

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

ORDINARY MEETING OF COUNCIL
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
7.00 PM, Monday, 25 June, 2012

29 June 2012

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Mayor announced the meeting opened at 7:07 PM.

**2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE
(PREVIOUSLY APPROVED)**

Elected Members

Mayor Kevin Morgan	Presiding Member
Cr Jack Walsh	
Cr Greg Boland	
Cr Katrina Downes	
Cr Yvonne Hart	
Cr Sally Pyvis	
Cr Peter Jeanes	
Cr Rob Rowell	
Cr Victor Strzina	

Officers

Mr Carl Askew	Chief Executive Officer
Mr Mat Humfrey	Manager Corporate & Community Services
Mr Louis Prospero	A/g Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Mrs Lydia Giles	Executive Officer

Apologies

Nil

Officer Apologies

Mr Geoff Trigg	Manager Engineering Services
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Leave of Absence (previously approved)

Nil

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PUBLIC STATEMENT TIME

Mr Gerard Hodgkinson, 9 George Street, Cottesloe – Re. Item 12.1. Rescission of Decision: Report 11.2.8 – 2011/2012 Road Safety Improvement and Speed Restriction – 28 November 2011, Resolution Item 1 (b).

Mr Hodgkinson is the owner of 137 Broome Street where his son and his wife live. His concern over the proposed works relates to the impact on neighbours crossovers and vehicle access. He indicated that he became aware of this issue through his neighbours and stated that he felt his concerns were being ignored by the Council.

Mr Ashley Lewis, 135 Broome Street, Cottesloe – Re. Item 12.1. Rescission of Decision: Report 11.2.8 – 2011/2012 Road Safety Improvement and Speed Restriction – 28 November 2011, Resolution Item 1 (b).

Mr Lewis resides at 135 Broome St. He stated that he understood the purpose of the road works in terms of slowing vehicles, and that it was based on the findings of a safety audit which Mr Trigg explained to him. He indicated that at the time he had no objections however he believed that the impact of the crossing will be ineffective in achieving its purpose. He highlighted concerns with the lack of lighting at the end of the current footpath and the impact on resident vehicles reversing out of their driveways. He was also concerned about the size of the blister island which appeared contrary to his original advice. He had also received representations from his neighbours about their concerns and was of the opinion that if the island was to proceed the design needed to change.

Mr Jeremy Eagleton, 38 Beach Street, Cottesloe – Re. Item 12.1. Rescission of Decision: Report 11.2.8 – 2011/2012 Road Safety Improvement and Speed Restriction – 28 November 2011, Resolution Item 1 (b).

Mr Eagleton addressed a few issues of concern including road safety. As someone who has lived in Cottesloe for over 30 years he did not believe that speed was an issue as there has been not been any reports of incidents on this part of Broome Street. People who are using this road are mainly locals and so are aware of the issues associated with crossing safely. In addition the size and extent of the proposed island works and impact of the widening of verges is also of concern. He referred to the Town's traffic management policy and the need to have 50% community support with less than 10% objections and spoke of the communication breakdown in relation to the proposed changes and lack of consultation.

Mr Mark Eagleton, 22 Florence Street, Cottesloe – Re. Item 12.1. Rescission of Decision: Report 11.2.8 – 2011/2012 Road Safety Improvement and Speed Restriction – 28 November 2011, Resolution Item 1 (b).

Mr Eagleton referred to a letter that Mr Trigg had written in May 2012 advising residents of the proposed blister island and stated that he believed that the traffic on Broome Street was already reasonably slow due to the existing

roundabouts at Napier and Eric Streets and that any further changes on Broome Street may push traffic onto Marmion Street. In his opinion the current crossing was safe with good sight lines north and south and no reported incidents. Mr Eagleton believed that this type of control device was not a good use of \$30,000 of Council money. If the installation goes ahead residents who live at 134 Broome Street will have difficulties entering and exiting their property. Mr Eagleton stated that this was against Council policy as it does not have majority resident support and requested that Council to vote no to the road safety improvement work on Broome Street.

