

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING

MINUTES

HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
7.00 PM, Tuesday 25 July 2017

MAT HUMFREY
Chief Executive Officer

9 August 2017

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Due to the large number of public members in attendance, the July Ordinary Council Meeting was reconvened in the War Memorial Town Hall.

1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 7.13 PM

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Presiding Member announced that the meeting is being recorded.

4 PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

QUESTIONS TAKEN ON NOTICE 20 JUNE AGENDA FORUM

Cathy Campbell, 12 Kathleen Street, Cottesloe – Re: 10.1.1 Local Planning Scheme No. 3 Amendment No. 5

Q1. Given that this proposal had been knocked back by Council after a lot of discussion, and given the issues with things like high density of the development, overshadowing and setbacks and so on, what is the Planning and Development Department doing to ensure that immediate neighbours are not going to be overshadowed and impacted by this proposal?

A1. Council has resolved to require modifications to the Local Development Plan to address such aspects in relation to adjacent properties.

Julia Hayes, 38 Congdon Street, Cottesloe – Re: 10.1.1 Local Planning Scheme No. 3 Amendment No. 5

Q1. On behalf of the joint owners of this (above) property, who intend to be residents when it is built; is it correct to say that any modifications to the site plan itself just have to be in accordance with the residential design codes?

A1. Modifications to the site plan as part of a Local Development Plan can include Residential Design Code aspects as well as other planning aspects.

QUESTIONS PROVIDED BY CR PYVIS - EMAILED 21 JUNE 2017

Resident/Ratepayer Database

Q1. On 12 December 2016 Council resolved 5/4 to create a Resident/Ratepayer Database to "allow easy dissemination of

information to all residents on matters that affect Cottesloe as a whole."

Q. How many residents/ratepayers are registered on this database?

A. 630.

Q: What date did this database service commence disseminating information to residents/ratepayers?

A. To date one email notice has been sent in May 2017, regarding the proposal to levy differential rates for the 2017/18 financial year.

Q. To date, what dates has this service disseminated information to residents/ratepayers?

A. See above.

Q. Is the information disseminated via this database also publicly available on TOC website?

A. All information distributed via the email service will also be available on the website also.

Q2. Can Elected Members be provided with a comprehensive list of Cottesloe community organisations and sporting clubs?

A2. An email will be sent to all Elected Members with the requested information.

Q3. How many legal advices and opinions (written and oral) and on what dates and from whom did TOC obtain in relation to the Right of Way 64 (including in relation to the gate licence)?

A3. The Town of Cottesloe received the following advice from McLeods Barristers and Solicitors in regards to Right of Way 64:

April 2016	\$6,964.46
June 2016	\$4,534.10
November 2016	\$3,284.94
April 2017	\$8,925.00
	\$23,708.50

Q4. Can Elected Members be advised of the individual costs of all legal advices obtained by TOC in relation to Right of Way 64?

A4. See above

Q5. How many informal approaches have been made to TOC administration about potential scheme amendments, from whom and regarding what addresses?

A5. In recent times there have been no informal requests towards proposed scheme amendments.

- Q6. How often does TOC inspect the Town's sculpture collection for the purpose of assessing condition and maintenance required?
- A6. Annually and as required.
- Q7. How and by whom are TOC sculpture collection inspections recorded?
- A7. A written report annually by the Town's Buildings Officer.
- Q8. What is the annual budget for maintenance of the Town's sculpture collection?
- A8. The 2017/18 Budget contains an allocation of \$7,1387 as a contingency for any maintenance requirements of the existing collection.
- Q9. What has been the total expenditure on maintenance of the Town sculptures in each of the previous 5 years? Please itemise by sculpture.
- A9. Other than staff time to inspect the sculpture, no monies have been expended on maintaining the collection in the past three years. With no specific records kept prior to this date.

QUESTIONS TAKEN ON NOTICE 27 JUNE ORDINARY COUNCIL MEETING

Cathy Campbell, 12 Kathleen Street, Cottesloe – Re: 10.1.1 Local Planning Scheme No. 3 Amendment No. 5

- Q1. We have been assured previously that the wide median strip on Congdon Street would not be touched as part of this development proposal, however I would like clarification on this following a comment made at last week's Agenda Forum. Therefore; can Council please confirm that this median strip is in no way part of this proposal?
- A1. The Scheme Amendment and the associated concept development proposal do not include the Congdon Street central median strip.
- Q2. Neighbours were told there would be opportunities to be consulted on setbacks, overshadowing, design plans etc. how will this be conducted, and when?
- A2. This would occur through advertising of a modified Local Development Plan and a future development application.

QUESTIONS PROVIDED BY CR BOULTER - EMAILED 27 JUNE 2017

- Q1. ON what occasion is there a TOC requirement for a site inspection, and by whom, between the time a scheme amendment is lodged with the Town of Cottesloe and a report being brought to Council?
- Q2. ON what occasion is there a TOC requirement for a site inspection, and by whom, between the time a subdivision application is lodged

with the Town of Cottesloe and a report being brought to Council/a recommendation is made to the WAPC?

- Q3. ON what occasion is there a TOC requirement for a site inspection, and by whom, between the time a development application is lodged with the Town of Cottesloe and a report being brought to Council/a decision is made under delegated authority?
- Q4. ON what occasion is there a TOC requirement for a site inspection, and by whom and within what time frame, when a complaint is made regarding any property, including relating to the presence of asbestos or breach of a DA or building licence condition?
- Q5. Where are the site inspections recorded?
- Q6. How many site inspections have been carried out to date in 2017?
- Q7. Does the fact of an objection to a rezoning/subdivision/development application/building licence proposal generate a requirement for a site inspection at a particular time?
- Q8. Is there an internal TOC administration or TOC Council policy regarding site inspections for the reasons articulated above?
- Q9. Is the TOC administration aware of any legal requirements, standard practice and/or policy in WA local governments regarding site inspections?
- Q10. What would be the best method for the TOC Council to introduce a prudent and appropriate site inspection policy?

These questions were taken on notice.

QUESTIONS PROVIDED BY CR PYVIS - EMAILED 19 JULY 2017

Standing Order 8 - July

- Q1. What was 2016/17 financial period total expenditure for TOC staff salaries and wages (EXCLUDING overheads costs such as superannuation, workers compensation, insurance, payments to contractors /temporary staff etc) and others
- (a) in dollar terms, and
(b) as percentage of total TOC expenditure?
- Q2. What was 2016/17 financial period total expenditure for TOC staff overheads costs such as superannuation, workers compensation, insurance, and others (but NOT payments to contractors /temporary staff etc.)
- (a) in dollar terms, and
(b) as percentage of total TOC expenditure?
- Q3. What was 2016/17 financial period total expenditure for TOC contractors/temporary staff salaries and wages (including any overheads costs related to these payments?
- (a) in dollar terms, and

- (b) as percentage of total TOC expenditure?
- Q4. What was 2016/17 financial period expenditure on pool vehicles (per vehicle), including fuel, insurance, maintenance and Fringe Benefits Tax (\$7,500) etc?
- Q5. What was 2016/17 financial period expenditure on TOC (non-pool) vehicles, including fuel, insurance, maintenance and Fringe Benefits Tax (\$7,500) etc?
- Q6. What was 2016/17 financial period expenditure on TOC (non-pool) vehicles, including fuel, insurance, maintenance and Fringe Benefits Tax (\$7,500) etc? Please include:
- (a) vehicle details
 - (b) position vehicle designated to
 - (c) if vehicle is for private use
 - (d) 2016/17 operation cost per vehicle
- Q7. Which TOC staff positions are currently paid above the current Enterprise Agreement?
- Q8. Given that Town of Cottesloe spent \$18,000 hosting the 2016/17 Australia Day Awards, can Elected Members be provided with:
- (i) a breakdown of costs relating to this amount?
 - (ii) the number of Cottesloe residents who became citizens at this Australia Day ceremony?
 - (iii) the number of non-Cottesloe residents who became citizens at this Australia Day ceremony?
- Q9. Can Elected Members be provided with the details of Town of Cottesloe's contribution to Australia Day ceremonies in each of the last five years?

These questions were taken on notice.

4.2 PUBLIC QUESTIONS

Claire Orb, 49 Brighton Street, Cottesloe – 10.1.12 North Cottesloe Primary School – Construction of New Parking

- Q1. Will approval set a precedent for further tree clearance in Cottesloe should a developer ask or argue the point?
- Q2. Children will still have to cross the road from the car park; how is this making them safer?
- Q3. For a tiny school is this a normal amount of car parks? Why does it cost more than a modern 4x3 double storey home to build?
- Q4. Have there been any fatalities to justify the cost? Surely a Curtin Avenue solution should come first?

These questions were taken on notice.

Lara Bucher, 140 Broome Street, Cottesloe – 10.1.12 North Cottesloe Primary School – Construction of New Parking

- Q1. How will Cottesloe Council fulfil the commitments made within the Cottesloe Strategic Community Plan Area 2 – Achieving connectivity between east and west Cottesloe and proactively pursue solutions for improved access to North Cottesloe Primary School with the view to reducing congestion on Eric Street?

This question was taken on notice.

Chris Kelly, 8 Boreham Street, Cottesloe – 10.1.12 North Cottesloe Primary School – Construction of New Parking

- Q1. Why do we need 47 more parking bays?

This question was taken on notice.

Heidi Hardisty, 12A Myera Street, Swanbourne – 10.1.12 North Cottesloe Primary School – Construction of New Parking

- Q1. Why wasn't public consultation done?
- Q2. What was the authority of the administration to employ Porter Consulting Engineers to do the detailed planning?
- Q3. Why aren't the environmental and sustainability impacts discussed or reference made to the relevant government policies including the Town of Cottesloe Street Tree Policy, The Western Suburbs Greening Plan and State Planning Policy 2.8 Bushland Policy for Perth Metropolitan Area?
- Q4. On what basis was the funding approved for this project?
- Q5. Was there a business case or funding application? Is this available for the public to view?

These questions were taken on notice

Dianne Andrewartha, 24 Hawkestone Street, Cottesloe – 10.1.12 North Cottesloe Primary School – Construction of New Parking

- Q1. How long has the Council known about:
a) the planning for the railway bridge?
b) the plan of the North Cottesloe Primary School?
- Q2. How long has the Department of Transport been working with the Council on its road diversion?

These questions were taken on notice

Tony Rudd, 2/134 Marine Parade, Cottesloe – 10.1.12 North Cottesloe Primary School – Construction of New Parking

- Q1. What attempts have been made by the School to better manage the kiss and ride area? What were the results?

Q2. What consultation has there been with all effected parties seeking their input?

Q3. Isn't the massive disruption and cost of a large car park only used for an hour or so a day for only half the number of days a year a last resort - not a first option?

These questions were taken on notice

Leisha Jack, 35 Sandover Drive, Karrinyup – 10.1.12 North Cottesloe Primary School – Construction of New Parking

Q1. What assessments have been done on the site, including parking behaviour assessments on parents, by a school road safety expert?

Q2. Are Councillors and residents aware that three times more people die in Western Australia from heat related illnesses than they do from road accidents?

These questions were taken on notice

Jane Vince-Jones, 1A Clarendon Street, Cottesloe – 10.1.12 North Cottesloe Primary School – Construction of New Parking

Q1. If the Cottesloe Council chooses to change their mind now and not support this plan, what actions will be taken to find solutions to student safety and traffic congestion around our school and who fund this?

This question was taken on notice.

Chilla Bulbeck, Flat 8, 19 Broome Street, Cottesloe – 10.1.12 North Cottesloe Primary School – Construction of New Parking

Q1. What is the plan to stop commuters from Grant Street Railway Station using this car park?

Q2. To what extent is the Park and Ride being policed by School/Parents?

Q3. If the road realignment does go ahead following this meeting, I assume it will be a long time before works begin, so what intermediate solution will be put in place during this time?

Q4. To what extent will this project conflict with solving the Eric Street intersection problem, or will these works then have to be redone if the Eric Street intersection project is carried out at a later date?

These questions were taken on notice

5 PUBLIC STATEMENT TIME

Dr Barb Dobson, 20 Florence Street, Cottesloe – 10.1.12 North Cottesloe Primary School – Construction of New Parking

Spoke in support of Cr Boulter's proposed motion. The July 2015 Officer Report on this matter did not mention the removal of any trees. Why has a tree audit not been completed on this site?

Jacqui Sanciola, 31 Lyons Street, Cottesloe – 10.1.12 North Cottesloe Primary School – Construction of New Parking

Spoke against the construction of new parking at North Cottesloe Primary School and removal of trees. The parking and safety problem is not severe enough to justify the removal of these trees.

