 15 February, Saturday 16 February, and Sunday 17 February 2019; Friday 31 January, Saturday 1 January, Sunday 2 February, Friday 7 February, Saturday 8 February, Sunday 9 February, Friday 14 February, Saturday 15 February, and Sunday 16 February 2020; from 5.30pm to 11.00pm respectively, subject to the following conditions:*

- 1. That the venue hire fees, noise monitoring fees, stallholder fees and bin hire fees be waived for the 2018 film season, subject to this support being appropriately acknowledged;*
  - 2. A bond of \$300 is paid for use of the Main Lawn for the duration of each Cottesloe Outdoor Film Festival season, in 2018, 2019 and 2020 respectively;*
  - 3. That the request from the organiser to Council for a \$5,000 per annum donation towards the Cottesloe Outdoor Film Festival be denied;*
  - 4. Neighbouring properties to the Cottesloe Civic Centre are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required;*
  - 5. All signage to be approved by the Chief Executive Officer one month prior to the event;*
-

6. *The event complies with all noise management conditions imposed on the event by the Town of Cottesloe;*
7. *The event complies with all requirements of the:  Health (Public Buildings) Regulations 1992*
  - ) Food Act 2008*
  - ) Town's Health Local Law 1997*
  - ) Town's Liquor (Licensed Premises) Policy*
8. *No alcohol is to be served unless a valid licence or permit from the Department of Racing, Gaming and Liquor is provided to the Town prior to the event;*
9. *Adequate arrangements for rubbish removal and collection, including the provision for recycling;*
10. *Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event;*
11. *No balloons to be used during the event;*
12. *That the event is a non-smoking event;*
13. *That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event; and*
14. *That the Western Metropolitan Regional Council 'Earth Carers' Event Waste Minimisation Checklist is provided to the event organisers, who are to complete the checklist and return to Council after the event with the aim of reducing the amount of plastics used at the event.*

#### ADVICE NOTE

*The full length of the Cottesloe Reef is protected by a Fish Habitat Protection Area (FHPA), the only one in the Perth Metropolitan Area. The principal aim of the Cottesloe Reef FHPA is to preserve valuable fish and marine environments for the future use and enjoyment of all people. Plastic and balloon litter pose a significant risk to this very special marine environment. A Cottesloe Reef FHPA brochure is enclosed for your further attention.*

Council approved that the venue hire fees, noise monitoring fees, stallholder fees and bin hire fees be waived for the 2018 film season, subject to this support being appropriately acknowledged, in condition 1.

Cottesloe Film Festival endeavours to offer a high quality event whilst driving opportunity for other locals businesses. The event aims to keep ticket, food and beverage prices at a reasonable level to ensure maximum community participation. The event has been successfully run in 2017 and 2018, achieving significant community engagement.

In 2018, 35 percent of attendees were from the Town of Cottesloe, ranging in age from infants to 80+ years.

If approved, Cottesloe Film Festival anticipates to appropriately acknowledge the Town of Cottesloe by offering a tailored sponsorship package. This package would include the following:

- )] Unlimited signage at screenings.
- )] Prominent logo placement on all promotional materials.
- )] Cinema advertisement at all screenings (static ad valued at \$1200) where the Town can promote upcoming events or Town activities.
- )] Printed advertisement in any flyer, program and/or brochure produced.
- )] Donation of 20 tickets to each screening to local charities or community organisations of the Town's choice (valued at \$2640).
- )] Sign on the corner of Broome and Napier Street from November 2018 until three weeks after the conclusion of the Festival featuring the Town of Cottesloe logo.

### **STRATEGIC IMPLICATIONS**

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Priority Area 1: Protecting and enhancing the wellbeing of residents and visitors

Major Strategy 1.4: Continue to improve community engagement.

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

Priority Area 1: Protect and enhance the wellbeing of residents and visitors.

Major Strategy 1.11: Help families flourish and connect in Cottesloe.

### **POLICY IMPLICATIONS**

#### **Event Classification Policy**

This event is classified as a Commercial Event under this policy, however, officers are of the view some dispensation could be provided as it was in 2017 and 2018. The event has the potential to significantly add benefit to the Cottesloe community. In addition, organisers have stated they will make a formal donation to local not-for-profit organisation, for example Cottesloe Coastcare Association. Cottesloe businesses will be engaged to sponsor the festival and promote their services by way of advertising on the film screen, which in turn has a flow on effect of stimulating our local economy.

#### **Liquor (Licensed Premises) Policy**

As the applicant would like a liquor license for the film festival then this policy is applicable.

#### **Donations Policy**

At the September 2017 Ordinary Council Meeting, Council denied the request for a \$5,000 per annum donation as this event and applicant would not meet the requirements under this policy.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Food Act 2008*

*Health (Miscellaneous Provisions) Act 1911*

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*Health (Public Buildings) Regulations 1992*

*Environmental Protection (Noise) Regulations 1997*

*Town's Health Local Law 1997*

### **FINANCIAL IMPLICATIONS**

Current fees payable to the Town means the event would not be viable. Based on the 2018-2019 Schedule of Fees and Charges, the fees incurring are as follows:

Venue hire	\$1,100 per day
Bond	\$1,000
Noise monitoring application	\$1000.00
Noise monitoring	\$100.00 per hour each day
<i>Liquor Control Act 1988</i> Certificate	\$66.50
Temporary Food Business	\$50.00 per day
Bin hire (240L) hire and servicing	\$27.50 per bin, per service

Cottesloe Film Festival relies heavily on voluntary services, particularly from local residents. In 2018, each organiser received a small fee (\$3000) to cover many months of work; the bar manager also receives remuneration.

Two dollars from every adult ticket sold is donated to Cottesloe Coastcare Association.

### **STAFFING IMPLICATIONS**

Environmental Health staff will be engaged to monitor the noise at the film nights to ensure compliance with the Environmental Noise Regulations. Monitoring fees have been requested to be waived.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

Adequate arrangements are made for rubbish collection and removal, including the provision for recycling. Hire and servicing fees have been requested to be waived.

### **CONSULTATION**

Cottesloe Film Festival

Town of Cottesloe Staff

### **OFFICER COMMENT**

Due to the community engagement benefits that this film festival brings to the Cottesloe community and its residents, the officer recommendation is to approve the request to waive the hire fees.

### **COUNCILLOR QUESTIONS**

**Submitted by Cr Sadler – Emailed 14 October 2018**

Q1. Can we please be provided with a digital copy of the 2018 financial report prior to the October Council meeting?

A1. A copy has been provided and will be circulated to Councillors.

**Submitted by Cr Boulter – Emailed 14 October 2018**

Q1. Who is the applicant for the event?

A1. Please refer to the officer's report.

Q2. What is the cost of the tickets?

A2. \$22 and \$15 for concession card holders.

Q3. How much would ticket prices have to be increased so that attendees pay the costs of TOC fees rather than Cottesloe ratepayers?

A3. \$3.30-\$3.50 per ticket.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**Moved Cr Harkins**

**Seconded Cr Thomas**

That Council APPROVE Cottesloe Film Festival request, subject to the following conditions:

1. The venue hire fees, noise monitoring fees, liquor control certificate, temporary food business fees and bin hire fees are waived for the 2019 and 2020 film season, subject to this support being appropriately acknowledged. A bond of \$300 is to be charged.
2. Provision of a detailed financial report, summarising all income and expenditure from the 2019 and 2020 event, being supplied to Council.

**COUNCILLOR MOTION**

**Moved Cr Boulter**

**Seconded Cr Pyvis**

**Replacing the word Council at end of point 2 with 'Town of Cottesloe'.**

**Carried 8/0**

**COUNCILLOR MOTION**

**Moved Cr Boulter**

**Seconded Cr Harkins**

**That the officer recommendation 1 be amended to delete the words "and 2020" and after the word "acknowledged " in officer recommendation 1 add the words to the end "*on screen and on all promotional material as approved by the Town of Cottesloe*".**

**Carried 6/2**

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

**SUBSTANTIVE MOTION**

That Council **APPROVE** Cottesloe Film Festival request, subject to the following conditions:

- 1. The venue hire fees, noise monitoring fees, liquor control certificate, temporary food business fees and bin hire fees are waived for the 2019 film season, subject to this support being appropriately acknowledged on screen and on all promotional material as approved by the Town of Cottesloe. A bond of \$300 is to be charged.**
- 2. Provision of a detailed financial report, summarising all income and expenditure from the 2019 and 2020 event, being supplied to Town of Cottesloe.**

**Carried 8/0**

**10.1.8 ADOPTION OF SALARY PACKAGING POLICY**

**File Ref:** SUB/2594  
**Attachments:** 10.1.8(a) Draft Salary Packaging Policy  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Garry Bird, Deputy Chief Executive Officer  
**Author Disclosure of Interest:** Financial Interest - the Author of the report may receive a benefit from the Policy

The Chief Executive Officer declared an interest for all staff on item 10.1.8.