Mr Rod Eagleton, 7 Nailsworth Street, Cottesloe – Re. Item 12.1. Rescission of Decision: Report 11.2.8 – 2011/2012 Road Safety Improvement and Speed Restriction – 28 November 2011, Resolution Item 1 (b).

Mr Eagleton thanked the Councillors who have moved and seconded the rescission motion and reiterated his previous objections. He did not believe that the construction work is needed and the expense cannot be justified. He stated that this proposed change will cause difficulties with entering and exiting his property, especially reversing out, and referred to problems with OBH patrons using the Bryan Way access path and causing problems in front of his home. He referred to the number of objections from residents and asked council to support the rescission motion.

Mr Roger Fitzhardinge, 42 Grant Street, Cottesloe – Re. Item 11.2.1. Play Equipment on Road Verges

Mr Fitzhardinge referred to his comments at the Committee meeting on Tuesday night and suggested Council consider a policy change to remove the reference to tree swings. He referred to the recommended conditions discussed at Committee as being impossible for residents to meet, including potentially expensive insurance and installation costs. In his opinion there was a low public risk in allowing such items on Council verges and that, in his opinion, children rarely fall from such equipment. He referred to specific types of play equipment that Council should consider supporting and that the cost of self insurance would be outweighed by the community benefits. He asked that Council support the community request as this will be beneficial for social interaction between neighbours.

Mr Mark Powell, 43 Lyons Street, Cottesloe – Re. Item 11.2.1. Play Equipment on Road Verges

Mr Powell referred to the recommendation of the Works and Corporate Services Committee meeting and believed that placement of play equipment on verges should be encouraged and supported by Council. He noted that there was a significant cost in requiring residents to have equipment that meets Australian Standards and that public liability insurance issues could also be prohibitive. He suggested that Council work with Kids Safe WA to determine what would be the best guidelines and practices, including inspections and insurance, and to find a workable solution. He reiterated that verge play equipment is good for kids and that Council should look to review

its policy and not pass on these costs to residents. He requested that Council act to make a difference for the children of Cottesloe.

Ms Helen Sadler, 39 Griver Street, Cottesloe – Re. Item 11.2.1. Play Equipment on Road Verges

As a general practitioner Ms Sadler spoke of the social and health benefits and implications of children and outdoor play. She referred to the associated issues of children's health in general such as the growing rates of obesity and diabetes which has doubled. She mentioned how schools were now having to teach children how to climb trees/ladders in their sports education. She believes that verge play equipment increases social interaction among children, including inter-generational communication, all of which was in the best interests of the community. She also referred to children playing outside as a way to improve safety, slow traffic and teach children how to interact in their community. She urged Council to look at solutions not problems, as well as examples from other Councils where this was supported.

Ms Belinda Dodds, 45 Napier Street, Cottesloe – Re. Item 11.2.1. Play Equipment on Road Verges

Ms Dodds stated that she concurred with the statements made by previous speakers and specifically referred to the first condition in the Committee recommendation, in that all verge play equipment is to be certified to the Australian standards. She believes that this is a condition that will be hard to meet considering how children like play and what they do when playing, including the use of equipment such as their flying fox and tyre swing. She was supportive of the comments and proposals made by other residents.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Walsh, seconded Cr Hart

[Minutes May 28 2012 Council.DOC](#)

The Minutes of the Ordinary meeting of Council held on Monday, 28 May, 2012 be confirmed.

Carried 9/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- The Mayor advised that the Town has recently been successful in a LotteryWest Grant for its Disability Access ramp at the beachfront. He also congratulated Ms Hillary Rumley for her persistence and tenacity in promoting access issues at the beachfront.