Fiona Jackson, 16A Beach Street, Cottesloe – 10.1.12 North Cottesloe Primary School – Construction of New Parking

Spoke against the construction of new parking at North Cottesloe Primary School and removal of trees. The Railway and Eric Street proposal lacked community consultation and is a waste of time, money and expertise. Alternative solutions and other modes of transport should be sought.

Elizabeth Sprivulis, 51 Brighton Street, Cottesloe – 10.1.12 North Cottesloe Primary School – Construction of New Parking

Spoke against the construction of new parking at North Cottesloe Primary School and removal of trees. This proposal will create only a slow-moving four lane highway of an area of road that is busy for a maximum of one hour per day. It is an unnecessary indulgence.

Sonja Heath, 50 Brighton Street, Cottesloe – 10.1.12 North Cottesloe Primary School – Construction of New Parking.

Chair of North Cottesloe Primary School Board and spoke in support of the construction of new parking at North Cottesloe Primary School. Eric Street is a major road leading into Cottesloe and becomes a virtual car park at 3.30 PM everyday. It is a severely dangerous spot and an accident waiting to happen. We are assured the trees will be replaced as part of this proposal.

Ken Macintyre, 20 Florence Street, Cottesloe – 10.1.12 North Cottesloe Primary School – Construction of New Parking

Spoke against the construction of new parking at North Cottesloe Primary School and removal of trees. Why were the public only given five days' notice of this project and its plan to remove so many trees?

Peter Roberts, 15 Perth Street, Cottesloe – 10.1.12 North Cottesloe Primary School – Construction of New Parking

Spoke against the construction of new parking at North Cottesloe Primary School and removal of trees.

Dr George Crisp, 47 Kimberley Street, West Leederville Cottesloe – 10.1.12
North Cottesloe Primary School – Construction of New Parking

Chair of the Western Australian branch of Doctors for the Environment Australia and spoke against the construction of new parking at North Cottesloe Primary School and removal of trees. The construction of more car parks equates to more cars, more interaction between people and cars and thus; less safety. The removal of the green space here will in turn remove the health benefit provided by that green space and visual/noise buffer it creates for the school.

Heidi Hardisty, 12A Myera Street, Swanbourne – 10.1.12 North Cottesloe
Primary School – Construction of New Parking

Spoke against the construction of new parking at North Cottesloe Primary School and removal of trees. Some of these trees were planted by students at the school, are home to several species of wildlife and should be preserved. Created the change.org online petition in opposition to this proposal.

John Hammond, 90 Railway Street, Cottesloe – 10.1.12 North Cottesloe Primary
School – Construction of New Parking

Spoke against the construction of new parking at North Cottesloe Primary School and removal of trees. Urged Council not to defer this matter, listen to residents' comments and make a final decision tonight.

Jack Walsh, 35 Grant Street, Cottesloe – 10.1.12 North Cottesloe Primary
School – Construction of New Parking

Spoke against the construction of new parking at North Cottesloe Primary School and removal of trees. Urged Council to vote against this proposal and stated that this is a gross waste of money and unnecessary with a lollipop man already present at the site ensuring safe crossing.

Mark Powell, 43 Lyons Street, Cottesloe – 10.1.12 North Cottesloe Primary
School – Construction of New Parking

Spoke in support of the construction of new parking at North Cottesloe Primary School. The removal of the trees is a regrettable element to this plan, however this should be viewed in context of the School's obvious planting and environmental endeavours over the last five decades. This includes 25 trees planted in the last 11 years and in 2013 the removal of a large bitumen area to make way for new 580 plants.

Kate Wood, 333 Marmion Street, Cottesloe – 10.1.12 North Cottesloe Primary
School – Construction of New Parking

President of North Cottesloe Primary School P&C Association and spoke in support of the construction of new parking at North Cottesloe Primary School. Traffic volumes, congestion and parking is an ongoing source of complaint and concerns amid the School Community. Various other strategies have been explored to increase safety in this area as an alternative to this proposal.

Kirsty Barrett, 45 John Street, Cottesloe – 10.1.12 North Cottesloe Primary School – Construction of New Parking

Spoke in support of the construction of new parking at North Cottesloe Primary School. The concept plans for this project were endorsed by Council unanimously in July 2015. 32 public submissions were received the following year in support of the plan to realign Railway Street.

Duncan and Angus Cameron, 3 Stanhope Street, Cottesloe – 10.1.12 North Cottesloe Primary School – Construction of New Parking

Spoke against the construction of new parking at North Cottesloe Primary School and removal of trees. The existing car park should be better policed, rather than building a new one.

Jack Walsh, 35 Grant Street, Cottesloe – 10.1.2 Planning Process for Wearne

Spoke in support of the creation of a Structure Plan over a Masterplan in regards to the Wearne Site.

Greg Boland, 2B Sydney Street, Cottesloe – 10.1.12 North Cottesloe Primary School – Construction of New Parking

Wished to correct Kirsty Barrett's earlier statement that Cottesloe Residents and Ratepayers Association were in full support of the original road realignment concept plans in 2015, which is untrue.

Greg Boland, 2B Sydney Street, Cottesloe – 10.1.2 Planning Process for Wearne

Spoke in support of the creation of a Structure Plan over a Masterplan in regards to the Wearne Site.

Samantha Thompson, L7/160 St Georges Terrace, Perth – 10.1.2 Planning Process for Wearne

Representative from Taylor Burrell Barnett representing Curtin Care, and spoke in support of the Officer's Recommendation on this item.

6 ATTENDANCE

Present

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

Officers Present

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

6.1 APOLOGIES**Officer Apologies**

Nil.

6.2 APPROVED LEAVE OF ABSENCE

Cr Philip Angers

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

7 DECLARATION OF INTERESTS

Cr Pyvis declared an impartiality interest against Item 10.1.12 North Cottesloe Primary School – Construction of New Parking, as a member of West Tree Canopy.

Cr Thomas declared an impartiality interest against Item 10.1.12 North Cottesloe Primary School – Construction of New Parking, as a co-convenor of West Tree Canopy.

Mr Mat Humfrey declared an impartiality interest against Item 10.1.14 CEO Performance Review and will leave the room at this time.

8 CONFIRMATION OF MINUTES

Moved Cr Burke, seconded Cr Pyvis

That the Minutes of the Ordinary Meeting of Council held on Tuesday 27 June 2017 be confirmed

CARRIED 8/0

9 PRESENTATIONS**9.1 PETITIONS**

A petition containing 69 signatures was presented before Council objecting to the North Cottesloe Primary School car park construction and Railway Street realignment proposal, urging the proposal to be stopped.

**The Town of Cottesloe Council accepts the above petition as presented.
Moved Mayor Dawkins, seconded Cr Downes**

CARRIED 8/0

9.2 PRESENTATIONS

Nil.

9.3 DEPUTATIONS

Nil.

10 REPORTS

10.1 REPORTS OF OFFICERS

For the benefit of the members of the public present, the Mayor determined to consider item 10.1.12 and 10.1.2 first and then return to the published order of the agenda.

Items 10.1.1, 10.1.3, 10.1.6, 10.1.7, 10.1.8, 10.1.9 and 10.1.12 were withdrawn. Items 10.1.4, 10.1.7, 10.1.10, 10.1.11, 10.1.13 were dealt with 'en bloc'.

10.1.12 NORTH COTTESLOE PRIMARY SCHOOL – CONSTRUCTION OF NEW PARKING

File Ref: SUB/494
Attachments: Aerial Plan
Engineering Drawings
Concept Plan (July 2015)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Nick Woodhouse
Manager Engineering Services
Proposed Meeting Date: 25 July 2017
Author Disclosure of Interest: Nil

SUMMARY

Council is requested to consider the endorsement of the engineering drawings for the construction of car parking at North Cottesloe Primary School.

BACKGROUND

A project to construct a new car park and the realignment of Railway Parade has been initiated and pursued by the Cottesloe community and North Cottesloe Primary School over recent years. Refer to the engineering drawings attached for the scope of the project.

At the July 2015 Ordinary Council Meeting, it was resolved:

THAT Council endorse the concept plan attached, to provide parking and pick up/drop off facilities for the North Cottesloe Primary School, along Railway Street.

Carried 8/0

In 2016 the Town of Cottesloe sought feedback from the community in relation to its Strategic Community Plan. It was noted that the vast majority of submissions advocated for a strategy to realign a section of Railway Street to deal with traffic congestion issues on Eric Street, between Curtin Avenue and Stirling Highway.

At the March 2016 Ordinary Meeting of Council it was resolved that Council:

- 1. Adopt the revised Strategic Community Plan as presented to the November 2015 Council Meeting; and*
- 2. Authorise the Chief Executive Officer to advertise the New Strategies, as shown in attachment three, seeking submissions on their inclusion in the Strategic Community Plan.*

At the June 2017 Ordinary Meeting of Council it was resolved:

That Council amend the 2016/17 Budget to include a reserve account for the construction of a new car park at North Cottesloe Primary School.

The Department of Education has recently provided \$500,000 to the Town of Cottesloe for its contribution towards the funding of this project. Further meetings are scheduled with Main Roads Western Australia who have indicated they will contribute the remaining \$1 million for the construction of the project. It is anticipated that the Town will manage the tender and construction management of the project.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013 to 2023

Priority area 4: *Managing Development.*

Priority area 5: *Providing sustainable infrastructure and community amenities.*

POLICY IMPLICATIONS

The engineering design proposes the removal of 24 mature trees including nine mature Norfolk Island Pines. Removal of these trees is contrary to Council's Street Trees Policy. It is proposed to plant a number of new trees to replace the ones being removed. Small trees will be preserved and relocated as far as is practicable.

STATUTORY ENVIRONMENT

There are no perceived statutory implications arising from the officer's recommendation. The installation of regulatory signage and line marking will be subject to Main Roads Western Australia approval.

A clearing permit may be required from the Department of Water and Environmental Regulation.

FINANCIAL IMPLICATIONS

It is anticipated that the Town of Cottesloe will receive additional funding of \$1 million from Main Roads Western Australia. Should this project proceed to the construction phase the estimated cost for the provision of construction administration is \$26,100 (excluding gst).

The Town has spent \$34,250 (excluding gst) on this project (in 2015/16) for the provision of a concept plan and detailed engineering drawings, to facilitate consultation and funding applications.

STAFFING IMPLICATIONS

Additional design or project management expertise may be employed by the Town on a short term, contract basis to assist with the work required. All staff costs will be met within existing operating or capital budgets.

SUSTAINABILITY IMPLICATIONS

The engineering design proposes the removal of 24 mature trees including nine mature Norfolk Island Pines. The urban forest is recognised as a vital component of the urban landscape which provides a range of important benefits for residents and visitors to the Town. Trees are potentially the largest and most significant element in the urban landscape. As such, they provide the greatest opportunity for the development of identity and neighbourhood character. Given the importance of trees and other vegetation in people's daily experience, the role of trees in improving this can be broadly categorised into cultural, environmental, psychological and economic benefits.

The existing canopy covers an area of 806m². The replacement trees would be required to be selected and planted in such a way that they would grow in the shortest possible time and they would replace the equivalent lost canopy cover area at planting.

CONSULTATION

Town of Cottesloe Staff
North Cottesloe Primary School
Department of Education
Department of Transport

STAFF COMMENT

The proposal for a new car park will create a safer road environment adjacent to North Cottesloe Primary School and reduce congestion along Eric Street and Railway Parade. The removal of trees was not raised as an issue in the preliminary designs. It is recommended that the engineering drawings be updated to show the planting of replacement trees.

The Town of Cottesloe has not received a response from Main Roads Western Australia since the Agenda Forum.

VOTING

Simple Majority.

OFFICER RECOMMENDATION

That Council endorse the engineering drawings for the construction of a new car park at North Cottesloe Primary School subject to the planting of replacement trees with a canopy cover that will grow to be equal to or exceed that which is being removed.

COUNCILLOR MOTION**Moved Mayor Dawkins, seconded Cr Rodda**

That Council DEFER the decision on the engineering drawings for the construction of a new car park at Nth Cott P/S to enable a re-design to improve safety and traffic congestion, reduce the impact on established trees and to reduce the overall cost of the project.

LOST 3/5

For: Mayor Dawkins, Crs Downes and Rodda

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

FORESHADOWED MOTION – Cr Boulter

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

FORESHADOWED MOTION**Moved Cr Boulter, seconded Cr Pyvis****Point One****Moved Cr Boulter, seconded Cr Pyvis**

1. That Council REFUSE the engineering drawings presented as an attachment to the officer report for a road realignment and new car park at NCPS.