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**SUMMARY**

A recommendation is made to adopt a new policy, Salary Packaging.

**BACKGROUND**

Salary packaging is a commonly accepted benefit offered to staff by employers to maximise their net pay, by allowing a combination of cash and benefits to be paid to the employee.

In order to allow employees access to such arrangements and to establish some rules and procedures as to how the salary packaging arrangements are to be administered and the basis by which they will be approved, the attached Draft Policy has been prepared for Elected Members consideration.

The Draft Policy specifies what an employee may be allowed to salary package and that any such arrangements are to be at no net cost to Council.

**STRATEGIC IMPLICATIONS**

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Priority Area 6: Providing open and accountable local governance

Major Strategy 6.2: Continue to deliver high quality governance, administration, resource management and professional development.

Establishing a Policy to outlines rules and procedures applicable to any salary packaging arrangements is in keeping with this strategic objective.

**POLICY IMPLICATIONS**

The officer's recommendation is to adopt a new policy of Council.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

There are no perceived financial implications arising from the officer's recommendation as any approved salary packaging arrangements will be at no net cost to Council.

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**STAFFING IMPLICATIONS**

Staff who choose to enter into such an arrangement may receive a financial benefit, however the overall cost to Council will not change.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There are no perceived sustainability implications arising from the officer's recommendation.

**CONSULTATION**

Elected Members

WALGA Tax Service

The Draft Policy was referred to the July 2018 Briefing Forum for preliminary discussion with Elected Members. No feedback was received at this time.

As the Draft Policy is considered to be administrative in nature and relates to the terms and conditions of employment, it is recommended that the draft policy not be advertised for public comment.

**OFFICER COMMENT**

Council currently allows salary packaging for superannuation contributions only.

One current member of staff has been granted approval to salary package a leased vehicle (at no net cost to Council). This approval was granted on the basis that the employee joined the Town from another local authority who had allowed the arrangement and it was considered to be in the Town's interests to allow the arrangement to continue. This approval was recently extended to the new vehicle the employee was leasing.

In order to allow for all employees to access such arrangements, the Draft Policy is recommended for adoption.

**COUNCILLOR QUESTIONS****Submitted by Cr Boulter – Emailed 14 October 2018**

Q1. Can you explain what the words "no net cost to Council" means under Financial Implications actually mean in terms of the budget, and do you mean no net cost to the Town of Cottesloe? That is, can you explain further why this policy is important and what it would mean to which staff/casuals/contract workers?

**A1.** "No net cost to Council" means that the Council will not be out of pocket for any agreed arrangements. The Town may incur some additional expenditure but this would be reimbursed in full by the employee.

The Policy would only apply to employees of the Council not contractors and the advantage is an employee is able to minimise the income tax payable on their salary or wages by purchasing permitted items on a pre tax basis.

Q2. Which Wesroc Councils have a similar policy?

**A2.** Currently being researched.

Q3. What is the WALGA policy about such policies?

**A3.** WALGA offer such salary packaging arrangements to their staff.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Thomas**

**Seconded Cr Tucak**

**That Council ADOPT the Salary Packaging Policy.**

**Carried 7/1**

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

**Against: Cr Boulter**

**10.1.9 REVIEW OF THE DELEGATED AUTHORITY REGISTER**

**File Ref:** SUB/2594  
**Attachments:** 10.1.9(a) Delegated Authority Register [under separate cover]  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Mat Humfrey, Chief Executive Officer  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is being asked to endorse the reviewed Delegated Authority Register.

**BACKGROUND**

Delegations allow the Chief Executive Officer (and appropriate staff) to make decisions on behalf of Council in certain circumstances. This allows for the more efficient operation of the Town and improves the level of services that the Town is able to offer residents.

The Delegated Authority Register contains all such delegations made to the Chief Executive Officer and where the Chief Executive Officer has then on-delegated to other staff. The Register also contains any limits on the types of decisions that can be made under the Delegation, but importantly, it doesn't set out what decision has to be made (which would be contained in the appropriate policies).

The Delegate Authority Register must be reviewed at least once every financial year. The Register was last consider by Council at the April 2018 Ordinary Council Meeting where Council resolved;

*Moved Cr Tucak Seconded Cr Thomas*

*That Council, by absolute majority, approve the delegations made to the Chief Executive Officer, as detailed in the attached Delegated Authority Register 2017/18; and,*

- 1. An interactive Elected Members workshop be held before the July 2018 council Meeting in which content and nature of any delegations for the 2018/2019 will be discussed*
- 2. The item "Policy Guidance" be altered to "Conditions on Delegations (if any)" and in all cases include the words "To be exercised in accordance with the Town's policies and local laws", to be followed by "Policy and Local Laws Guidance: (name any applicable policy(s) or local laws), where applicable.*

*CARRIED BY AN ABSOLUTE MAJORITY 8/0*

Following the resolution a workshop was held on Tuesday 14 August 2018. Due to scheduling constraints we were not able to organise the workshop in July. The workshop was well attended and was very productive. Following the workshop, consultation has occurred with staff and minor amendments have been made to the Delegated Authority Register as attached.

**STRATEGIC IMPLICATIONS**

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Priority Area 6: Providing open and accountable local governance

Major Strategy 6.2: Continue to deliver high quality governance, administration, resource management and professional development.

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

**POLICY IMPLICATIONS**

There are no perceived policy implications arising from the officer's recommendation.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

Sections 5.42, 5.43, 5.44 and 5.46 of the Local Government Act 1995 regulate the ability of a local government to delegate the exercise of its powers or discharge its duties under the Act.

**5.42. Delegation of some powers and duties to CEO**

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
- (a) this Act other than those referred to in section 5.43; or
  - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).
- \* Absolute majority required
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

**5.43. Limits on delegations to CEO**

- A local government cannot delegate to a CEO any of the following powers or duties —
- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
  - (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
  - (c) appointing an auditor;
  - (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
  - (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
  - (f) borrowing money on behalf of the local government;
  - (g) hearing or determining an objection of a kind referred to in section 9.5;
  - (h) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
  - (i) any power or duty that requires the approval of the Minister or the Governor; (i) such other powers or duties as may be prescribed.

**5.44. CEO may delegate powers and duties to other employees**

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.



- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*
  - (a) *the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
  - (b) *the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.*
- (4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) *In subsections (3) and (4) — conditions includes qualifications, limitations or exceptions.*

**5.46. Register of, and records relevant to, delegations to CEO and employees**

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

**FINANCIAL IMPLICATIONS**

There are no perceived financial implications arising from the officer's recommendation.

**STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer's recommendation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There are no perceived sustainability implications arising from the officer's recommendation.

**CONSULTATION**

A workshop was held for elected members on 14 August 2018. Further consultation has occurred with staff.

**OFFICER COMMENT**

The Delegation Register has been thoroughly reviewed and is now able to be considered by Council. In considering the Register, Council should be mindful of the purpose of Delegations, which is to increase operational efficiency, not determine the outcomes of decisions made. If there is a need to guide decision making, that guidance should be contained in an appropriate policy.

As an aside, the Delegations Register only refers to decisions that are made under delegation, it does not contain all of the authorities that staff have. For example, the Act itself enables staff to undertake a range of functions and authorises them to do so. Sections of the Act provide that the Chief Executive Officer is responsible for the day to day administration, and many sections of the Act (and other legislation) empower “Authorised Officers” to undertake certain functions and make prescribed decisions. As these powers are not provided to Council in the first instance, there is no ability for them to be recorded in the Delegation Register.

Delegating decision making power doesn’t require officers to make a decision and it is possible for officers to choose not to exercise Delegate Authority and instead refer the matter directly to Council. If officers believe that

1. A decision they are being asked to make is not routine; or
2. Will generate a significant public interest; or
3. Could require a decision that does not accord with Policy

The decision will be referred to Council for determination.

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION**

THAT Council APPROVE the Delegations made to the Chief Executive Officer in the updated Delegated Authority Register 2018/2019 as attached.