- The Mayor also referred to the announcement made by the Premier in relation a Lotterywest grant of \$2.75M to Scouts WA in collaboration with North Cottesloe Surf Life Saving Club and Cottesloe Playgroup. He stated that it was nice to see Lotterywest investing in community facilities in Cottesloe.
- The Mayor reminded Councillors that the Town's budget will be voted on tonight. The Town will be approving a modest rate increase of 4.95 per cent.
- The Mayor congratulated the Town's operational staff on their speedy clean-up work after the storms last week.
- The Mayor announced that on behalf of Cottesloe, Mosman Park and Peppermint Grove he received a certificate and award for the Grove library as the Energy Smart category winner for the National Local Government Award in Canberra. The Hon Mark Dreyfus QC MP, Parliamentary Secretary for Climate Change and Energy Efficiency, presented the award and also received congratulations from The Hon Simon Crean MP, Minister for Regional Australia, Regional Development and Local Government.
- The Mayor noted that Regional Subsidiary Bill which was introduced by Hon Max Trenorden MP has now been taken up by John Hyde MP, Opposition Spokesperson for Local Government.
- In relation to Local Government Reform the Mayor reiterated his concerns about forced amalgamation. During his trip to Canberra, the Mayor had an opportunity to discuss with other Mayors from other States who has completed amalgamation process. The majority of comments received was that contact between local council and its community has been lost and unlikely to be regained for a generation. Although the option of G4 has been personally supported by the Premier he remains concerned that there is no guarantee that this will be supported by Government. With the Robson Review Final report due to be lodged at the end of the month there remains a possibility that Local Government Reform will be achieved via a new Act of Parliament thus not requiring the Poll Provisions of the current Act to be used.
- Finally the Mayor presented a miniature sculpture from the Sculpture by the Sea exhibition for inclusion in the Cottesloe collection. The miniature is titled "Do Not..." and is by "Garó Deirmendjian"

8.1 SUSPENSION OF STANDING ORDER 12.1 – MEMBERS TO RISE

BACKGROUND

At the September 2006 meeting of Council it was agreed that the suspension of Standing Order 12.1 be listed as a standard agenda item for each Council and Committee meeting.

Standing Orders 12.1 and 21.5 read as follows:

Members to Rise

Every member of the council wishing to speak shall indicate by show of hands or other method agreed upon by the council. When invited by the mayor to speak, members shall rise and address the council through the mayor, provided that any member of the council unable conveniently to stand by reason of sickness or disability shall be permitted to sit while speaking.

Suspension of Standing Orders

- (a) The mover of a motion to suspend any standing order or orders shall state the clause or clauses of the standing order or orders to be suspended.
- (b) A motion to suspend, temporarily, any one or more of the standing orders regulating the proceedings and business of the council must be seconded, but the motion need not be presented in writing.

COUNCIL RESOLUTION:

Moved Cr Strzina, seconded Cr Downes

That Council suspend the operation of Standing Order 12.1 which requires members of Council to rise when invited by the Mayor to speak.

Carried 9/0

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

9.1 PETITION – PLAY EQUIPMENT ON VERGES

A petition for Play Equipment on Verges was presented at the Committee Meeting by Councillor Boland. 16 people signed this petition, of which 14 of those signatures are residents of Cottesloe and 2 are residents from the surrounding neighbourhoods. During the meeting Mr Fitzhardinge added his signature to the petition. The petition stated "*We the undersigned implore the Town of Cottesloe to help build a child friendly neighbourhood and a stronger community by changing the Town of Cottesloe Policy for residential verges to allow play equipment on residential verges*".

In accordance with Council Standing Orders Local Law Section 9 – Petitions, Cr Boland presented the petition to Committee.

COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Cr Boland

THAT Committee accept the petition in relation to Play Equipment on Verges and in accordance with Standing Orders 9.4(d) be dealt with by the full Council in relation to item 10.1.1 Play Equipment on Road Verges.

Carried 9/0

The Mayor advised that the Council process for considering reports was that members would advise him of items that they required to be “withdrawn” for further discussion and that all remaining reports would then be moved “en bloc” as per the Committee recommendation.