CARRIED 5/3

For: Crs Boulter, Burke, Birnbrauer, Thomas and Pyvis

Against: Mayor Dawkins, Crs Downes and Rodda

Point Two

Moved Cr Boulter, seconded Cr Thomas

- 2. That Council DOES NOT SUPPORT the proposed removal of trees or road realignment for the purpose of a new car park at NCPS.**

CARRIED 7/1

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

Point Three

Moved Cr Boulter, seconded Cr Thomas

- 3. That the TOC administration should work closely with the NCPS to find safer outcomes for travelling to and from, and dropping off and picking up students at NCPS and NC Pre-Primary School.**

CARRIED 8/0

The Presiding Member adjourned the meeting at 9.00 PM

The Presiding Member reopened the meeting at 9.09 PM within the Council Chambers.

PLANNING**10.1.2 PLANNING PROCESS FOR WEARNE**

File Ref:	PR54687
Attachments:	Planning Framework presentation on behalf of Curtin Care
Responsible Officer:	Mat Humfrey Chief Executive Officer
Author:	Andrew Jackson Manager Development Services
Proposed Meeting Date:	25 July 2017
Author Disclosure of Interest:	Nil

SUMMARY

This report discusses the planning approach to the proposed redevelopment of Wearne Hostel by Curtin Care.

The site is owned by the Towns of Cottesloe, Claremont and Mosman Park and the Shire of Peppermint Grove, conditional upon the land being used for aged care.

In 2015 Curtin Care began the process of obtaining a new lease to allow for a large-scale redevelopment, and has since commenced master-planning via planning and architectural consultants, as well as community consultation, towards formal implementation.

Curtin Care has also presented to Council an analysis of planning approaches for the project, which is the subject of this report.

At this juncture the focus is on the planning process, not the development proposal. A future development application would involve the Town in firstly agreeing in-principle to one, and signing it as a landowner, and secondly in a separate role as the local planning authority.

BACKGROUND

At the 6 December 2016 Briefing Forum, Council received a report introducing Curtin Care's project. Since then Curtin Care has undertaken preliminary community consultation through a series of workshops towards a redevelopment concept plan.

Curtin Care and its consultants have apprised the Town of progress and briefed Council at the 6 June 2017 Briefing Forum and the 20 June 2017 Agenda Forum, which:

-) summarised the community consultation Visioning Workshops Outcomes, Design Scenarios Workshop Outcomes and Preferred Scenario Overview; and
-) outlined the future formal phase of the project including scoping the potential planning methods and processes involved.

The consultants presented the attached Planning Framework analysis comparing from planning mechanisms and processes available. Council is this respect before it moves to the formal phase of the project. This is discussed further below.

STRATEGIC IMPLICATIONS

The Curtin Care proposal relates to a range of strategic considerations.

POLICY IMPLICATIONS

Local Planning Policy may be a relevant mechanism to apply to the proposal.

STATUTORY ENVIRONMENT

Local Planning Scheme No. 3

Planning and Development (Local Planning Schemes) Regulations 2015

FINANCIAL IMPLICATIONS

The Curtin Care proposal would not have direct financial implications for the Town.

STAFFING IMPLICATIONS

The Curtin Care proposal would be dealt with by relevant staff in the normal manner.

SUSTAINABILITY IMPLICATIONS

The Curtin Care proposal would relate to a range of sustainability aspects.

CONSULTATION

Curtin Care has carried-out preliminary consultation to formulate its proposal. Dealing with a formal planning proposal will include statutory advertising for submissions in accordance with the relevant process; ie a structure plan and/or development application.

STAFF COMMENT**Local Planning Scheme No. 3**

Under Local Planning Scheme No. 3, the Wearne Hostel site is in a Development Zone, the objectives of which are to:

- a) *provide for detailed planning to guide the use and development of land or buildings that are of a size, location, nature, character or significance warranting a comprehensive, coordinated and integrated approach to planning and design;*
- b) *ensure that land use and development within the zone is compatible with the amenity of the surrounding locality;*
- c) *ensure that any development does not unduly adversely affect the amenity of the adjoining and surrounding properties or locality, including by reason of height, built form, overshadowing, traffic, parking or other relevant aspects;*
- d) *allow for land use and development to contribute to the provision or enhancement of community facilities and services and to the public domain; and*
- e) *give consideration to the maintenance and enhancement of important views to and from public places as a contributor to the character and amenity of the locality and the district overall.*

Under the Scheme in Schedule 14: Development Zone Provisions, the following relates to the Wearne Hostel site:

Development Zone	Provisions
'C' – Lot 87 (No. 40) Marine Parade (Wearne Hostel site).	<ul style="list-style-type: none"> <li data-bbox="555 338 1442 488">) Comprehensive planning for the area shall be undertaken through the preparation and approval of a Structure Plan, in accordance with Clause 6.2, to guide subdivision and development. <li data-bbox="555 488 1442 562">) Land uses shown on the Structure Plan shall apply in accordance with Clause 6.2.8. <li data-bbox="555 562 1442 853">) The Structure Plan will apply to the entire site and will provide for additional residential development comprising a range of dwelling types, sizes and densities to take full advantage of the opportunity for more intense urban infill on this site, particularly with regard to its close proximity to regional public transport routes. The structure plan may also provide for additional aged care dwellings and any associated ancillary buildings that may be required. <li data-bbox="555 853 1442 936">) The Structure Plan will have regard for, and if possible integrate with, the Structure Plan for Area 'D'.

The zone objectives and Schedule 14 provisions are for comprehensive and sensitive planning. Schedule 14 states that a structure plan shall be undertaken, and in accordance with clause 6.2; but the structure plan process is now governed by the Regulations. The Scheme in Table 1: Zoning Table and Table 2: Development Requirements, relies on a structure plan for the Development Zone to set out land use and development controls.

As the Scheme predates the *Planning and Development (Local Planning Schemes) Regulations 2015* it contained the standard structure plan provisions that applied at the time. Those structure plan provisions had statutory bearing and were very elaborate, in general catering more for new 'green-fields' growth areas than for inner-urban 'brown-fields' redevelopment areas (such as the Wearne Hostel single site).

They have since been amended, with structure plan provisions now in the Regulations, which automatically apply to all local planning schemes. The deemed provisions have changed structure plans from having statutory bearing to being policy instruments only. They have also given the Western Australian Planning Commission greater power over structure plans – whilst the local government prepares a structure plan, undertakes advertising and considers submissions, it then reports to the Commission who determines whether to approve, modify or refuse the structure plan.

The Regulations define *structure plan* as a plan for the coordination of future subdivision and zoning of any land. In this respect it is noted that Curtin Care does not propose to subdivide or rezone the land. The Regulations also provide as follows:

15. *When structure plan may be prepared*
A structure plan in respect of an area of land in the Scheme area may be prepared if —

- (a) *the area is —*
 - (i) *all or part of a zone identified in this Scheme as an area suitable for urban or industrial development; and*
 - (ii) *identified in this Scheme as an area requiring a structure plan to be prepared before any future subdivision or development is undertaken;*

It is apparent that there is inconsistency between the Scheme which requires a structure plan and the Regulations which provide that a structure plan may be prepared. Hence it appears open to interpretation that a structure plan may not be mandated but is a mechanism that can be selected – the planning consultants for Curtin Care perceive the latter.

The Regulations provide further as follows:

27. *Effect of structure plan*

- (1) *A decision-maker for an application for development approval or subdivision approval in an area that is covered by a structure plan that has been approved by the Commission is to have due regard to, but is not bound by, the structure plan when deciding the application.*
- (2) *A decision-maker for an application for development approval or subdivision approval in an area referred to in clause 15 as being an area for which a structure plan may be prepared, but for which no structure plan has been approved by the Commission, may approve the application if the decision-maker is satisfied that —*
 - (a) *the proposed development or subdivision does not conflict with the principles of orderly and proper planning; and*
 - (b) *the proposed development or subdivision would not prejudice the overall development potential of the area.*

This means that a structure plan has effect only as a policy instrument to be had regard to, rather than having the statutory force of scheme provisions. It also means that the absence of a structure plan does not prevent the determination of appropriate development or subdivision proposals.

Curtin Care's Planning Framework

Curtin Care's planning consultants have analysed the overall framework to compare mechanisms available to achieve comprehensive and coordinated planning. This recognises several special circumstances:

-) Land ownership by the four local governments and the lease agreement for aged care.
-) The Town of Cottesloe's authority as landowner, lessor and planning decision-maker.
-) Under the agreement between the landowners and Curtin Care the requirement for a Master Plan to be adopted as the first step in the redevelopment project.
-) The preliminary community consultation program being undertaken by Curtin Care as a formulative planning process.
-) The pros and cons of the planning mechanisms and processes including complexity, timeframes, information needs, duplication, costs and, importantly, the extent of local government control.

In summary, the consultant's analysis is as follows:

-) The Master Plan would perform the function of a structure plan as the statement of intent for the redevelopment. It is to be advertised for public comment and adopted by Curtin Care and the owner local governments.
-) A structure plan would take a long time, would not have statutory bearing and the determining authority is the Western Australian Planning Commission, not the Town.
-) The Regulations provide for a development application to be considered without a structure plan, and the determining authority for the major development application would be the Joint Development Assessment Panel, not the Town
-) The Master Plan could be recognised in Local Planning Scheme No. 3 through a local planning policy that enshrines the agreed planning parameters, land uses and development requirements for the site. The policy would be required to be had regard to by the Joint Development Assessment Panel and by the Town for any minor development applications falling to it to determine.
-) Creation of a local planning policy is under the Town's control, includes advertising and is a shorter process than a local planning scheme amendment – if desired a scheme amendment could ultimately be undertaken to incorporate the finalised Master Plan and policy into the Scheme by way of provisions replacing those currently in Schedule 14.
-) This path provides for ongoing community consultation from the present conceptual phase through advertising and adoption of the Master Plan, advertising and Council adoption of a local planning policy, and advertising by the Town then determination by the Joint Development Assessment Panel of the major development application.
-) Implementation would be time-efficient and the Town would retain control over the development details by virtue of the Master Plan and local planning policy as the framework to be followed in determining development applications.
-) This path would achieve the same planning outcome as with a structure plan that has similar policy status.

Comment

Curtin Care's charter and its lease agreement with the owner local governments are centred on aged care accommodation and services, which Local Planning Scheme No. 3 provides for.

Under the Regulations structure plans have been made policy instruments only and the Western Australian Planning Commission has assumed decision-making authority, which has diluted their usefulness to local planning control.

In the unique circumstances of Wearne Hostel, the Master Plan serves as a structure plan and is to have a high degree of design detail. This could then be dealt with by a local planning policy as a planning mechanism to recognise the Master Plan and articulate the development controls, which would be a key reference for assessment and determination of the future development application(s).

Given the Master Plan, it would be repetitive to prepare a structure plan as well, which would be unlikely to go into greater depth or arrive at a different concept design, and could be changed by the Commission. In addition, the structure plan process is lengthy

and too many layers of consultation would be potentially confusing and tiring for the community at the expense of valuable input.

The suggestion of a scheme amendment to incorporate the Master Plan and relevant policy provisions into the Scheme has merit, which would best occur as a 'normalisation' amendment after the Master Plan and policy mechanism have been put in place.

VOTING

Simple Majority.

OFFICER RECOMMENDATION

That Council:

1. Note the briefings and presentations to date regarding Curtin Care's redevelopment project.
2. Note that the *Planning and Development (Local Planning Schemes) Regulations 2015* have reduced the status of a structure plan and changed the process such that the Western Australian Planning Commission now determines structure plans.
3. Note the function of the proposed Master Plan and local planning policy is to provide the Town with authority over planning parameters and development requirements in relation to development.
4. Advise Curtin Care's consultants that Council would accept a local planning policy incorporating the agreed Master Plan instead of a structure plan, subject to the Master Plan having undergone extensive community consultation prior to Council's consideration.

PROCEDURAL MOTION

Moved Cr Boulter, seconded Cr Thomas

That Council suspend standing orders to allow Cr Boulter to continue speaking.

EQUALITY 4/4

For: Crs Thomas, Boulter, Pyvis and Downes

Against: Mayor Dawkins, Crs Rodda, Birnbrauer and Burke

The Presiding Member exercised her casting vote against the procedural motion

LOST 4/5

COUNCILLOR MOTION

Moved Cr Boulter, Cr Thomas

1. That Council notes the briefings and presentations from Curtin Care, and the officer reports in relation to the redevelopment of the Wearne Hostel Site.
2. That Council requires a Wearne Hostel Site Structure Plan to be completed prior to any development application being accepted by the TOC for the Wearne Hostel Site.
3. That Council requires the finalised Wearne Hostel Site Structure Plan, to have been submitted to the WAPC and Minister as a scheme amendment prior to any development application being accepted by the TOC for the Wearne Hostel Site.

4. The Council requires a Local Development Plan, based on the adopted Structure Plan, to be finalised and adopted by Council prior to any development application being accepted by the TOC for the Wearne Hostel Site.