**COUNCILLOR MOTION**

**Moved Cr Young**

**Seconded Cr Thomas**

**That this item be deferred to the next Ordinary Council Meeting.**

**Carried 6/2**

**For: Mayor Angers, Sadler, Young, Harkins, Thomas and Pyvis**

**Against: Crs Boulter and Tucak**

**10.1.10 FILMING OF 'UPRIGHT' TELEVISION SERIES**

**File Ref:** SUB/2594  
**Attachments:** 10.1.10(a) Draft Traffic Management Plan  
10.1.10(b) Event Application Form  
**Responsible Officer:** Garry Bird, Deputy Chief Executive Officer  
**Author:** Gabrielle Hall, Events Officer  
**Author Disclosure of Interest:** Nil

Cr Tucak – declared an **IMPARTIALITY INTEREST** item 10.1.10 by virtue “the Creative Team are known to him.”

Cr Harkins – declared an **IMPARTIALITY INTEREST** item 10.1.10 by virtue “she lives in one of the affected streets.”

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**SUMMARY**

Upright Productions is seeking approval to film the ‘Upright’ television series on Broome Street, John Street and Cottesloe Beach on Wednesday, 12 December 2018 and Thursday, 13 December 2018 from 6.00am to 8.00pm. Contingency filming dates for Cottesloe Beach on Tuesday, 11 December 2018 and Friday, 14 December 2018 from 6.00am to 8.00pm are required.

**BACKGROUND**

Upright Productions will be filming sequences for a new television series written by and starring Tim Minchin. The series will be shown on Foxtel. Scenes were specifically written for Cottesloe and it is meant to be indelibly identifiable as Cottesloe.

The primary location for filming is an exterior suburban house on Broome Street. Permission and support from the owner and the tenants of the property to film there has been sought.

The second filming location is on and in the water at Cottesloe Beach near the groyne. These scenes are significant scenes in the series and will be the focus of the final episode of the series.

In order to facilitate the filming, road closures and traffic diversions will need to be put in place. A draft traffic control plan has been included. Residents within the controlled areas will have access to their properties. Pedestrian traffic will also be controlled. Access to the Civic Centre will be impeded, however measures will be implemented to ensure the Cottesloe Civic Centre is still accessible. Officers will be able to gain access to the administration building via Napier Street. Traffic Marshalls will manage the access to Broome Street, to ensure officers and public with accessibility requirements will be able to gain access to ACROD parking.

Vehicles and trucks will be parked along Broome Street, within the road closure area. At all times the other lane along Broome Street will be open for residents and emergency vehicles. Other production vehicles and set up of unit base will be within the parking bays on Forrest Street to Marine Parade. This area will provide the film crew with the closest access to the filming locations. Contingency unit base and overflow areas may look to utilise the Cottesloe Civic Centre.

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Neighbouring properties will be notified of the filming through a letter drop and advertising in the local newspaper.

### **STRATEGIC IMPLICATIONS**

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Priority Area 1: Protecting and enhancing the wellbeing of residents and visitors

Major Strategy 1.3: Identify places to host more cultural events and activities.

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

Priority Area 1: Protect and enhance the wellbeing of residents and visitors.

Major Strategy 1.4: Continue to improve community engagement.

### **POLICY IMPLICATIONS**

#### **Event and Facility Classification Policy**

Under the current Policy, the event meets the assessment criteria of a 'commercial' event as outlined in the policy, as *'The organisers of the event are retaining the profits for personal or corporate gain'*.

#### **Beach Policy**

This event appears to be in compliance with the Town of Cottesloe's Beach Policy.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

The Town of Cottesloe's *Beaches and Beach Reserves Local Law 2012* has provisions for the maintenance and management of the beaches and beach reserves.

### **FINANCIAL IMPLICATIONS**

Organisers would be charged fees in accordance with the Event and Facility Classification Policy and Schedule of Fees and Charges, organisers would be charged \$1000 per day for hire and a \$200 bond.

### **STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer's recommendation.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

Adequate arrangements will be required for rubbish collection and removal of recyclable materials.

Staff will assist organisers to avoid the use of any form of single use plastic in accordance with the event conditions.

### **CONSULTATION**

Upright Productions

Town of Cottesloe

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Cottesloe Surf Life Saving Club

John Street Café

Owners and Occupants of Broome Street residence

### **OFFICER COMMENT**

Upright Productions proposal to feature Cottesloe in the production of the television series 'Upright' would be an asset to the Town. It would offer an opportunity to showcase the Cottesloe's natural and built environment, as well as the opportunity to exhibit the beach lifestyle.

The filming will also reach the wider community and add to the iconic identity of the Town to a national network.

The production will have an impact on the community particularly to those who live in areas affected by the road closures. However, through effective communication and management it is expected this impact can be minimised.

Members of the public will be able to view the filming in public locations, which could prove to be an interesting and popular attraction.

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Sadler

Seconded Cr Tucak

**THAT Council APPROVE the application to film the 'Upright' television series on Broome Street, John Street and Cottesloe Beach on Wednesday, 12 December 2018 and Thursday, 13 December 2018 from 6.00am to 8.00pm. Inclusive of contingency filming dates for Cottesloe Beach on Tuesday, 11 December 2018 and Friday, 14 December 2018 from 6.00am to 8.00pm, subject to the following conditions:**

- 1. Class this event as a 'Commercial' event and charge the fee of \$1000 per day, and a bond of \$200 to be paid prior to filming commencing.**
- 2. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event.**
- 3. Provision of a transport or parking plan and appropriate access/signage to and from the event, which is to be provided at least 30 days prior to the event for the approval of the Chief Executive Officer.**
- 4. Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required.**
- 5. All signage to be approved by the Chief Executive Officer one month prior to the event.**
- 6. The event complies with all noise management conditions imposed on the event by the Town of Cottesloe.**

7. Compliance with the Town's *Beaches and Beach Reserves Local Law 2012*.
8. Compliance with relevant sections of the Town's *Beach Policy*.
9. The event complies with all requirements of the:
  - ) *Health (Public Buildings) Regulations 1992*
  - ) *Town's Health Local Law 1997*
  - ) *Environmental Protection (Noise) Regulations 1997*
10. Adequate arrangements for rubbish removal and collection, including the provision for recycling.
11. The Applicant will (including by directing any parties under their control or supervision) use their best endeavours to minimise waste and litter production from the event.
12. Single use plastics including without limit balloons, plastic bottles, plastic bags that have a thickness of 35 microns or less, plastic takeaway containers and lids, plastic lined coffee cups/lids, plastic straws, plastic lolly sticks, plastic cutlery and single plastic wrapped lollies will not be used by the Applicant (and any parties under their control or supervision) in setting up, during or in clearing up after the event.
13. That the event is a non-smoking event.
14. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event.
15. That the Western Metropolitan Regional Council 'Earth Carers' Event Waste Minimisation Checklist is provided to the event organisers, who are to complete the checklist and return to Council after the event with the aim of reducing the amount of plastics used at the event.
16. The provision of a Disability Access and Inclusion Plan.
17. The permit does not guarantee exclusive use of the beachfront. Other users of the beach must not be asked to 'move on' during the film shoot or filmed without permission.
18. No vehicles or materials are permitted to be brought on to the beach.

#### ADVICE NOTE

The Town of Cottesloe Local Government Property Local Law 2001 (Consolidated) prohibits at clause 2.8(1)(i) "releasing an unsecured balloon inflated with a gas that causes it to rise in the air. Fines apply for breach of this Local Law, and applies to all events and food vans (and the like) approvals.

Exemptions may apply if the Applicant or the council requires the use of single use plastic items for medical reasons, where there is no reasonable alternative and the single use plastics are properly recycled or disposed of or stored safely and sustainably, or are removed from the Town of Cottesloe.

The full length of the Cottesloe Reef is protected by a Fish Habitat Protection Area (FHPA), the only one in the Perth Metropolitan Area. The principal aim of the

Cottesloe Reef FHPA is to preserve valuable fish and marine environments for the future use and enjoyment of all people. Plastic and balloon litter pose a significant risk to this very special marine environment. A Cottesloe Reef FHPA brochure is enclosed for your further attention.

Carried 8/0

**ENGINEERING****10.1.11 OCEAN POOL FEASIBILITY STUDY**

**File Ref:** SUB/2594  
**Attachments:** 10.1.11(a) Advisian Quote [CONFIDENTIAL] [UNDER SEPARATE COVER]  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Denise Tyler-Hare, Project Manager  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is being asked to consider Advisian's quote to investigate compliance with environmental and Aboriginal Heritage legislation as part of the detailed feasibility study for an ocean pool south of the Cottesloe Groyne (Option Two).