EQUALITY 4/4

For: Crs Boulter, Thomas, Pyvis and Birnbrauer

Against: Mayor Dawkins, Crs Rodda, Downes and Burke

The Presiding Member exercised her casting vote against the motion

LOST 4/5

FORESHADOWED MOTION – Mayor Dawkins

The Mayor foreshadowed that the Officer Recommendation be moved in the event that the Councillor Motion was lost.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Rodda

That Council:

- 1. Note the briefings and presentations to date regarding Curtin Care's redevelopment project.**
- 2. Note that the *Planning and Development (Local Planning Schemes) Regulations 2015* have reduced the status of a structure plan and changed the process such that the Western Australian Planning Commission now determines structure plans.**
- 3. Note the function of the proposed Master Plan and local planning policy is to provide the Town with authority over planning parameters and development requirements in relation to development.**
- 4. Advise Curtin Care's consultants that Council would accept a local planning policy incorporating the agreed Master Plan instead of a structure plan, subject to the Master Plan having undergone extensive community consultation prior to Council's consideration.**

EQUALITY 4/4

For: Mayor Dawkins, Crs Rodda, Downes and Burke

Against: Crs Boulter, Thomas, Pyvis and Birnbrauer

The Presiding Member exercised her casting vote for the motion

CARRIED 4/5

Cr Thomas left the room at 9.59 PM and returned at 10.00 PM

10.1.1 AMENDING LOCAL PLANNING SCHEME NO. 3 ALONG STIRLING HIGHWAY DUE TO AMENDMENT OF THE METROPOLITAN REGION SCHEME

File Ref: SUB/1058
Attachments: Metropolitan Region Scheme Amendment Plans
Local Planning Scheme No. 3 Map
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services
Proposed Meeting Date: 25 July 2017
Author Disclosure of Interest: Nil

SUMMARY

This report presents the requirement for Local Planning Scheme No. 3 to be amended in response to recently-finalised Metropolitan Region Scheme Amendment 1210/41 Rationalisation of Stirling Highway Reservation, for Council's preliminary consideration.

A range of considerations are involved in undertaking the necessary local planning scheme amendment.

BACKGROUND

For several decades, the Metropolitan Region Scheme contained an extensive Primary Regional Road reservation for Stirling Highway, affecting the vast majority of abutting properties with possible future road widening. A Primary Regional Road is coloured red in the Metropolitan Region Scheme map. Reservations in the Metropolitan Region Scheme are incorporated into local planning schemes as such and prevail.

After detailed study, the Western Australian Planning Commission has completed the abovementioned Metropolitan Region Scheme Amendment to substantially reduce the road widening reservation for the highway. Notice of finalisation of the Amendment was published in the Government Gazette on 9 June 2017 as effective.

This has created certainty for owners as to whether and to what extent properties are reserved for Primary Regional Road purposes, and has largely removed or reduced that constraint on properties. In turn this serves to ameliorate urban blight that has occurred because of previously affected properties not being maintained, renovated or redeveloped. Given the rationalised Primary Regional Road reservation, applications to develop and possibly amalgamate or subdivide lots along the highway are more likely to be forthcoming.

As an aside, regarding heritage properties the Metropolitan Region Scheme Amendment was modified to avoid several significant sites, including the Albion Hotel in Cottesloe.

The *Planning and Development Act 2005* in section 124(3) provides that when a region scheme is amended the local government has 90 days from that effective date to resolve to prepare an amendment to render its local planning scheme consistent with the region scheme. What that means in this instance is that:

- J the amended Metropolitan Region Scheme Primary Regional Road reservation for Stirling Highway is required to be replicated in Local Planning Scheme No. 3 – legally it is automatically changed, but it must be correctly shown; and
- J land released from that regional reservation is required to be assigned a replacement zoning under Local Planning Scheme No. 3.

This process has occurred previously for the section of Stirling Highway south of Jarrad Street, which was the subject of an earlier Metropolitan Region Scheme amendment to reduce the Primary Regional Road reservation. Former Town Planning Scheme No. 2 was subsequently amended to include the land released from the regional reservation in the Town Centre Zone consistent with the remainder of the land in that location.

STRATEGIC IMPLICATIONS

Amending Local Planning Scheme No. 3 relates to the strategic direction that Council chooses to pursue.

The Western Australian Planning Commission and the Minister for Planning may seek to influence the strategic direction of the local amendment.

POLICY IMPLICATIONS

The Amendment to Local Planning Scheme No. 3 would continue to apply any Local Planning Policies to the relevant zones.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development Act (Local Planning Schemes) Regulations 2015

Metropolitan Region Scheme

Local Planning Scheme No. 3

FINANCIAL IMPLICATIONS

The administrative costs of amending Local Planning Scheme No. 3 are to be borne by the Town.

STAFFING IMPLICATIONS

Local planning scheme amendments are administered by staff, and tend to be large tasks over long timeframes.

SUSTAINABILITY IMPLICATIONS

The Local Planning Scheme No. 3 Amendment would relate broadly to sustainability in terms of housing supply and diversity through residential density codings.

CONSULTATION

The local planning scheme amendment process includes statutory advertising and consideration of submissions.

STAFF COMMENT

Metropolitan Region Scheme Amendment explained

The Metropolitan Region Scheme Amendment covers Stirling Highway in Cottesloe for its entire length, as follows:

- J From Parry Street to Jarrad Street, all of the land released from the Primary Regional Road reservation has been zoned Urban under the Metropolitan Region Scheme. This now requires suitable local scheme zones and residential density codes for those properties. It also requires the areas of local roads and lanes that were Primary Regional Road reservation to be classified as Local Road reserve.
- J South of Jarrad Street, which previously was excluded from the Primary Regional Road reservation, the intersection corner and a sliver of land southward have been added back to the Primary Regional Road reservation in the Metropolitan Region Scheme. This regional reservation is now required to be shown in Local Planning Scheme No. 3.

The following attached plans convey the affect of the Metropolitan Region Scheme Amendment in detail:

Plan number 2.0801/2: Metropolitan Region Scheme Amendment No. 1210/41 As Modified

- J This depicts the entire Amendment as finalised and shows the new regional zones and reservations created along the highway resulting from the substantially reduced Primary Regional Road reservation.
- J Note that as this plan shows only the changes arising from the rationalised Primary Regional Road reservation, the central highway land is shown as blank, as it remains reserved for that purpose and has not been amended (ie it is already coloured red in the Metropolitan Region Scheme).
- J This plan provides a snapshot of the extensive Metropolitan Region Scheme Urban zone created, which is required to be reflected as appropriate local zones.
- J In this respect, the Urban zone is a broad zone at the regional level, within which a diverse range of zones at the local level can occur, such as Residential, Residential Office, Town Centre, etc. The Metropolitan Region Scheme does not define Urban, specify suitable local zones or constrain them. Local zones are governed by existing local planning schemes and the Schemes Regulations. Therefore, Council is free to assign zones appropriate to Local Planning Scheme No. 3, whereby the Commission and Minister would be satisfied that the amendment has addressed its purpose.

Plans number 1.7140/1 and 1.7141/2: Proposed Land Requirement

- J These show the precise boundary of the finalised Primary Regional Road reservation in relation to the lots and local roads/lanes along the highway through Cottesloe.
- J The reservation requirement affecting lots and local roads/lanes is dimensioned and defines intended future land acquisition for the widening and upgrading of the highway reserve.

Plans number 1.7147/1 and 1.7148/1: Proposed Changes

- J These show how each lot and local road/lane is affected by the Amendment in terms of whether the Primary Regional Road reservation was deleted, reduced, unaltered, modified, increased or was not affected.

-) From Parry Street to Jarrad Street, the Primary Regional Road reservation has been either deleted or substantially reduced.
-) From Jarrad Street southward, the Primary Regional Road reservation has been increased; that is, partially reinstated where it was previously deleted.
-) The only Town of Cottesloe-owned lots in the vicinity of Stirling Highway comprise the Station Street eastern carpark. The Primary Regional Road reservation has been completely removed from that property. The excessive reservation has also been removed from local roads and lanes in proximity to the highway which are managed by the Town.
-) For the adjacent recently-closed BP service station site on the Station Street corner with Stirling Highway, the Primary Regional Road reservation has been substantially reduced, but a strip of land along the highway frontage of that lot has been retained in the reservation. The portion of the site released from the reservation requires a local zoning, and the Town Centre zone would be appropriate. A local zoning is required for land use and development control, irrespective of any decontamination process required by separate legislation to enable the site to be re-used and developed.

Local Planning Scheme No. 3 Scheme Map

-) This shows the unmodified Primary Regional Road reservation that currently remains in Local Planning Scheme No. 3 and is required to be amended to accord with the Metropolitan Region Scheme Amendment.
-) It shows that many lots and local roads/lanes along the highway were wholly or partially within the Primary Regional Road reservation before it was rationalised.
-) From Parry Street to Vera Street, the abutting Local Planning Scheme No. 3 zoning is Residential, with a range of density codings from R20 to R60.
-) This is except for the Public Purposes: Fire Station local reserve in Congdon Street and the Public Purposes: Telecommunications reserve in Clive Road (Telstra exchange).
-) Between Vera Street and Forrest Street, the abutting Local Planning Scheme No. 3 zoning is Residential Office, with a residential density coding of R40.
-) From Forrest Street to south of Jarrad Street, the abutting Local Planning Scheme No. 3 zoning is Town Centre, with a residential density coding of R100.

Approach to amending Local Planning Scheme No. 3

Scope of amendment

Along the highway, land uses and developments are predominantly in keeping with the Local Planning Scheme No. 3 zones and reserves abutting the former wide Primary Regional Road reservation. From Parry Street to Vera Street, this comprises mainly residential in a variety of forms/densities, as well as the Fire Station, Telstra exchange, Auto Masters (Seaview Garage premises) and some professional offices in dwellings. Between Vera Street and Forrest Street, there are dwellings and low-key offices. From Forrest Street to south of Jarrad Street, there is a mix of Town Centre commercial uses.

Therefore, the most logical scope of the local planning scheme amendment would be to simply extend the local zones or reserves and accompanying residential density codings across the areas removed from the Primary Regional Road reservation. That would maintain the status quo for each locality and be efficient in not proposing any changes of consequence. It would most likely attract submissions of support rather than

objection, although some landowners may see the opportunity to request changes in zoning and/or residential density coding. Such comments would inform possible future amendments. Review of the Local Planning Strategy from 2018 onwards would further inform possible future amendments.

This approach would be essentially compatible with the existing Local Planning Strategy, although that does recognise the potential for urban consolidation, increased residential density and housing diversity in proximity to transport routes and activity centres. However, a local planning scheme amendment to significantly change the zoning and/or residential density coding, and possibly to alter or introduce associated development provisions, for overall areas would be a much bigger step to take at this stage; which could become complicated and controversial, attracting submissions both for and against such changes and taking longer to settle the final outcome.

One amendment or more

Depending on the abovementioned scope, it may be thought to undertake two or more local scheme amendments for distinct areas, ie separate residential and town centre areas, for which the zoning and residential density codings differ. This would avoid a single amendment getting bogged-down owing to issues in one area but not in another.

In this regard the Department of Planning, Lands and Heritage has advised that it would be preferable to undertake a single local scheme amendment, to ensure that preparation, advertising and the assessment of submissions is done holistically and includes the interfaces between any distinct areas.

Level of amendment

The *Planning and Development (Local Planning Schemes) Regulations 2015* set out three levels for a local planning scheme amendment: Basic, Standard or Complex. A Basic amendment is for minor matters and does not normally involve advertising (unless directed) and proceeds straight to the Commission then the Minister. Standard and Complex amendments involve advertising and consideration of submissions. Standard amendments are initiated by the local government and proceed to the Commission and Minister after advertising. Complex amendments proceed to the Commission prior to advertising then to the Commission and Minister after advertising

Under the Regulations a Basic amendment can be:

an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area if the amendment will have minimal effect on the scheme or landowners in the scheme area;

and a Standard amendment can be:

an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;

A Complex amendment is defined below and does not include the matter of an amendment for consistency with a region scheme, which is covered by either a Basic or a Standard level of amendment – these types are a quicker process as it is desirable to put in place local zoning as soon as possible.

complex amendment means any of the following amendments to a local planning scheme —

- (a) an amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- (b) an amendment that is not addressed by any local planning strategy;
- (c) an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality;
- (d) an amendment made to comply with an order made by the Minister under section 76 or 77A of the Act;
- (e) an amendment to identify or amend a development contribution area or to prepare or amend a development contribution plan;

Having regard to the nature and extent of the necessary amendment to Local Planning Scheme No. 3 for Cottesloe, it is considered that a Standard amendment process would be appropriate.