**BACKGROUND**

At the September 2018 Ordinary Council Meeting, Council deferred approving the detailed feasibility study for Option Two pending consideration of itemised quotes from Advisian for the following:

1. Investigation of Aboriginal heritage and environmental issues.
2. Provide advice on preferred option viability from investigation findings.

**STRATEGIC IMPLICATIONS**

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Priority Area 3: Enhancing beach access and the foreshore

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

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

Priority Area 3: Enhancing beach access and the foreshore.

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

**POLICY IMPLICATIONS**

The proposed pool will need to comply with the Beach Policy.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government Regulations 1996*

Planning approval is required from the West Australian Planning Commission. The Town will work with the State Heritage Office at detailed design to ensure heritage matters are considered.

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**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer's recommendation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

The recommended ocean pool location south of the Groyne (Option Two) would require significant environmental and heritage investigation.

**CONSULTATION**

Town of Cottesloe Administration

Elected Members

Community Consultation

**OFFICER COMMENT**

Advisian's itemised quote is consistent with Council's resolution that will provide an indication of option two's viability, considering the compliance with environmental and aboriginal heritage legislation.

Please note that if detailed conversation is required around the specific contents of the quote, such that Advisian's pricing calculations and considerations is to be discussed, Council will need to consider closing the meeting for that part of the discussion. Otherwise the consideration of whether or not to proceed can be done within an open meeting.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**Moved Cr Harkins**

**Seconded Cr Young**

That Council ACCEPT the quote provided by Advisian to undertake preliminary assessment of the likelihood of achieving environmental and Aboriginal Heritage approvals for Option Two of the Ocean Pool Feasibility Study.

**Lost 3/5**

**For: Mayor Angers, Crs Young and Harkins**

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

**10.1.12 SHARED DEPOT - BUSINESS PLAN**

**File Ref:** SUB/2594  
**Attachments:** 10.1.12(a) Business Plan [under separate cover]  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Denise Tyler-Hare, Project Manager  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is being asked to consider authorising the attached draft business plan for advertising.

**BACKGROUND**

At the March 2018 Ordinary Council Meeting, Council authorised the Chief Executive Officer to execute the Heads of Agreement with the Town of Mosman Park.

Following the signing of this agreement, the administration has worked with the Town of Mosman Park to finalise the community consultation, and negotiated on an offer to lease.

The attached business plan has been prepared and needs to be advertised before it can be considered for execution, as this proposed lease meets the definitions of a major land transaction under section 3.59 of the *Local Government Act 1995*.

**STRATEGIC IMPLICATIONS**

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Priority Area 5: Providing sustainable infrastructure and community amenities

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

Priority Area 5: Providing sustainable infrastructure and community amenities.

**POLICY IMPLICATIONS**

The proposal is in accordance with the Regional Cooperation Policy.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995 Section 3.59*

*Local Government (Functions and General) Regulations 1996*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer's recommendation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

The relocation of the depot will reduce travel time between the Town area and the depot.

**CONSULTATION**

Consultation is to be undertaken on the business plan state-wide.

**OFFICER COMMENT**

The proposed lease within the Town of Mosman Park Depot has been classified as a major land transaction within the *Local Government Act 1995* and *Local Government (Functions and General) Regulations 1996* for the following reasons:

- )] This is not an exempted land transaction
- )] The total payments required for the 21 year lease and capital works are \$1,868,496 (based on an annual lease value of \$88,976)
- )] The threshold value for the Town of Cottesloe is \$1,291,300 which is equivalent to 10% of our 2017/18 operating expenditure

The Act requires the attached business plan to be advertised (state-wide) for a period of six weeks. The Council will need to consider any submissions made before deciding whether to proceed with the transaction.

Following consultation, if changes are required to the business plan to accommodate any issues raised during the consultation, the resulting plan would need to be re-advertised.

The Town of Mosman Park will also be producing a business plan, which will be different to the Town of Cottesloe's – as their business plan will need to consider the disposition of the property (not acquisition). However, there is the opportunity to undertake one advertisement, which will reduce overall costs for both Town's.

**COUNCILLOR QUESTIONS****Submitted by Cr Sadler – Emailed 14 October 2018**

Q1. Can the administration please explain the detail around "The ToC requirement to plant a line of trees along Fairbairn and McCabe to buffer site"? This could be very open to interpretation and a source of conflict (e.g. size and number of trees, whether the trees thrive or fail, who waters the trees to ensure survival etc).

A1. This detail has not yet been resolved, as we have not progressed to detailed design. This level of detail would be worked through with the Town of Mosman Park during the detailed design stage.

**COUNCILLOR QUESTIONS****Submitted by Cr Boulter – Emailed 14 October 2018**

Q1. What is the distance between the TOC Civic Centre and the Proposed TOC depot at ToMP?

A1. Approximately 5km.

- Q2. What will be the travel time to and from McCabe St depot in peak hour traffic?
- A2.** To the Town's southern border, less than a few minutes, unless there is some obstruction on the road.
- Q3. In terms of Council working out the total cost to TOC ratepayers of the proposed lease:
- Q3a. How many TOC vehicles will be based at the ToMP depot and how often will they travel to Cottesloe? What is the estimated cost of extra service and maintenance costs for vehicles travelling to and from ToMP to TOC, than it they were based in Cottesloe?
- A3a.** The cost difference is expected to be negligible.
- Q3b. How many TOC staff will be based at and/or will park at ToMP and how many will commute to TOC? Approximately, how many staff hours lost to travelling time?
- A3b.** The number of TOC staff commuting to ToMP would be the same as currently commuting to the Stack St facility. Negligible time would be lost.
- Q3c. What will be the total cost of the 2 buildings and hardstand/car parking construction at the ToMP depot?
- A3c.** Please refer to the officer's report.
- Q3d. Who will pay for the insurance of the buildings?
- A3d.** Please refer to the officer's report.
- Q3e. What are the likely costs of the annual maintenance of the TOC buildings?
- A3e.** Typical maintenance costs are about 3% of the building cost in the first 10 years and will be more than offset by depreciation.
- Q3f. Who will pay for maintenance reports to ToMP about the state of repair of the ToC buildings?
- A3f.** Whoever requests a report.
- Q3g. What shared facilities will TOC staff share with ToMP and will there be extra cost for this? If so, what is the estimated cost?
- A3g.** There are no shared facilities associated with the lease.
- Q3h. How much will the fences, gates, line ,marking and security system adjustments cost the TOC initially and annually?
- A3h.** Please refer to the report.
- Q3i. How approximate is the rental of \$88,976? By how much could it varied over the term of the lease?
- A3i.** Please refer to the report.
-

- Q3j. Will the exclusions be additional costs to the lease rental amount? Approximately how much are the likely exclusions' costs to be initially to establish and then annually? If unknown, then can an estimate be made based on the Stack St outgoings?
- A3j.** Yes, they will be the same or less than the experience at Stack St.
- Q3k. How much will it cost the TOC to plant and maintain the line of trees along Fairbairn and McCabe Streets? Is the area reticulated or will TOC works crew have to water the trees until they are established or TOC pay for reticulation?
- A3k.** This will be determined in the detailed design phase.
- Q3l. What are the possible costs of contaminated site remediation?
- A3l.** Nil to the Town of Cottesloe.
- Q3m. What will be the costs of the documentation and legal costs and registration? Who will bear the costs of the documentation?
- A3m.** Each party will bear their own costs.
- Q4. Is the ToMP works depot sited on an A Class Reserve?
- A4.** The ToMP have confirmed that the title does not indicate it is an A class reserve, and their Town Planning Scheme and the MRS also don't indicate it either.
- Q5. Why are the constructed assets reverting to ToMP (with TOC required to maintain the building for ToMP) on practical completion rather than at the end of the lease? Who will decide what needs maintaining and when?
- A5.** Standard lease practice as we're seeking to avoid a ground lease.
- Q6. What expert valuations has the TOC administration obtained in respect of the lease rental of approximately \$88,976 and can a copy be provided to Council?
- A6.** The ToMP obtained valuations and negotiations were based on the valuations.
- Q7. Is any part of the ToMP site to be leased by the TOC part of the possibly contaminated site?
- A7.** Yes.
- Q8. If not, how close is the possibly contaminated site to the proposed TOC lease area?
- A8.** N/A.
- Q9. What was the nature of the possible contamination?
- A9.** Most Council depot sites are listed as possibly contaminated.
- Q10. Has an investigation of the contaminated site been undertaken?
- A10.** No.
- Q11. If not, will it be undertaken before TOC leases the land or will the lease absolve TOC from all and any contaminated site remediation?
- A11.** No.

Q12. How much will be saved by undertaking shared advertising with the ToMP?

**A12.** 50% of the advertising costs. Final costs of ads is expected to be approximately \$1,000.

Q13. Can Councillors be provided with a copy of the proposed advertisement as per Appendix 1 of the Business Plan before they are asked to vote on the draft Business Plan?

**A13.** No. Council will need to resolve to advertise the Business Plan before the ad can be finalised.

Q14. Is a lease drafted yet? Will the TOC have options to extend in the lease?

**A14.** No. No option can exist to extend the lease (Crown Land).

Q15. Will any depot facilities be established within the TOC and if so, what and where?

**A15.** No.

Q16. When did the Town of Cottesloe consult the wider community about siting the depot at the Sea View Golf Club as per Council resolution May 2011? What were the outcomes of that public consultation?

**A16.** Please refer to S08 questions previously asked.

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER RECOMMENDATION**

**Moved Mayor Angers                      Seconded Cr Young**

**That Council APPROVE the Business Plan, for the Shared Depot to be advertised in accordance with the *Local Government Act 1995* and to call for submissions accordingly.**

**Carried 5/3**

**For: Mayor Angers, Sadler, Young, Harkins and Thomas**

**Against: Crs Boulter, Tucak and Pyvis**

Mayor Angers advised that Council would now return to the order of the agenda as laid out.

**10.1.13 OCEAN UNIVERSAL ACCESS PATH TENDERS**

**File Ref:** SUB/2594  
**Attachments:** 10.1.13(a) Tender assessment document [CONFIDENTIAL]  
[UNDER SEPARATE COVER]  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Denise Tyler-Hare, Project Manager  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

That Council:

1. Not accept any tenders submitted for the Ocean Universal Access Path.
2. Considers allocating funds for the project in the 2019/20 Financial Year

**BACKGROUND**

At the July 2018 Ordinary Council Meeting, Council approved the Ocean Universal Access Path Design and Construct Tender. The resolution also required Administration to source State Government funding.

Submissions were received from Advantesting Civil Engineers and SMC Marine through Tenderlink on the closing date of 12 September 2018. Both offers exceeded the available budget. Lotterywest have indicated that these works can not be funded due to the maintenance nature of the works.

One confidential hard copy of tenders received will be made available prior to the Council meeting upon request for review.

**STRATEGIC IMPLICATIONS**

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Priority Area 3: Enhancing beach access and the foreshore

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

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

Priority Area 3: Enhancing beach access and the foreshore.

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

**POLICY IMPLICATIONS**

There are no perceived policy implications arising from the officer's recommendation.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

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This public works project has been exempted by both the West Australian Planning Commission and State Heritage Office from their approval processes.

**FINANCIAL IMPLICATIONS**

The acceptance of the lower offer would result in an approximately \$250,000 budget deficit.

**STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer's recommendation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There are no perceived sustainability implications arising from the officer's recommendation.

**CONSULTATION**

Town of Cottesloe Administration

Elected Members

**OFFICER COMMENT**

Whilst both tenders were found to be competitive, value for money was best demonstrated within Advantearing Civil Engineers submission when both qualitative and quantitative criteria were taken into consideration.

However, due to the shortfall in budget, neither tender can be recommended without an adjustment to the funds available either at the November 2018 budget review or in the 2019/20 Financial Year.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**Moved Cr Sadler**

**Seconded Cr Young**

That Council NOT ACCEPT any of the tenders submitted (Ocean Universal Access Path) as all of the submitted tenders exceed the amount allocated in the 2018/19 budget.

**COUNCILLOR AMENDMENT**

**Moved Cr Pyvis**

**Moved Cr Boulter**

**That a point 2 be added that reads**

- 2. Request that the Disability Services Advisory Committee consider portable options for univeral access.**

**Carried 8/0**



**SUBSTANTIVE MOTION**

1. That Council NOT ACCEPT any of the tenders submitted.
2. Request that the Disability Services Advisory Committee consider portable options for univeral access.

Carried 8/0

**10.1.14 PARKING PROHIBITION ON HAWKSTONE STREET BEND**

**File Ref:** SUB/2594  
**Attachments:** 10.1.14(a) Petition [under separate cover]  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Shaun Kan, Manager, Engineering Services  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is being asked to consider:

- )] Consulting with residents on the proposed long term removal of the “bend” that joins Hammersly and Hawkstone Streets; and
- )] Prohibiting parking on both sides of bend in Hammersley Street in the interim.

**BACKGROUND**

Cars and trucks are currently allowed to park along the north-western side of Hamersley Street severely limiting the line of sight and available width for two passing vehicles.

Petition has been initiated by Ms Marilyn McCutcheon and Ms Jane Figgis, residents of Hamersley Street, Cottesloe to lobby for parking restrictions.

**STRATEGIC IMPLICATIONS**

This report is consistent with the Town’s *Strategic Community Plan 2013 – 2023*.

Priority Area 1: Protecting and enhancing the wellbeing of residents and visitors

Major Strategy 1.1: Develop an ‘integrated transport strategy’ that includes cycling, park and ride, Cott Cat, public transport and parking management strategies to meet the needs of pedestrians, cyclists and other non-vehicular traffic.

**POLICY IMPLICATIONS**

There are no perceived policy implications arising from the officer’s recommendation.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

There are no perceived financial implications arising from the officer’s recommendation.

**STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer’s recommendation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There are no perceived sustainability implications arising from the officer’s recommendation.

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**CONSULTATION**

Hammersley Street Residents

**OFFICER COMMENT**

Whilst only one hundred and seventy three (173) vehicles utilise this section of road daily, with 99.8% of traffic being under the posted speed, the Town has monitored the situation and has found an issue in this location if vehicles are allowed to park in the side of the road.

When this matter was raised during a Briefing Forum, some thought was given to closing the affected area and returning it to the adjacent reserve. However, before this can be formally considered and costed, it is recommended to undertake initial consultation with the affected residents.

Lastly, any structural change to the road will take some time to design and implement. As there is an identified safety issue, it is recommended that the area be made a no stopping area immediately, to mitigate these issues.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Sadler

Seconded Cr Tucak

**THAT Council:**

1. Consult with residents along affected areas of Hammersley and Hawkstone Streets on the potential to close and remove the affected "bend" joining the two streets; and
2. Install a No-Stopping area on both sides of the affected bend joining Hammersley and Hawkstone Streets as an interim measure.

Carried 8/0

**10.1.15 WENTWORTH STREET YELLOW LINE EXTENSION**

**File Ref:** SUB/2594  
**Attachments:** 10.1.15(a) Objection Letter from Resident  
10.1.15(b) Proposed Yellow Line Markings  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Shaun Kan, Manager, Engineering Services  
**Author Disclosure of Interest:** Nil

Cr Tucak – declared an **IMPARTIALITY INTEREST** item 10.1.15 by virtue “the persons involved in the matter are known to him.”

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**SUMMARY**

That Council considers approving a thirteen metre extension of the No Stopping yellow lines on the northern side of Wentworth Street.

**BACKGROUND**

The Town has received complaints of near miss collisions at this location between vehicles turning right from Railway Street and traffic approaching the intersection along Wentworth Street. Parking along both sides of Wentworth Street close to Railway Street intersection reduces road width and line of sight. The Town’s Ranger Services have installed statutory no stopping lines at the intersection.

At the September Agenda Briefing, the administration was tasked to consult with the thirty two residents along Wentworth Street on the preference between a five and thirteen metre No Stopping yellow line extension. Nine submissions were in support of the thirteen metre option. One property owner was not agreeable to marking the southern side of Wentworth but was supportive of modifications to the northern side.

**STRATEGIC IMPLICATIONS**

This report is consistent with the Town’s *Strategic Community Plan 2013 – 2023*.

Priority Area 1: Protecting and enhancing the wellbeing of residents and visitors

Major Strategy 1.1: Develop an ‘integrated transport strategy’ that includes cycling, park and ride, Cott Cat, public transport and parking management strategies to meet the needs of pedestrians, cyclists and other non-vehicular traffic.