VOTING

Simple Majority.

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Burke

That Council:

1. Note this preliminary report on the need for and approach to amending Local Planning Scheme No. 3 in response to Metropolitan Region Scheme Amendment 1210/41 Rationalisation of Stirling Highway Reservation.
2. Determine that a Standard level local scheme amendment would be appropriate for this purpose.
3. Request that the Administration prepares a draft single amendment to Local Planning Scheme No. 3, for Council to resolve to initiate, which:
 - a. extends the adjoining local zones, reserves and residential density codings to cover land released from the Metropolitan Region Scheme Primary Regional Road reservation for Stirling Highway;
 - b. includes the Metropolitan Region Scheme Primary Regional Road reservation for Stirling Highway imposed on land south of Jarrad Street; and
 - c. makes minor changes for technical or practical reasons as may be identified by detailed analysis.
4. Authorise the Chief Executive Officer to advertise Council's intention to prepare an amendment as outlined in point 3, and seek any preliminary comment on the proposal. The advertising is to include local newspapers, the Town's website and letters to affected property owners advising of the changes under the

Metropolitan Region Scheme and the requirement for Local Planning Scheme No. 3 to include appropriate zonings.

AMENDMENT

Point One

Moved Cr Boulter, Cr Pyvis

1. In relation to Officer Recommendation 3, delete the words “for Council to resolve to initiate”

CARRIED 8/0

Point Two

Moved Cr Boulter, Cr Pyvis

2. In relation to Officer Recommendation 3, add two more categories (d) and (e) as follows:

“(d) has due regard to the aims and objectives of LPS3, and in particular but not limited to clause 5.3.4 of LPS3”

“(e) has due regard to the local planning framework of the Town of Cottesloe Local Planning Strategy and in particular at page 38 where in the LPS under “Opportunities for Residential Development at page 38, which provides “*Opportunities for higher densities of R60 also exist along Stirling Highway, should access be arranged from side streets*””

CARRIED 8/0

Point Three

3. To add a number 5 “requires the TOC administration hold a Cottesloe community workshop after the close of the pre-advertising submission period to provide a further opportunity for community feedback on the scheme amendment.

CARRIED 7/1

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda, seconded Cr Burke

1. Note this preliminary report on the need for and approach to amending Local Planning Scheme No. 3 in response to Metropolitan Region Scheme Amendment 1210/41 Rationalisation of Stirling Highway Reservation.
2. Determine that a Standard level local scheme amendment would be appropriate for this purpose.
3. Request that the Administration prepares a draft single amendment to Local Planning Scheme No. 3, which:

- a. extends the adjoining local zones, reserves and residential density codings to cover land released from the Metropolitan Region Scheme Primary Regional Road reservation for Stirling Highway;
 - b. includes the Metropolitan Region Scheme Primary Regional Road reservation for Stirling Highway imposed on land south of Jarrad Street; and
 - c. makes minor changes for technical or practical reasons as may be identified by detailed analysis.
 - d. has due regard to the aims and objectives of LPS3, and in particular but not limited to clause 5.3.4 of LPS3
 - e. has due regard to the local planning framework of the Town of Cottesloe Local Planning Strategy and in particular at page 38 where in the LPS under “Opportunities for Residential Development at page 38, which provides “Opportunities for higher densities of R60 also exist along Stirling Highway, should access be arranged from side streets”
4. Authorise the Chief Executive Officer to advertise Council’s intention to prepare an amendment as outlined in point 3, and seek any preliminary comment on the proposal. The advertising is to include local newspapers, the Town’s website and letters to affected property owners advising of the changes under the Metropolitan Region Scheme and the requirement for Local Planning Scheme No. 3 to include appropriate zonings.
 5. Require the TOC administration to hold a Cottesloe community workshop after the close of the pre-advertising submission period to provide a further opportunity for community feedback on the scheme amendment.

CARRIED 8/0

Cr Downes left the room at 10.14 PM and returned at 10.15 PM

10.1.3 TOWN CENTRE STRUCTURE PLANNING

File Ref: SUB/226
Attachments: Nil
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services
Proposed Meeting Date: 25 July 2017
Author Disclosure of Interest: Nil

SUMMARY

Council is being asked to consider authorising the Mayor and Chief Executive Officer to contact State and Federal government representatives to ascertain what is possible for the railway lands adjacent to the Cottesloe Town Centre (Cottesloe Village).

BACKGROUND

At its meeting in September 2015 Council, in response to an officer's report on structure planning in the Cottesloe Town Centre, resolve to;

1. *Notes this report on the background to planning for the Town Centre, railway lands and Curtin Avenue, and the advice herein regarding a continued planning approach;*
2. *Requests staff to formulate a project proposal, for Council consideration, for consultants to prepare a detailed Town Centre Activity Plan, as follows;*
 - (a) *The Plan is to take into account the improvement projects for Napoleon Street and Station Street, in order to preserve the character and amenity of the Town Centre whilst strengthening its function, guiding its development and addressing the overall precinct including the adjacent railway land.*
 - (b) *The Plan is to be coordinated with the Station Street concept plan project currently underway (anticipated to be completed around the end of March 2016) and should aim to be completed around mid-2016.*
3. *Requests staff to formulate a project proposal, for Council consideration, for consultants to prepare, following the completion of the Town Centre Activity Plan, a broad Structure Plan for the main extent of the Cottesloe railway lands and Curtin Avenue, as follows:*
 - (a) *The Structure Plan is to encompass the area from the Eric Street to the Salvado Street railway crossings.*
 - (b) *The Structure Plan is to be undertaken in consultation with relevant State Government agencies (including potential funding and resources assistance) and the community. This is appropriate given the degree of State Government involvement required and the financial gain to the State Government on the development of the Railway Land.*

- (c) *The Structure Plan is to take into account the Town Centre Activity Plan and other Council studies, plans and projects for the area.*

At the time this resolution was made, the Town had only recently finished the renovation works in Napoleon Street and it was thought a similar renovation would soon be taking place in Station Street. However at the design stage for Station Street, issues such as potential future uses and the need to know what the street may look like (before committing to improvement works) prevented the Station Street Project going ahead as originally planned.

STRATEGIC IMPLICATIONS

The Town's Strategic Community Plan and Corporate Business Plan both address this issue. Strategies 2.1, 2.2 and 2.3 in the Strategic Community Plan and the corresponding actions listed in the Corporate Business Plan will all be progressed by the adopting of the officer's recommendation.

POLICY IMPLICATIONS

There are no perceived policy implications contained within the officer's recommendation.

STATUTORY ENVIRONMENT

There are no perceived statutory obligations arising from the officer's recommendation.

FINANCIAL IMPLICATIONS

Setting in place the officer's recommendation does not have any direct financial costs for the Town. However, achieving east-west connectivity and improving the integration between the Town Centre and Cottesloe Train Station are multi million dollar projects – any assistance that can be secured would represent a large gain for the Town.

STAFFING IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications directly arising from the officer's recommendation. However, improvements to public transport infrastructure generally increase the number of people prepared to use public transport – which has long term sustainability outcomes for the Town.

CONSULTATION

The issue of east-west connectivity and the development of the railway lands in Cottesloe has been the subject of many studies and reports in recent years. There are strategies in the Strategic Community Plan and Corporate Business Plan that articulate this as a priority, which have been subject to extensive consultation.

While the actions contained within the officer's recommendation have not been directly the subject of consultation, other consultation in recent times does suggest that the community;

- a) Would like to see this land being used to address the Town's infill targets; and
- b) That this area needs to be considered a high priority.

STAFF COMMENT

With the completion of the Station Street Place Making Strategy, the Town's focus now shifts towards the next steps in the process, as outlined in Council's resolution of September 2015. In that resolution, the next step was to be an activity plan for the Town Centre, followed by a structure plan for the railway lands. However the Station Street study showed that the majority of activities in the Town Centre were largely settled – with well established streets and uses in place. As such, the time and cost involved in developing an activity plan for the Town Centre, at this time, does not appear justified.

A second recent development that could impact on the September 2015 resolution, is the change in State Government. The new State Government have several policies statements that apply in this area. Essentially three most important policy positions are;

-) The development and implementation of MetroNet;
-) A commitment to remove all level crossings in the metropolitan area; and
-) A commitment to infill housing strategies.

Lastly, comments received as a part of other formal consultations recently undertaken, suggest that the community sees the railway land west of the Town Centre as the best place for the Town to address its infill targets. However, the Town does not control this land and it would require the State Government developing this land in order for it to be used to meet these targets.

With these three factors in mind, it is thought that there needs to be a meeting between the Town and the State Government to ascertain what, if any, development the State would consider for Cottesloe Station, the Jarrad Street crossing and the land in that corridor. Without this information, it will be very difficult for any further planning to occur in the Town Centre, as any changes to the train station will have a significant impact.

VOTING

Simple Majority.

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

That Council AUTHORISE the Mayor and Chief Executive Officer to meet with the Ministers responsible for Planning and Transport to see what options exist for the Cottesloe Train Station, the adjacent railway lands and the Jarrad Street crossing, as a matter of high priority.

AMENDMENT**Moved Mayor Dawkins, seconded Cr Burke**

That the words 'and the Eric Street bridge' be added after 'the Jarrad Street crossing.'

CARRIED 8/0

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

That the following be added to the Officer Recommendation:

“, having regard to and drawing the Minsters’ attention to the existing approved draft Structure Plan “C” that resulted from the very costly (funded by the state government) 2009 Enquiry By Design process, which engaged the local community, the Town of Cottesloe administration and Council, and all relevant state agencies”.

EQUALITY 4/4

For: Crs Boulter, Thomas, Pyvis and Birnbrauer

Against: Mayor Dawkins, Crs Rodda, Downes and Burke

The Presiding Member exercised her casting vote against the amendment

LOST 4/5

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda, seconded Cr Thomas

That Council AUTHORISE the Mayor and Chief Executive Officer to meet with the Ministers responsible for Planning and Transport to see what options exist for the Cottesloe Train Station, the adjacent railway lands, the Jarrad Street crossing and the Eric Street bridge, as a matter of high priority.

CARRIED 7/1

For: Mayor Dawkins, Crs Boulter, Burke, Birnbrauer, Downes, Pyvis and Rodda

Against: Cr Thomas

10.1.4 PLANNING APPLICATIONS DETERMINED UNDER DELEGATION

File Ref: SUB/2040
Attachments: Nil
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services
Proposed Meeting Date: 25 July 2017
Author Disclosure of Interest: Nil

SUMMARY

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

BACKGROUND

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

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

STRATEGIC IMPLICATIONS

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

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.

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Nil.

STAFF COMMENT

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

Address	Description	Date Determined
15 Margaret Street	Outbuilding at rear	6 June 2017
6 Bird Street	Two-storey Dwelling	6 June 2017
3/21 Avonmore Terrace	Pergola	7 June 2017
2B Athelstan Road	Two-storey Dwelling	21 June 2017
17 Florence Street	Ancillary Accommodation	23 June 2017
94B Napier Street	Two-storey Dwelling	26 June 2017

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Mayor Dawkins, seconded Cr Rodda

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

CARRIED 8/0

ADMINISTRATION**10.1.5 ADOPTION OF UPDATED EVENT/FACILITY CLASSIFICATION POLICY**

File Ref: POL/84
Attachments: Event/Facility Classification Policy
Community Submission
Responsible Officer: Garry Bird
Manager Corporate and Community Services
Author: Elizabeth Nicholls
Senior Administration Officer
Proposed Meeting Date: 25 July 2017
Author Disclosure of Interest: Nil

SUMMARY

A recommendation is made to adopt an updated Event/Facility Classification Policy.

BACKGROUND

At the May 2017 Council Meeting, Council voted to adopt the updated Event/Facility Classification Policy for advertising. The Town sought community comment and feedback on the proposed changes to the Policy. Written submissions were invited until Tuesday 27 June 2017.

The changes to the Policy were outlined in the May 2017 Council Meeting Agenda and included; additional classifications, expanded assessment criteria and relevant documents.

Only one submission has been received. The submission was generally supportive of the changes with a request for Council to consider combining Education and Community events into one classification of Local Community Events that would only apply to Cottesloe based organisations. Further it is requested that the "charitable" classification should only apply to organisations that do not use the services of a commercial entity to raise funds on their behalf.

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

The officer's recommendation is to replace the current Event Classification Policy with the attached, reviewed Event/Facility Classification Policy.

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

The costs for hire of location and facilities stated in the 2017/2018 Schedule of Fees and Charges has been divided into the proposed classification types.

STAFFING IMPLICATIONS

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

Authorised Officers/Rangers are responsible for monitoring the use of reserves under the *Town of Cottesloe Local Government Property Local Law 1999*. Administration Officers currently assist with events and bookings which includes determining the classification.