**POLICY IMPLICATIONS**

There are no perceived policy implications arising from the officer’s recommendation.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Parking and Parking Facilities Local Law 2009*

**FINANCIAL IMPLICATIONS**

There are no perceived financial implications arising from the officer’s recommendation.

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**STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer's recommendation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There are no perceived sustainability implications arising from the officer's recommendation.

**CONSULTATION**

Town of Cottesloe Staff

Elected Members

**OFFICER COMMENT**

A majority of residents on the southern side have no rear vehicle access and rely on street parking directly fronting their property. A No Stopping line extension would have an immediate impact on the resident of 1B Wentworth Street with a resonating effect to adjacent property owners.

If Council resolve to install the no stopping area, officers will continue to monitor the area to see if it results in an improvement to safety and traffic flow. Officers will also investigate (with MRWA) if there are other treatment options, such as line markings or islands that could improve safety.

**COUNCILLOR QUESTIONS****Submitted by Cr Sadler – Emailed 14 October 2018**

Q1. Can you please clarify regarding the options. Is the 5m "no stopping" line – the statutory amount?

A1. There is no stopping within 10m of a corner.

**COUNCILLOR QUESTIONS****Submitted by Cr Boulter – Emailed 15 October 2018**

Q1. What is the opinion of the administration about the other request from the residents to zone the northern side of Wentworth St 'no parking' on the basis of the residents' opinion that this would also improve traffic safety because the street is not wide enough for parking on both sides of the street?

A1. Please refer to the officer's report.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

That Council APPROVE a 13 metre extension of the No Stopping yellow lines on the northern side of Wentworth Street.

**COUNCILLOR MOTION**

**Moved Cr Boulter**

**Seconded Cr Pyvis**

That Council APPROVE a 13 metre extension of the No Stopping yellow lines on the northern and southern sides of Wentworth Street as per option two, from 13 metres to 23 metres from the Railway Street intersection and the Town of Cottesloe Administration letter to the residents on 13 September 2018.

**Lost 2/6**

**For: Crs Boulter and Pyvis**

**Against: Mayor Angers, Crs Tucak, Sadler, Young, Harkins and Thomas**

**FORESHADOWED MOTION**

**Moved Cr Tucak**

**Moved Cr Thomas**

**That Council defer the matter to allow for further consultation.**

**Carried 7/1**

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

**Against: Cr Sadler**

**10.1.16 STREET TREE POLICY**

**File Ref:** SUB/2594  
**Attachments:** 10.1.16(a) Draft Street Tree Policy  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Shaun Kan, Manager, Engineering Services  
**Author Disclosure of Interest:** Nil

Cr Pyvis – declared an **IMPARTIALITY INTEREST** in item 10.1.16 by virtue “she is a committee member on West Tree Canopy.”

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**SUMMARY**

That Council adopt the attached draft Street Tree Policy.

**BACKGROUND**

At the 26 June 2018 Ordinary Council Meeting, Council requested an interactive workshop be held with expert tree representatives from the City of Subiaco before the amendments to the existing street tree policy. This forum was held on 11 September 2018.

The attached street tree policy incorporates elected member feedback that had been considered by Administration.

**STRATEGIC IMPLICATIONS**

This report is consistent with the Town’s *Strategic Community Plan 2013 – 2023*.

Priority Area 5: Providing sustainable infrastructure and community amenities

Major Strategy 1.6: Implement policies that protect existing trees and that actively seek to increase the tree canopy in Cottesloe.

**POLICY IMPLICATIONS**

If approved, a new Street Tree Policy will be implemented.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

There are no perceived financial implications arising from the officer’s recommendation.

**STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer’s recommendation.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There are no perceived sustainability implications arising from the officer’s recommendation.

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**CONSULTATION**

Town of Cottesloe Staff

Elected Members

As the draft Street Tree Policy is considered to be operational in nature it is recommended that the draft Policy not be advertised for public comment.

**OFFICER COMMENT**

The proposed Street Tree Policy has been developed following a review of similar policies from the City of Subiaco and other councils within Perth Metropolitan Region. The Policy has been developed in the context of decision making around the planting, maintenance and removal of street trees.

Trees within parks, reserves and playgrounds will be administered under the Green Infrastructure Management Plan. This strategy will also specify management standards and will be developed following the approval of the policy.

One of the key changes incorporated into the policy from elected member's feedback include pruning for northern light. A register indicating changes requested and made including Administration's decision rationales will be provided through a memorandum to elected members. Although not all feedback has been able to be incorporated, it would be important to note that the policy can be amended if Council chooses.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

That Council ADOPT the attached draft Street Tree Policy.

**COUNCILLOR MOTION**

Moved Cr Boulter

Seconded Cr Pyvis

1. That Council adopts the draft Tree Policy for the purpose of advertising the Tree Policy to the Town of Cottesloe residents and ratepayers for a 4 week submission period, and that the advertisement contains the information that submissions will only be accepted if they have the name and address of the submitter.
2. That the TOC administration report back to Council about the outcome of the submissions at its earliest convenience.

Carried 6/2

For: Mayor Angers, Crs Boulter, Tucak, Thomas, Pyvis and Harkins

Against: Crs Young and Sadler



**10.1.17 INDIANA PUBLIC TOILET MAINTENANCE BUDGET AMENDMENT**

**File Ref:** SUB/2594  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Shaun Kan, Manager, Engineering Services  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

That Council approve:

- )] A budget adjustment of \$103,369.90 for the public toilet maintenance at the Indiana Tea House.
- )] The additional funds sourced through a balance of incomes and expenditures at budget review.

**BACKGROUND**

At the 7 September 2018 Special Council Meeting, Council authorised the Mayor and Chief Executive Officer to execute a sub lease that transferred the control and responsibility for the public toilets at Indiana Tea House to the Town of Cottesloe for the remainder of the lease term.

A budget amendment is required to cover expenditure associated with the required major maintenance prior to the opening of the public toilets to 30 June 2019. The funds will also cover the cost of a cleaning contractor engaged for ongoing maintenance.

**STRATEGIC IMPLICATIONS**

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Priority Area 5: Providing sustainable infrastructure and community amenities

**POLICY IMPLICATIONS**

There are no perceived policy implications arising from the officer's recommendation.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

No funding has been allocated to 80.4130.3 – Property Maintenance, Indiana Tea House and Bathing Pavilion. A budget amendment of \$103,369.90 is required to cover expenditure for repairs, maintenance and cleaning until 30 June 2019.

**STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer's recommendation.

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**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There are no perceived sustainability implications arising from the officer's recommendation.

**CONSULTATION**

Town of Cottesloe Staff

**OFFICER COMMENT**

No budget had been allocated as the facilities have been the responsibility of the Indiana Tea House lessors. The sub lease execution returned responsibilities to the Town. \$29,959.65 expenditure to date covered the hire of the temporary amenities, major repairs and cleaning required. A further \$73,410.25 is required to cover the maintenance from October 2018 to 30 June 2019.

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION****That Council APPROVE:**

1. A budget amendment of \$103,369.90 for expenditure associated with the maintenance and cleaning of the Indiana Tea House Public Toilets (Account Code 80.1097.3.50).
2. The additional funds are to be sourced through changes to incomes and expenditures during Budget Review in January 2019.

At 8:48pm, Cr Thomas left Chambers.

**COUNCILLOR MOTION**

**Moved Cr Boulter**

**Seconded Cr Pyvis**

That Council defer consideration of the officer recommendation to the November 2018 Council meeting so that the administration can provide a cost/benefit analysis of employing TOC staff versus contractors to undertake this work.

Cr Boulter withdrew the deferral motion.

At 8:54pm, Cr Thomas returned to Chambers.

**COUNCILOR MOTION**

**Moved Cr Boulter**

**Seconded Cr Sadler**

**That Council APPROVE:**

1. A budget amendment of \$103,369.90 for expenditure associated with the maintenance and cleaning of the Indiana Tea House Public Toilets (Account Code 80.1097.3.50).
2. The additional funds are to be sourced through changes to incomes and expenditures

during Budget Review in January 2019.

- 3 Report back to the November Ordinary Council Meeting about a cost benefit analysis of employing staff to undertake this role.

**Carried 8/0**

At 8:57pm, Cr Harkins left Chambers.

**FINANCE****10.1.18 FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2018 TO 30 SEPTEMBER 2018**

**File Ref:** SUB/2594  
**Attachments:** 10.1.18(a) Financial Statements for the Period 1 July 2018 to 30 September 2018 [under separate cover]  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Wayne Richards, Finance Manager  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

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

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

**BACKGROUND**

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

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

**STRATEGIC IMPLICATIONS**

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Major Strategy 6.2: Continue to deliver high quality governance, administration, resource management and professional development.