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Town of Cottesloe Staff
Regular hirer organisations
Community members

STAFF COMMENT

Officers have spent considerable time and updating the Policy to ensure that it is clear to users what fees are to be expected for hire and to be fair to all users.

The Event/Facility Classification Policy provides a mechanism that allows events held at Town of Cottesloe facilities to be classified and appropriate fees be charged. This ensures that event organisers are charged appropriate fees according to the scale and nature of their event.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Burke

That Council

- 1. Adopt the updated Event/Facility Classification Policy.**
- 2. Thank the Cottesloe Residents and Ratepayers Association for the submission they provided.**

CARRIED 8/0

10.1.6 OPEN WATER SWIMMING RACE - 2017

File Ref: SUB/2430
Attachments: Event Application
Course Map
Responsible Officer: Garry Bird
Manager Corporate and Community Services
Author: Sherilee Macready
Community Development Officer
Proposed Meeting Date: 25 July 2017
Author Disclosure of Interest: Nil

SUMMARY

The Western Australian Swimming Association Inc. (Swimming Western Australia) is seeking approval to host the 2017 Swimming Western Australia Open Water Swim Series Event Round No. 1 from Cottesloe Beach on Saturday, 28 October 2017, from 7.30am to 12.00pm.

BACKGROUND

As the first event of the season, it is expected to draw a lot of interest, with 600 competitors and surf life saving club members actively involved, as well as many supporters. Races will be held at other Perth beaches over the season, which runs from October to March.

Open Water Swimming Races consist of a number of simultaneous races, with distances ranging from 500m to 5km, catering for a wide range of ages. Races will commence at 7.30am and are open to the public. Local residents and local surf club members are encouraged to take part in the event.

The event will be held at Cottesloe Beach foreshore and will use the same start/finish, staging area, and looped course for all four races.

Last year's event, held on the 29 October 2016 was successful, and no major issues were brought to the attention of the Council.

Brief announcements will be made on a public address system at intervals during the event.

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

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

Event Classification Policy – Under the current Policy, the event meets the assessment criteria of a community event as outlined in the policy, as *'the event organisers are not*

seeking to make a profit, 'spectating at the event is free' and 'the event does not seek to promote a product, service or company'.

Under the reviewed Policy presented to Council at the same time as this report, the event would still be classified as a community event.

STATUTORY ENVIRONMENT

Local Government Act 1995.

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

FINANCIAL IMPLICATIONS

If Council charges fees for this event to comply with the current Event Classification Policy, organisers would be charged \$550 per day for hire and a \$750 bond. Under the reviewed Event/Facility Classification Policy, organisers would be charged the same amount.

STAFFING IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

Adequate arrangements are made for rubbish collection and removal of recyclable materials.

CONSULTATION

Officers sought feedback from Cottesloe Surf Life Saving Club on the previous year's Open Water Swimming event. It was advised, that the 2016 event was overall a positive experience for the club.

Cottesloe and North Cottesloe Surf Life Saving Clubs are supportive of this year's event, and will assist with providing volunteers for water safety as needed.

STAFF COMMENT

Surf Life Saving Western Australia has been contracted as primary water safety provider for the series and will engage with all affected clubs.

A comprehensive Risk Assessment Plan and a Course Map have been provided. A current Public Liability Insurance certificate and a comprehensive Event Management Plan will be provided prior to the event. Letters of support for the event from Cottesloe Surf Life Saving and North Cottesloe Surf Life Saving Club have been provided.

Due to the success of last year's event, it is recommended to approve the event.

VOTING

Simple Majority.

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

That Council approve the application from Swimming Western Australia to hold the Open Water Swim Series Event Round 1 at Cottesloe Beach on Saturday, 28 October 2017 from 7.00am to 12.00pm, subject to the following conditions:

1. Class this event as a 'Community' event and charge the fee of \$550, and a bond of \$750, to be paid prior to the event commencing;
2. 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.
3. All signage to be approved by the Chief Executive Officer one month prior to the event;
4. Adequate arrangements for rubbish collection and removal, including the provision for recycling;
5. The event complies with the *Environmental Protection (Noise) Regulations 1997*;
6. The event complies with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*;
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. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, provided prior to the event.
10. There are no balloons to be used during the event;
11. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event; and
12. 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.

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

That the conditions of approval for item 10.1.6 include:

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."

CARRIED 8/0

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

That Council approve the application from Swimming Western Australia to hold the Open Water Swim Series Event Round 1 at Cottesloe Beach on Saturday, 28 October 2017 from 7.00am to 12.00pm, subject to the following conditions:

1. Class this event as a 'Community' event and charge the fee of \$550, and a bond of \$750, to be paid prior to the event commencing;
2. 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.
3. All signage to be approved by the Chief Executive Officer one month prior to the event;
4. Adequate arrangements for rubbish collection and removal, including the provision for recycling;
5. The event complies with the *Environmental Protection (Noise) Regulations 1997*;
6. The event complies with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*;
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. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, provided prior to the event.
10. There are no balloons to be used during the event;
11. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event; and
12. 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.

CARRIED 8/0

10.1.7 STAFF GIFT POLICY

File Ref: POL/66
Attachments: Draft Staff Gifts Policy
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Garry Bird
Manager Corporate and Community Services
Elizabeth Nicholls
Senior Administration Officer
Proposed Meeting Date: 25 July 2017
Author Disclosure of Interest: Nil

SUMMARY

A recommendation is made to adopt a revised Staff Gift Policy.

BACKGROUND

Council adopted the current Staff Gift Policy in accordance with requirements of the Section 5.50 *Local Government Act* in August 2013.

Main changes recommended for inclusion and/or amendments of the Policy are summarised as follows:

-) No change to existing Policy for staff retirement;
-) Inclusion of new section for staff resignation;
-) Greater clarification of gift value for staff redundancies
-) Removal of redundancy/severance payments which are prescribed to the Town of Cottesloe Enterprise Agreement 2016; and
-) Inclusion of a new section for other miscellaneous gifts to be given at the discretion of the Chief Executive Officer.

The above changes reflect what has been a long standing practice of Council to purchase small gifts for staff on resignation and to commemorate significant personal milestones or bereavements. The existing Policy did reference gifts for such purposes (resignation) but never specifically prescribed what the value of such a gift should be.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013 – 2023.

Priority Area Six: Providing open and accountable local governance.

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

A practical and transparent policy for the provision of staff gifts is in keeping with this major strategy.

POLICY IMPLICATIONS

The officer's recommendation is to replace the current Staff Gift Policy with the attached, reviewed draft Staff Gift Policy.

STATUTORY ENVIRONMENT*Local Government Act 1995**5.50. Payments to employees in addition to contract or award*

- (1) *A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out —*
 - (a) *the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and*
 - (b) *the manner of assessment of the additional amount, and cause local public notice to be given in relation to the policy.*
- (1a) *A local government must not make any payment of the kind described in subsection (1)(a) unless the local government has adopted a policy prepared under subsection (1).*
- (2) *A local government may make a payment —*
 - (a) *to an employee whose employment with the local government is finishing; and*
 - (b) *that is more than the additional amount set out in the policy prepared under subsection (1) and adopted by the local government, but local public notice is to be given in relation to the payment made.*
- (3) *The value of a payment or payments made to a person under this section is not to exceed such amount as is prescribed or provided for by regulations.*
- (4) *In this section a reference to a payment to a person includes a reference to the disposition of property in favour of, or the conferral of any other financial benefit on, the person.*

*Local Government (Administration) Regulations 1996**19A. Payments in addition to contract or award, limits of (Act s. 5.50(3))*

- (1) *The value of a payment or payments made under section 5.50(1) and (2) to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total —*
 - (a) *the value of the person's final annual remuneration, if the person —*
 - (i) *accepts voluntary severance by resigning as an employee; and*
 - (ii) *is not a CEO or a senior employee whose employment is governed by a written contract in accordance with section 5.39;*

or

 - (b) *in all other cases, \$5 000.*

Payments proposed under the new, recommended Policy are in accordance with the above statutory requirements.

FINANCIAL IMPLICATIONS

It is estimated that gifts of the type covered by the Policy would cost approximately \$2,000 per annum depending on staff turnover and other factors in any given year,

STAFFING IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Town of Cottesloe Staff
Elected Members

STAFF COMMENT

It is quite common for employers to provide such gifts for staff members however such gifts should be modest and mindful of the fact that ratepayer's funds are being used for the gifts.

Given the policy is mostly administrative in nature; it is not recommended that the Policy be advertised for public comment.

VOTING

Simple Majority.

OFFICER RECOMMENDATION

That Council adopt the reviewed Staff Gifts Policy.

FORESHADOWED MOTION – Cr Boulter

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda, seconded Cr Downes

That Council adopt the reviewed Staff Gifts Policy.

CARRIED 6/2

For: Mayor Dawkins, Cr Burke, Birnbrauer, Downes, Rodda, and Thomas

Against: Crs Boulter and Pvyis

10.1.8 ALCOHOL, THINK AGAIN – BEACH VOLLEYBALL TOUR 2017

File Ref: SUB/2440
Attachments: Event Application
Map of Event Space
Responsible Officer: Garry Bird
Manager Corporate and Community Services
Author: Sherilee Macready
Community Development Officer
Proposed Meeting Date: 25 July 2017
Author Disclosure of Interest: Nil

SUMMARY

Volleyball Western Australia is seeking approval to host the Alcohol, Think Again Beach Volleyball Tour Round 3 at Cottesloe Beach on Saturday 9 December and Sunday 10 December 2017, from 5.00am to 6.30pm.

BACKGROUND

The Alcohol, Think Again Beach Volleyball Tour is Western Australia's Premier Beach Volleyball competition. The Beach Tour events season runs from November to March each year at various local West Australian beach venues. The event has been held at Cottesloe in 2014, 2015, and 2016 and this year organisers have again chosen Cottesloe Beach as a venue for their Round 3 event.

Participants include Beginners, Juniors and Elite players, competing in a single set double elimination format, with two divisions for each gender. Organisers are expecting approximately 200 competitors over the two day event. Members of the local community are encouraged to participate in the event, either as a competitor or spectator.

The competition beach set up will include four beach volleyball courts to the south of Indiana's. A draft map of the event space is included with this report. The Town has also received a comprehensive Risk Management Plan from the organisers.

Brief announcements will be made on a public address system at intervals during both event days, and background music will be played to provide some additional atmosphere for spectators.

Organisers are currently investigating options for a new significant sponsor for this year's event, which will most likely be sourced from Perth's radio stations.

Last year's event held on 10 and 11 December 2016 was successful, and no major issues were brought to the attention of the Council.

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

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

Event Classification Policy – Under the current Policy, the event meets the assessment criteria of a community event as outlined in the policy, as *‘the event organisers are not seeking to make a profit’, ‘spectating at the event is free’, and ‘the event does not seek to promote a product, service or company, (sponsorship excepted)’*.

Under the reviewed Policy presented to Council at the same time as this report, the event would still be classified as a community event.

STATUTORY ENVIRONMENT

Local Government Act 1995.

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

FINANCIAL IMPLICATIONS

If Council charges fees for this event to comply with the current Event Classification Policy, organisers would be charged \$480 per day for hire and a \$300 bond. Under the reviewed Event/Facility Classification Policy organisers would be charged the same amount.

STAFFING IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

A letter of support for the event has been received from Cottesloe Surf Life Saving Club.

Officers contacted Cottesloe Surf Life Saving Club requesting feedback on the previous year’s Beach Volleyball event. It was advised that the 2016 event was overall a positive experience for the Club, with no issues brought to their attention.

STAFF COMMENT

A comprehensive Risk Management Plan and a Draft Map of the event space have been provided. A letter of support for the event from Cottesloe Surf Life Saving Club has also been provided.

Due to the success of previous year’s events, it is recommended to approve this event.

VOTING

Simple Majority.

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Downes

That Council approve the application to hold the Alcohol, Think Again Beach Volleyball Tour Round 3 at Cottesloe Beach, on Saturday 9 December and Sunday 10 December 2017, from 5.00am to 6.30pm, subject to the following conditions:

1. Class the event as a 'Community Event' and charge \$480 per day totalling \$960 and a bond of \$300, to be paid prior to the event commencing;
2. 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.
3. All signage to be approved by the Chief Executive Officer one month prior to the event;
4. Adequate arrangements for rubbish collection and removal, including the provision for recycling;
5. The event complies with the *Environmental Protection (Noise) Regulations 1997*;
6. The event complies with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*;
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. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, provided prior to the event.
10. There are no balloons to be used during the event;
11. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event; and
12. 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.

CARRIED 8/0

10.1.9 VOTING DELEGATES WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – 2017

File Ref: SUB/101
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Samantha Hornby
Governance Coordinator
Proposed Meeting Date: 25 July 2017
Author Disclosure of Interest: Nil

SUMMARY

The next Annual General Meeting of the Western Australian Local Government Association is scheduled for Wednesday 2 August 2017, at the Perth Convention and Exhibition Centre.

The recommendation is for Council to nominate delegates to the Annual General Meeting of the Western Australian Local Government Association.

BACKGROUND

The Western Australian Local Government Association is the voice of local government in Western Australia. As the peak industry body, the Western Australian Local Government Association advocates on behalf of the State's 139 local governments and negotiates service agreements for the sector.

The Western Australian Local Government Association is not a government department or agency and its mission is to provide strong representation, strong leadership, enhance the capacity of local government and build a positive public profile for local government.

The two Western Australian Local Government Association Central Metropolitan Zone delegates are also the two delegates who normally attend the Annual General Meeting.

STRATEGIC IMPLICATIONS

As indicated above, the Western Australian Local Government Association is the voice of Local Government in Western Australia and is the peak industry body.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

As a member of the Western Australian Local Government Association Council pays annual membership fees

STAFFING IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Nil

STAFF COMMENT

All member councils are entitled to be represented by two voting delegates at the Western Australian Local Government Association Annual General Meeting. Only registered delegates will be permitted to vote on any motion before the meeting.

It is therefore recommended that Council nominate two delegates to attend the 2017 Western Australian Local Government Association Annual General Meeting.

VOTING

Simple Majority.

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Burke

That Council nominate Mayor Dawkins and Cr Boulter as its appointed delegates to attend the Western Australian Local Government Association Annual General Meeting on 02 August 2017. The nominated deputy for this Meeting is Cr Burke.

CARRIED 8/0

10.1.10 CORPORATE BUSINESS PLAN

File Ref: SUB/1910
Attachments: Corporate Business Plan
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Mat Humfrey
Chief Executive Officer
Proposed Meeting Date: 25 July 2017
Author Disclosure of Interest: Nil

SUMMARY

Council is being asked to consider the submissions received on the Corporate Business Plan.

BACKGROUND

At the Ordinary Council Meeting of March 2017, Council resolved to advertise the draft Corporate Business Plan for public comment. Following this the plan was advertised and submissions called for.

The Town is required to have a Corporate Business Plan under the provisions of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*. The effect of both pieces of legislation is that the Town has a range of plans, including the Strategic Community Plan, the Corporate Business Plan and supporting strategies (Long Term Financial Plan and Asset Management Plan, being the main two).

Under the Regulations, and as clarified by the Department of Local Government, the Corporate Business Plan must set in place the strategies outlined in the Strategic Community Plan and have regards to the supporting strategies. In essence, it is the document that takes the community's aspirations (as contained in the Strategic Community Plan) and assigns a priority to them that is guided by the resources the Town has at its disposal (as set out in the Long Term Financial Plan and Asset Management Plan).

STRATEGIC IMPLICATIONS

The Corporate Business Plan is the document that guides the implementation of the Strategic Community Plan, with reference to the supporting strategies. As such, there are significant strategic implications in the adoption of the plan.

POLICY IMPLICATIONS

There are no direct policy implications within the officer's recommendation. However, several of the actions and projects contained within the Corporate Business Plan that may require policies to be adopted or updated.

STATUTORY ENVIRONMENT

The *Local Government Act 1995* at section 5.56 requires each local government to have a *Plan for the Future*. This Part of the Act also provides that the Minister may make regulations on how such a plan is created and what it should contain.

The *Local Government (Administration) Regulations 1996* contain two Regulations, being 19C and 19D that set out the requirements for the *Plan for the Future*. Essentially the Regulations have the combined effect of two separate, but related, plans. The required plans are the Strategic Community Plan and the Corporate Business Plan. The Strategic Community Plan sets out the community's aspirations, the Corporate Business Plan sets out how these aspirations can be realised.

FINANCIAL IMPLICATIONS

While there are no direct financial implications contained in the officer's recommendation, the Corporate Business Plan itself sets out spending priorities for the next four years.

STAFFING IMPLICATIONS

There are no perceived staffing implications contained directly within the officer's recommendation, however shifting the priorities as set out in the Corporate Business Plan could impact on staffing requirements.

SUSTAINABILITY IMPLICATIONS

There are no direct sustainability implications contained within the officer's recommendation, however there are several projects within the Corporate Business Plan that will have positive sustainability implications.

CONSULTATION

The Corporate Business Plan was advertised in the local press, made available on the Town's website as well as having notices placed on the Town's notice boards. A total of seven submissions were received which have been attached to this report. A summary of the submissions has also been included.

The overall level of response is quite low. This is most likely caused by the number of plans that have been advertised in recent times, with residents starting to feel some fatigue with providing responses. As the Strategic Community Plan is due for review later this year, which involves further, extensive consultation, it is likely that the Town will need to reconsider how such consultation is done to ensure it remains effective.

STAFF COMMENT

Overall, the comments provided were supportive, with several key themes being present.

Firstly, there was attention paid to the priorities given to individual actions/projects, with suggestions that certain actions/projects be brought forward. When the priorities and timings were considered for each project, it was done with regard to the resources that the Town has at its disposal, other actions/projects that were set down for that time and the community's capacity to engage and tolerate the projects happening simultaneously. By way of an example, there was a request that the strategy for providing spaces for children and young people be brought forward. Officer's agree that this is a high priority and a project worthy of being implemented. However, when current projects, such as the foreshore redevelopment and the Town centre works are considered, it was felt that we not only didn't have the staff resources to undertake this project, but that it could overwhelm the community and we wouldn't receive the feedback needed to make that project a success.

Secondly, a common theme was that elected members be provided with more training on budgeting and financial reporting. Similarly, there were also requests for less confidential meetings. Council may wish to consider how it addresses these requests in the longer term, but at this stage, there are very few items considered at meetings behind closed doors and where ever possible, meetings are kept open to the public. With regards to the training, training is available on such matters already and as the Town does not have a policy of making training compulsory, it is not considered appropriate to have an action/project in this regards.

The last group of changes were changes to individual actions/projects themselves. The suggested changes have been addressed in the table attached and can be easily resolved when the projects/actions are implemented. Some examples included;

1. A suggestion for more lighting in the foreshore area.
While it is not explicitly mentioned as a project/action, lighting in the foreshore area will be addressed as a part of the Foreshore Renovation work. It doesn't require a separate action/project listing.
2. A suggestion that the Town should not acquire land as an investment as the Town's staff don't have the required expertise.
This would be addressed in two ways; firstly, any such acquisition would require the preparation and advertising of a business case for comment. Secondly, in such acquisitions, the Town would engage a professional valuer to advise the Council directly.
3. A suggestion to remove the strategy relating to scheme amendments in the Town Centre.
The suggestion raising advertising of potential scheme amendments prior to the amendments being initiated and raises the issues of wholesale change. Both of these issues can be addressed if and when a scheme amendment is considered necessary.

At this stage, it is not recommended to make any further changes to the Corporate Business Plan. The changes to the timing of projects, simply put, cannot be met with the current resources. The concerns raised in the submissions regarding projects can be addressed when the individual projects/actions are implemented and are largely covered by Council policy already (regarding consultation and advertising). Lastly, the requests for further elected member training are beyond the scope of the Corporate Business Plan. Requirements for elected member training are a state issue, which WALGA and the Department are currently addressing.

VOTING

Absolute Majority.

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Thomas

That Council:

1. **Adopt the Corporate Business Plan as attached, noting that it will be reviewed in April 2018; and**
2. **Thank those who provided submissions for participating and request the Chief Executive Officer respond to each submitter addressing any concerns that they have raised.**

CARRIED 8/0

ENGINEERING**10.1.11 RIGHT OF WAY 63 RENAMING**

File Ref: SUB/303
Attachments: Nil
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Nick Woodhouse
Manager Engineering Services
Proposed Meeting Date: 25 July 2017
Author Disclosure of Interest: Nil

SUMMARY

Council is requested to consider the renaming of Right of Way 63 to Panjang Lane.

BACKGROUND

At the October 2016 Ordinary Meeting of Council it was resolved to rename Right of Way 63 to Templetonia Lane.

COUNCILLOR MOTION – NAMING OF RIGHT OF WAY 63

The following motion has been proposed by Cr Rodda:

Moved Rodda, seconded Cr Downes

THAT Council:

- 1. Approve residents' request to name Right of Way 63, allocating the name Templetonia Lane, which is one of the names approved by Landgate and by the Nomenclature Working Group; and*
- 2. On confirmation, inform the affected property owners and install signs at each end of the Right of Way.*

Carried 9/0

An application to Landgate identified that Templetonia Lane is not permitted due to the relatively close proximity to Templetonia Crescent in City Beach. It was found that the original list of approved names supplied by Landgate was incorrect.

The Nomenclature Committee has expressed a preference for the name Panjang Lane as the new name to be used for Right of Way 63. Panjang is the indigenous word for Wattle. Landgate has approved Panjang Lane for naming use.

STRATEGIC IMPLICATIONS

Town of Cottesloe Strategic Plan 2013-2023

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

There are no perceived statutory implications arising from the officer's recommendation. Landgate has approved the use of Panjang Lane.

FINANCIAL IMPLICATIONS

The cost to install the signage will be in the order of \$200. Sufficient funds exist in the operational budget to carry out these works.

STAFFING IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

The renaming request was initiated by local residents. The Nomenclature Committee and Landgate have been consulted.

STAFF COMMENT

The allocation and display of laneway names enhances community safety and liveability by facilitating access for emergency vehicles, visitors, deliveries and the meeting of people.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Mayor Dawkins, seconded Cr Rodda

That Council:

- 1. Approve residents' request to name Right of Way 63, allocating the name Panjang Lane, which is one of the names approved by Landgate and by the Nomenclature Working Group; and**
- 2. On confirmation, inform the affected property owners and install signs at each end of the Right of Way.**

CARRIED 8/0

FINANCE**10.1.13 FINANCIAL STATEMENTS FOR THE MONTH ENDING 30 JUNE 2017**

File Ref: SUB/1878
Attachments: Monthly Financial Statements
Responsible Officer: Garry Bird
Manager Corporate and Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 25 July 2017
Author Disclosure of Interest: Nil

SUMMARY

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

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

BACKGROUND

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

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

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

Investments Policy.
Investment of Surplus Funds Policy.

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

STAFFING IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

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

STAFF COMMENT

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

-) The net current funding position as at 30 June 2017 is \$2,781,083 and is up on previous financial years as shown on pages 2 and 22 of the attached Financial Statements. The main reason for this is a grant of \$500,000 raised in late June 2017 and the fact that there are year end adjustments to be performed such as accrued creditors.
-) Rates receivable as at 30 June 2017 stood at \$402,504 which is also increased from previous years as shown on pages 2 and 25 of the attached Financial Statements. This resulted from certain debt recovery procedures not taking place in the latter part of the 2017 financial year.
-) Operating revenue is more than year to date budget by \$660,128 with a more detailed explanation of material variances provided on page 21 of the attached Financial Statements. Operating expenditure is \$948,256 less than year to date budget due in large part to the fact that year end adjustments for accruals have not yet been performed. A more detailed analysis of material variances provided on page 21.
-) The Capital Works Program is approximately 46% complete (before accrued expenses) as at 30 June 2017 and a full capital works program listing is shown on pages 33 to 36.
-) Whilst Salaries and Wages are not reported specifically, they do represent the majority proportion of Employee Costs which are listed on the Statement of Financial Activity (By Nature and Type) on page 7 of the attached Statements. As at 30 June 2017 Employee Costs were \$7,901 more than year to date forecasts.
-) Most transfers to and from reserves have been completed for 2016/2017 with the exception of a \$500,000 transfer to the Car Park Reserve for the car park and road realignment at Railway Street in Cottesloe. There is also a transfer of \$83,000 to the Sculpture and Artworks Reserve being unspent monies in the 2016/17 to be transferred to reserves/. Both of these transfers will take place in the early part of the 2017/18 financial year.

List of Accounts for June 2017

The List of Accounts paid during June 2017 is shown on pages 37 to 45 of the attached Financial Statements. The following significant payments are brought to Council's attention;-

-) \$29,357.64 to the Construction Training Fund for levies collected on their behalf.
-) \$46,997.84 and \$53,391.94 to Solo Resource Recovery for waste collection services.

-) \$150,463.98 to the Department of Fire and Emergency Services for emergency service levies collected on their behalf.
-) \$42,762.50 to West Tip Waste Control Pty Ltd for a bulk waste collection and leaflet drop.
-) \$40,000.00 and \$180,000.00 being transfers to the Town's Investment account.
-) \$91,598.59 and \$94,685.18 to Town of Cottesloe staff for fortnightly payroll.