Priority Area 6: Providing open and accountable local governance

**POLICY IMPLICATIONS**

Management of Investments Policy

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

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*Local Government (Financial Management) Regulations 1996*

### **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

There are no perceived financial implications arising from the officer's recommendation.

### **STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer's recommendation.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There are no perceived sustainability implications arising from the officer's recommendation.

### **CONSULTATION**

Senior staff

### **OFFICER COMMENT**

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

- )] The net current funding position as at 30 September 2018 was \$9,126,044 and is in line with previous financial years as shown on pages 2 and 22 of the attached Financial Statements.
- )] Rates and emergency services levies receivables at 30 September 2018 stood at \$4,073,388 as shown on pages 2 and 25 of the attached Financial Statements.
- )] Operating revenue is more than year to date budget by \$190,031 with a more detailed explanation of material variances provided on page 21 of the attached Financial Statements. Operating expenditure is \$843,766 less than year to date budget with a more detailed analysis of material variances provided on page 21.
- )] The Capital Works Program is approximately 17% complete as at 30 September 2018 and a full capital works program listing is shown on pages 33 to 35.
- )] Whilst Salaries and Wages are not reported specifically, they do represent the majority proportion of Employee Costs which are listed on the Statement of Financial Activity (By Nature and Type) on page 7 of the attached Statements. As at 30 September 2018 Employee Costs were \$103,322 less than the budgeted year to date amount.
- )] The balance of cash backed reserves was \$11,569,661 as at 30 September 2018 as shown in note 7 on page 27 of the monthly financial statements.

### **List of Accounts for September 2018**

The List of Accounts paid during September 2018 is shown on pages 36 to 44 of the attached Financial Statements. The following significant payments are brought to Council's attention;-

- )] \$515,063.49 to the Department of Fire and Emergency Services for levies collected on their behalf.
- )] \$29,618.00 to the West Australian Local Government Association for website design and development.
- )] \$26,391.26 to SuperChoice Services Pty Ltd for staff superannuation contributions
- )] \$103,851.320 & \$110,776.94 to the Town of Cottesloe staff for fortnightly payroll.
- )] \$600,500.00 to the Commonwealth Bank of Australia to set up a new reserve deposit.
- )] \$317,000.00 to the Town of Cottesloe Investment account held with National Australia Bank.

### **Investments and Loans**

Cash and investments are shown in note 4 on page 23 of the attached Financial Statements. Council has approximately 35% of funds invested with National Australia Bank, 28% with Bankwest, 28% with Commonwealth Bank of Australia and 9% with Westpac Banking Corporation. Council had a balance of \$11,569,661 in reserve funds as at 30 September 2018.

Information on borrowings is shown in note 10 on page 30 of the attached Financial Statements and shows Council had total principal outstanding of \$4,013,917 as at 30 September 2018.

### **Rates, Sundry Debtors and Other Receivables**

Rates revenue information is shown in note 9 on page 29 of the attached Financial Statements. Rates outstanding are shown on note 6 on page 25 and show a balance of \$4,073,388 as compared to \$4,388,272 this time last year.

Sundry debtors are shown on note 6, pages 25 and 26 of the attached Financial Statements. The sundry debtors show that 9% or \$47,627 is older than 90 days. Infringement debtors are shown on note 6(a) and stood at \$429,791 as at 30 September 2018.

### **Budget Amendments**

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

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Sadler

Seconded Cr Tucak

**THAT Council RECEIVE the Financial Statements for the period ending 30 September 2018 as submitted to the 23 October 2018 meeting of Council.**

**Carried 8/0**

**10.2 RECEIPT OF COMMITTEE MINUTES****10.2.1 RECEIPT OF COMMITTEE MINUTES**

<b>Attachments:</b>	<b>10.2.1(a)</b>	<b>Draft Minutes - Beach Access Paths Committee - 11 September 2018 [under separate cover]</b>
	<b>10.2.1(b)</b>	<b>Draft Minutes - Bike Planning Committee - 4 September 2018 [under separate cover]</b>
	<b>10.2.1(c)</b>	<b>Draft Minutes - Foreshore Precinct Implementation Committee - 10 September 2018 [under separate cover]</b>
	<b>10.2.1(d)</b>	<b>Draft Minutes - Reserves, Parks and Playgrounds Committee - 13 September 2018 [under separate cover]</b>

Cr Young – declared a **PROXIMITY INTEREST** in item 10.2.1, part 4, Reserves Parks and Playgrounds, by virtue “she lives opposite the Reserve in question.”

At 8:58pm, Cr Young left Chambers.

At 8:59pm, Cr Harkins returned to Chambers.

**OFFICER RECOMMENDATION**

THAT Council note the draft Minutes of the following Committee Meetings with consideration given to the Committee’s recommendations as highlighted below:

**COUNCILLOR MOTION**

Moved Cr Sadler

Seconded Cr Thomas

THAT Council vote en bloc to note the draft Minutes of the following Committee Meetings and **ENDORSE** the Committee’s recommendations as highlighted below:

Carried 7/0

**1. BEACH ACCESS PATHS COMMITTEE**

11 September 2018 draft minutes attached.

**7.1 BEACH ACCESS PATHS – PRIORITY LIST OF PATHS TO BE UPGRADED****COMMITTEE RECOMMENDATION**

That Council **ENDORSE** the following priority list for the next round of beach access path projects:

1. S4 (Wearne)
2. S15 (The Cove)
3. N9 (Vera View Parade)
4. N2 (Bryan Way South)
5. N8 (Little Marine Parade)
6. S1 (Vlamingh Memorial)
7. N4 North Cott

**7.4 BEACH ACCESS PATHS – LANDSCAPE MATERIAL SCHEDULE****COMMITTEE RECOMMENDATION**

1. That the Administration identify those sites that need weed barriers (30cm - 50cm depth) as per discussion with CCA with a view to minimising future maintenance and herbicide use.
2. M-03 Drinking Fountain is to be a similar design to N7.
3. M-11 Wheel stop colour is to be reviewed with the intent to use grey, if available, and if it conforms with the 30% luminous contrast, otherwise default to blue.
4. S-03 – temporary irrigation to ensure survival of plants during the first summer is to be implemented.
5. W-03 – consideration to be given to universal access and the inclusion of semi mountable kerbs in lieu of barrier kerbs at S-12.

**7.5 BEACH ACCESS PATHS – SIGNAGE STRATEGY COMMUNITY CONSULTATION****COMMITTEE RECOMMENDATION**

That the Beach Access Paths Committee defer consideration of further/broader community consultation pending the receipt of information on Australian Standards regarding heights and noting that the four signs N7, N6, S10, S12 are being manufactured as prototypes.

**2. BIKE PLANNING COMMITTEE**

4 September 2018 draft minutes attached.

**7.1 REVIEW OF THE DEPARTMENT OF TRANSPORT DRAFT LONG TERM CYCLE NETWORK (LTCN) 2016****COMMITTEE RECOMMENDATION**

The Bike Planning Committee resolves to work with the community on an initial route selection through consultation, prior to providing formal feedback to the Department of Transport. The consultation shall provide detail of future community engagement opportunities.

**3. FORESHORE PRECINCT IMPLEMENTATION COMMITTEE**

10 September 2018 draft minutes attached.

**4. RESERVES, PARKS AND PLAYGROUNDS COMMITTEE**

13 September 2018 draft minutes attached.

**COMMITTEE RECOMMENDATION**

That Council:

1. Invite public submissions on a proposal to erect a fence separating the playground equipment and off-lead dog area at Jasper Green.
2. That the administration review the infrastructure maintenance list with a view to separate into traditional maintenance items and strategic items and bring



back to the Committee at the next meeting.

**COMMITTEE RECOMMENDATION**

**That Council:**

1. Endorse the 'Request for Quote' project brief for the Public Open Space Master Plan as amended by the Committee, to be sent to the nominated consultants.

**COMMITTEE RECOMMENDATION**

**That Council adopt the Reserves, Parks and Playgrounds charter as amended by the Committee.**

**10.3    REPORTS OF COMMITTEES**

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

**11.1 COUNCILLOR MOTION - FOSSIL FUEL DIVESTMENT**

Cr Sadler deferred this motion to the November Ordinary Council Meeting.