Investments and Loans

Cash and investments are shown in Note 4 on page 23 of the attached Financial Statements. Council has approximately 41% of funds invested with National Australia Bank, 25% with Bankwest, 18% with Commonwealth Bank of Australia and 16% with Westpac Banking Corporation. Council had a balance of \$10,773,680 in reserve funds as at 30 June 2017.

Information on borrowings is shown in Note 10 on page 30 of the attached Financial Statements and shows Council had total principal outstanding of \$4,668,733 as at 30 June 2017.

Rates, Sundry Debtors and Other Receivables

Rating information is shown in Note 9 on page 29 of the attached Financial Statements. As displayed on page 2, rates receivable is trending above previous years due to factors previously mentioned.

Sundry debtors are shown on Note 6, pages 25 and 26 of the attached Financial Statements. The sundry debtors show that 3% or \$15,608 is older than 90 days. Infringement debtors are shown on note 6(a) and stood at \$425,096 as at 30 June 2017.

Budget Amendments

Budget amendments are summarised on pages 12 and 13 of the attached Financial Statements.

VOTING

Simple Majority.

OFFICER RECOMMENDATION

Moved Mayor Dawkins, seconded Cr Rodda

That Council receive the Financial Statements for the period ending 30 June 2017 as submitted to the 25 July 2017 meeting of Council.

CARRIED 8/0

Mr Mat Humfrey declared an interest in Item 10.1.14 left the room at 10.37 PM

10.1.14 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW – APPOINTMENT OF CONSULTANT

File Ref: SUB/2370
Attachments: Quotation Summary - **CONFIDENTIAL**
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Samantha Hornby
Governance Coordinator
Proposed Meeting Date: 25 July 2017
Author Disclosure of Interest: Chief Executive Officer – relates to employment conditions

SUMMARY

To consider appointing a suitably qualified, independent consultant to assist Council in conducting the Chief Executive Officer's annual performance review, for the 2016/17 period.

BACKGROUND

Each year the Council is required to review the performance of the Chief Executive Officer under the *Local Government Act 1995*. The Chief Executive Officer commenced in this role on 8 June 2015 and in alignment with Council Resolution on 28 June 2016, Mr John Phillips of John Phillips Consulting was contracted to assist Council in the performance review process.

STRATEGIC IMPLICATIONS

While no direct strategic implications are contained within the officer's recommendation, the Chief Executive Officer plays a significant role in Council achieving any and all of its strategic directions.

POLICY IMPLICATIONS

There are no perceived policy implications within the officer's recommendation. It should be noted though that there are specific provisions within the Purchasing Policy relating to the engagement of specialist staff and contractors.

STATUTORY ENVIRONMENT

Section 5.38 of the *Local Government Act 1995* applies. In summary, this section requires that the performance of the Chief Executive Officer is to be reviewed in relation to every year of employment.

FINANCIAL IMPLICATIONS

Costs associated with engaging an independent consultant to assist Council when undertaking the Chief Executive Officer performance review, are provided for in the Annual Budget.

STAFFING IMPLICATIONS

There are no perceived changes to the staffing requirements in the officer's recommendation.

SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability impacts within the officer's recommendation.

CONSULTATION

Nil.

STAFF COMMENT

The purpose of the Chief Executive Officer Performance Review Committee is to coordinate and undertake the performance review of the Chief Executive Officer on behalf of Council and report findings and recommendations to Council for consideration in accordance with the *Local Government Act 1995*. The findings and recommendations resulting from this process are presented in a report to Council.

As the report reflects solely on the performance of the Chief Executive Officer, it is a clear conflict if this report were to be drafted by the Chief Executive Officer themselves or any other senior officer reporting to the Chief Executive Officer. Engaging the services of an independent consultant will greatly assist this process and help to guide Councillors in the review as an external, non-partisan individual.

VOTING

Absolute Majority.

OFFICER RECOMMENDATION

Moved Cr Boulter, seconded Cr Rodda

That Council by absolute majority appoint Price Consulting (cost option two) as an independent consultant to assist the Chief Executive Officer's performance review for the period 2016/2017.

CARRIED 8/0

Mr Mat Humfrey returned to the room at 10.41 PM

10.2 REPORT OF COMMITTEES**Moved Cr Boulter, seconded Cr Downes**

That Council note the Minutes of the following Committee Meetings with consideration given to the Committees' recommendations as highlighted below, with the exception of Bike Plan Review Working Group Minutes from 22 June 2017 meeting, pending ratification by the Working Group.

) Audit Committee (13 June 2017 Minutes attached)

COMMITTEE RESOLUTION

Moved Cr Rodda, seconded Cr Angers

That the Town of Cottesloe Audit Committee recommend to Council that Mr David Tomasi of Moore Stephens be appointed as the Auditor for the Town of Cottesloe for the period 01 July 2017 to 30 June 2018. In the event that Mr Tomasi is unavailable for whatever reason, Mr Chai is appointed to deputise for him.

ALL IN FAVOUR

COUNCIL RESOLUTION

Moved Cr Rodda, seconded Cr Burke

That the Town of Cottesloe Audit Committee recommend to Council that Mr David Tomasi of Moore Stephens be appointed as the Auditor for the Town of Cottesloe for the period 01 July 2017 to 30 June 2018. In the event that Mr Tomasi is unavailable for whatever reason, Mr Chai is appointed to deputise for him.

CARRIED 8/0

) Community Safety and Crime Prevention Committee (20 June 2017 Minutes attached).

) Foreshore Precinct Implementation Committee (21 June 2017 Minutes attached).

) Bike Plan Review Working Group (22 June 2017 Minutes attached).

) Beach Access Path Committee (27 June 2017 Minutes attached).

) Disability Services Advisory Committee (27 June 2017 Minutes attached).

CARRIED 8/0

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 COUNCILLOR MOTION – TO AMEND THE TOC COMMUNITY CONSULTATION POLICY INCLUDING BUT NOT LIMITED TO LPS3 SCHEME AMENDMENT CONSULTATION**

The following motion has been proposed by Cr Boulter:

That Council, in line with the TOC Strategic Plan objective “*6.1 Ongoing implementation of Council’s community consultation policy*”, review its Communication Policy at the August 2017 Briefing Forum by a workshop with elected members and that the workshop include consideration of the following:

-) That the Town of Cottesloe Community Consultation Policy be amended to require pre-advertising of any scheme amendment before it is initiated by Council
-) That the full text of a proposed scheme amendment is included any community consultation/advertising.
-) That the Town of Cottesloe Community Consultation Policy is amended to require that no consultation or discussion, preliminary or otherwise, take place between the Town of Cottesloe staff and any proponent of a scheme amendment, without prior approval of Council.
-) That the Town of Cottesloe Community Consultation Policy is amended so that the words “*Excluding matters to be decided under the Planning and Development Act*” are deleted from Table One “Site Specific” on page three of the Policy and the “Site Specific” category words are further amended as follows: “Any development of a particular site requiring Town of Cottesloe approval, including demolition and/or any removal of asbestos”.
-) That the Town of Cottesloe Community Consultation Policy is amended so that the Table One “Site Specific” heading is divided into two categories “Town of Cottesloe” and “Development Assessment Panel (DAP)” and that the local government DA consultation remains as is in the policy (subject to No 4 above) and that the DAP entry also includes the requirement to bring the Responsible Authority Report (RAR) to Council before it is sent to the DAP.
-) That the Town of Cottesloe Community Consultation Policy is amended so that a new heading “Scheme Amendments” is added to the Table Three Consultation Matrix and that a “1” is entered for each of the following headings: Ad in the paper, web page, newsletter, write, ratepayer group, media release, letter drop, personal briefing and information sessions.
-) That the Town of Cottesloe Community Consultation Policy is amended so that a new heading “Subdivision, Amalgamation” is added to the Table Three Consultation Matrix and a “2” is added for each of the following headings: web page, newsletter, write, ratepayer group, letter drop, personal briefing and information sessions.

- J) That the Town of Cottesloe Community Consultation Policy is amended so that a 12th heading is added to Table Three headed “Early Council Notice” with a “1” for scheme amendments, subdivisions and amalgamations, and DAP applications, and a “2” for the remainder.
- J) That the policy be amended to include the exact words of extracts from the LPS3 and the *Town Planning and Development Act* and any applicable regulations that regulate the statutory requirements in relation to advertising proposals, as a schedule to the Policy.

CARRIED 8/0

Councillor Rationale

1. To avoid a situation such as occurred with 126-128 (Lots 24 & 25) Railway Street LPS3 Scheme Amendment No 5, wherein the amendment was initiated before it was advertised to the community, which resulted in overwhelming community opposition to the scheme amendment and Council was left with no authority to refuse the amendment.
2. To avoid the situation where the Town Administration make comment on a significant proposal without bringing the proposal to the attention of Council and the community, such as occurred with the proposal to amend the Metropolitan Region Scheme under the proposed Amendment for Lot 225 (no1) Curtin Avenue, Mosman Park and Lot 346 (no2) Curtin Avenue, Cottesloe by the Rowe Group acting on behalf of the WAPC. This MRS Scheme Amendment proposed by the WAPC through ROWE group for the South Cottesloe bushland was given a “no objection” sign off by the Town of Cottesloe Administration months before it came to the attention of Council and when the proposal was first presented to Council (as a late agenda item) it gave Councillors very little time to digest this complex proposal.
3. At present the Cottesloe Community Consultation Policy is excluded from operation for any site specific Development Application, which means the administration is bound only by the higher order consultation provisions found in the WA state regulatory framework which includes LPS3, which is particularly troubling given this also includes a DA that goes to the Development Assessment Panel (DAP).
4. For a general proposal about putting up a Scheme Amendment to –say for example – vary the height constraints in LPS 3, there would be insufficient information to put to the community. The community would need the full text of the proposed amendment to properly consider the impact of the proposal.
5. Council’s policies and strategic documents foster open, transparent and accountable communication with its residents. This Notice of Motion, if adopted by Council, will foster Council’s strategic objectives of openness, transparency and accountability.
6. Any LPS3 Scheme Amendment proposal that is being considered should be brought to the attention of the community and Council at the earliest opportunity.
7. Scheme amendments, subdivisions and amalgamations have the potential to make significant adverse impacts on the residential amenity of an area, on the strategic

objectives of the TOC and on the value of land. Accordingly, Council should be aware at the earliest opportunity of such proposals to enable broad community consultation to take place.

8. To improve community consultation about scheme amendments, subdivisions and amalgamations, development and change of use of land in TOC, consistent with the objectives of the TOC Community Strategic Plan, which includes

*Council's mission: "To preserve and improve Cottesloe's natural and built environment and beach lifestyle by using sustainable strategies. **Members of the community will continue to be engaged to shape the future for Cottesloe and strengthen Council's leadership role.**"*

*Council recognizes the **invaluable contribution residents play in community life, especially those who actively participate in civic affairs.** The aim of this objective is to ensure that this continues and that Council **maintains a spirit of co-operation with the community** in an accountable and transparent manner on all occasions. Many people wish to engage in decisions about Cottesloe's future. **Community members are well informed and articulate;** they know what they want. This is acknowledged and valued. In addition the Council has many statutory obligations to comply with in order to improve decision making. **The effect of greater cooperation will be a Council and community that understand and appreciate separate but interdependent roles in progressing Cottesloe's future. Elected members and staff listen to community views and collaborate to discuss and explore possibilities.** There is an appreciation that perception is the reality for many people and it is important **to provide information so that the community can make informed input.** Challenges · Conflicting demands and expectations · Funds and time required for effective consultation Future direction
The Council is committed to fostering a sense of belonging and involvement amongst residents in recognition that input from the community into major decisions adds value and enhances the democratic process. Council is committed to effective community communication and engagement. Major strategies **6.1 Ongoing implementation of Council's community consultation policy.** 6.2 Continue to deliver high quality governance, administration, resource management and professional development. 6.3 Implement technologies to enhance decision making, communication and service delivery. 6.4 Enhance the Town's ability to embrace and manage change. Policy and strategy documents*

9. To ensure all statutory and policy obligations in relation to advertising development proposals are captured in the TOC Communication Policy, so that they can be clearly understood by Councillors and the community.

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 THE PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

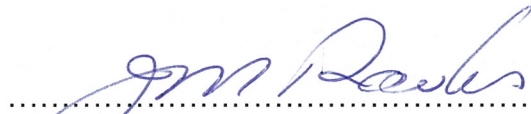
Nil.

14 MEETING CLOSURE

The Presiding Member declared the Meeting closed at 10.48 PM

CONFIRMED MINUTES OF 25 JULY 2017 PAGES 1 – 68 INCLUSIVE.

PRESIDING MEMBER:
POSITION:


.....

DATE: 22 / 8 / 2017