**11.2 COUNCILLOR MOTION - BRYAN WAY TRIAL**

At 8:59pm, Cr Young returned to Chambers.

The following motion has been proposed by Cr Tucak.

**COUNCILLOR MOTION****Moved Cr Tucak****Seconded Cr Boulter**

That Council:

1. Write to residents in Bryan Way adjacent to Marine Parade about the possibility of a trial temporary closure of the entry point to Car Park Two off Bryan Way so as to limit use of Bryan Way to residents only, commencing in December 2018, seeking feedback, suggestions and ideas for Council to consider in November;
2. Investigate the options and associated costs of a trial temporary closure of the above entry point into Car Park Two (and any necessary signage), for a period from 1 December to 31 March 2018, including without limit 'tree planter boxes'.
3. The Administration report back to Council at the November 2018 Ordinary Council Meeting on the outcome of each of the above.

**PROCEDURAL MOTION****Moved Cr Young****Seconded Cr Harkins**

**That the item be put to the vote.**

**Carried: 7/1****For: Mayor Angers, Crs Tucak, Boulter, Sadler, Young, Thomas and Harkins****Against Pyvis****COUNCILLOR MOTION****Lost 4(5)/4****For: Crs Tucak, Boulter, Thomas and Pyvis****Against: Mayor Angers, Sadler, Young and Harkins**

In accordance with section 5.21(3) of the Local Government Act 1995, as the votes were equally divided, the Presiding Member (Chairperson), Mayor Angers, cast a second vote.

**FORESHADOWED MOTION****Moved Cr Young****Seconded Cr Harkins**

**That the item be deferred pending consideration at the next Foreshore Precinct Implementation Committee meeting.**

**Carried 5/3****For: Mayor Angers, Crs Young, Sadler, Thomas and Harkins****Against: Crs Boulter, Pyvis and Tucak**

**COUNCILLOR RATIONALE**

1. Council has in the past 12 months received requests from affected residents for Bryan Way's access point to Car Park Two to be closed due to issues of safety.
2. Council is currently beginning a master-planning process for the foreshore that is inclusive of Car Park Two and Bryan Way but won't be completed before summer.
3. Seeking all affected residents' feedback on the matter will provide Council with up to date information, and seeking suggestions and ideas may help find solutions.
4. Investigating now the options and costs for temporary closure allows Council to be aware of the implications of such a trial and be ready to commence if it that is the result of resident feedback and Council decision, in a timely way for summer.
5. If "tree planter boxes" are used, these may be re-used in Station St or other areas.

**OFFICER COMMENT**

The issue of accessing Car Park 2 from Bryan Way has been an issue for a long time. During the busy summer peaks, it can result in a number of cars using Bryan Way to enter and exit the carpark.

Other entries to the carpark are located on Marine Parade and Napier Street. It is not anticipated that removing the Bryan Way connection will have any material impact on these other locations. The only perceived complication would be for cars that have entered Bryan Way, seeking access and then having to turn around within the street to get back onto Marine Parade.

Writing to the residents will be able to be met within existing resources, but Council may wish to consider if wider consultation is needed given the size and strategic nature of Car Park 2.

**11.3 COUNCILLOR MOTION - PUBLIC TRANSPORT AUTHORITY LAND USES**

The following motion has been proposed by Cr Tucak.

**COUNCILLOR MOTION****Moved Cr Tucak****Seconded Cr Boulter**

That Council, further to its resolution of 31 October:

1. Write to PTA seeking confirmation the Licence to Occupy could allow Council to fence and use the land for alternative uses such as a temporary depot or a skatepark (permanent or temporary ramps):
2. Investigate the options and associated costs of temporary use of that PTA land as a depot and also inform the skatepark consultants it may be available for use as a skatepark if the PTA so approves.

**Lost 4(5)/4****For: Crs Tucak, Boulter, Thomas and Pyvis****Against: Mayor Angers, Sadler, Young and Harkins**

In accordance with section 5.21(3) of the Local Government Act 1995, as the votes were equally divided, the Presiding Member (Chairperson), Mayor Angers, cast a second vote.

**FORESHADOWED MOTION****Moved Cr Young****Seconded Cr Thomas**

1. Write to the PTA seeking confirmation that it would grant to the Town a 21 year lease for the use of the currently licenced land for a Town of Cottesloe works depot or a shorter lease for alternative uses such as skatepark.
2. Investigate the options and associated costs of temporary use of that PTA land as a depot and also inform the skatepark consultants it may be available for use as a skatepark if the PTA so approves.

**Lost 3/5****For: Crs Boulter, Thomas and Tucak****Against: Mayor Angers, Crs Sadler, Young, Harkins and Pyvis****COUNCILLOR RATIONALE**

1. Council has resolved to retain usage of this land, but has not progressed doing it.
2. Council currently has demands for land, for uses including a depot and skatepark.
3. The PTA is desirous of the land being used in a way that prevents parking upon it.
4. Works in the area will be proceeding in early 2019 as part of the PSP construction.
5. The position and nature of the land is conducive to a depot viz. proximity to the Town/Town Centre and non-residential use (carparking, power transformers, nurseries and garden supplies elsewhere) and for a skatepark in terms of lighting, distances from residences, nearby public transport.

6. The Lease to Occupy is not inconsistent with the use as a depot or skatepark, if it is agreed by the PTA that a temporary use is consistent with the PTA's objectives, namely:
  -  Additional Term 15 allows the Permitted Use to be changed, on the basis additional Fees for any changed use may be charged by the PTA.
  -  Schedule Item 4 requires the Town to pay any outgoings for its uses, as well as any rates, taxes or levies, or the PTA's administration fees .
  -  Additional Term 12 requires the Town to fence the land in any event.
  -  the effect of Additional Term 6 is buildings / stacking are permitted.
7. It is in the Town's best interest to have alternative sites for location of a depot or a skatepark (even if for temporary ramps only, as able to be re-used).
8. Licences to occupy PTA land in the western suburbs in many cases are long term, and have continued un-interrupted until major infrastructure changes.
9. The Town's currently proposed depot site at ToMP would require the Town to relinquish all improvements on the site to ToMP if the Town were to move, but this is not likely to be the case if vacating the PTA land.

#### **OFFICER COMMENT**

The area in question is Crown Land vested with the Public Transport Authority (PTA). The Town currently has a license that allows it landscape the area, but not occupy the land for other uses. If we were to consider placing any infrastructure in this area, the permission of the PTA would be required before it could be placed.

Council should also note that the license to use the land can be terminated by the PTA, at their sole discretion, with minimal notice required to be given to the Town. This is considered a significant risk by the administration and it would be strongly recommended that prior to the placement of any infrastructure in this area, a formal lease be put in place with the PTA. It is likely that a lease that allows any of our operations to be located in this area, would result in a commercial rent being paid. A community use may not attract a commercial rent, but it is likely that some form of management fee would be incurred.

With regards to the issue of the temporary depot, Council should be mindful of the following;

1. There is presently no infrastructure in the area, meaning any and all infrastructure would be required to be built (at the Town's cost);
2. Given the proximity of the train station, security would be a concern and fencing (and possibly CCTV) would need to be installed;
3. All headworks would be at the Town's cost; and
4. While it is true the Town wouldn't relinquish any assets it placed on this site if the PTA resumed the land, we would be required to remove any and all improvements at our cost. While some parts of the built form would be able

to be salvaged and re-used elsewhere, the cost savings would not be expected to be large.

With regards to alternate uses, as per the depot considerations above, Council needs to be mindful that any improvement can be required to be removed if the PTA decide (at their discretion) to resume the land for their operations. These operations might not necessarily be a rail line itself, it could be additional parking for example. If Council wishes to pursue any form of development in this area, it should first seek some form of commitment from the PTA about the future of the site and how any improvements could be preserved if the PTA pursue a development in the area.



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

**12.1 ELECTED MEMBERS**

Nil

**12.2 OFFICERS**

Nil

**13 MEETING CLOSED TO PUBLIC**

**13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

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

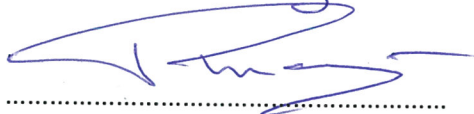
**14 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 9:40pm.

CONFIRMED MINUTES OF 23 OCTOBER 2018 PAGES 1 - 113 INCLUSIVE.

PRESIDING MEMBER:

POSITION: Mayor



DATE: 7 / 12 / 2018