For the benefit of the members of public present, the Mayor determined to consider the following items first:

The Following Items From Works & Corporate Services Committee Were Withdrawn for Consideration

- 11.2.1 Play Equipment on Road Verges
- 11.2.3 Final Adoption of Dogs Amendment Local Law 2012
- 11.2.12 Adoption of 2012/2013 Budget

Item from Elected Members’ Motions of Which Previous Notice Has Been Given Was Dealt at the Beginning of the Meeting.

- 12.1 Rescission of Decision: Report 11.2.8 - 2011/2012 Road Safety Improvement And Speed Restriction – 28 November 2011, Resolution Item 1(B).

The Following Items from Development Services Committee Were Withdrawn for Consideration

- 11.1.2 Local Planning Scheme No. 3 - Policy Framework

The Remainder of the Officer Reports from Development Services Committee Were Dealt With ‘En Bloc’.

- 11.1.1 Metropolitan Region Scheme (Mrs) Amendment - Rationalisation of Stirling Highway Reservation - Further Report
- 11.1.3 Planning Institute of Australia 2012 National Congress - Update

The Remainder of the Officer Reports from Works & Corporate Services Committee Were Dealt with ‘En Bloc’.

- 11.2.2 Review of The Grant Street Parking Restrictions
- 11.2.4 Uniform Policy
- 11.2.5 Government Sustainability Conference 2012
- 11.2.6 North Street / West Coast Highway Left Turn Lane Extension
- 11.2.7 Material Variances for Statements of Financial Activity
- 11.2.8 Statutory Financial Reports for The Period 1 July 2011 To 31 May 2012
- 11.2.9 List of Accounts Paid for The Month of May 2012
- 11.2.10 Schedules of Investments and Loans as At 31 May 2012
- 11.2.11 Property and Sundry Debtors Reports as At 31 May 2012

10 REPORTS OF OFFICERS

Nil

11 REPORTS OF COMMITTEES**11.1 DEVELOPMENT SERVICES COMMITTEE MINUTES - 18 JUNE 2012****11.1.1 METROPOLITAN REGION SCHEME (MRS) AMENDMENT -
RATIONALISATION OF STIRLING HIGHWAY RESERVATION - FURTHER
REPORT**

File No: SUB/1058
Attachments: [Stirling Hwy Lot 58 to McNeil Street.pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Ed Drewett
Senior Planning Officer

Proposed Meeting Date: 18 June 2012
Author Disclosure of Interest: Nil

SUMMARY

This report provides additional information to assist Council in formulating a submission to the Western Australian Planning Commission (WAPC) with respect to the proposed MRS Amendment to rationalise the Stirling Highway Reservation.

A preliminary report regarding this proposal was considered by Council on 23 April 2012 and is included in this report for reference. The comment period for submissions closes on 27 July 2012.

BACKGROUND

On 23 April 2012 Council resolved to:

1. *Note the preliminary report regarding the MRS Amendment for the rationalisation of the Stirling Highway reservation.*
2. *Request that the Department of Planning give a briefing to Councillors on the proposed MRS Amendment to further explain the full implications to the Town of the proposed changes to the road reservation prior to a formal submission being made by Council.*

On 5 June 2012 elected members and staff were briefed by Mr John O'Hurley from the Department of Planning (DoP) and Mr Mike Sjepceвич from the Department of Transport (DoT).

EXTRACT OF COUNCIL MINUTES - 23 APRIL 2012

By way of background an extract from the minutes of the Council meeting held on 23 April 2012 is reproduced in italics as follows:

PURPOSE

The purpose of this report is to provide Council with an overview of a proposed MRS Amendment to rationalise the Stirling Highway Reservation that has been prepared by the Western Australian Planning Commission (WAPC) and released for public consultation. The comment period closes on 27 July 2012.

BACKGROUND**Media Statement**

A media statement on the MRS Amendment was released by the Planning Minister, the Hon. John Day, on 21 March 2012 and advised:

The State Government has released for public comment an amendment to the Metropolitan Region Scheme to facilitate the improvement of Stirling Highway over the next 20 years.

While Stirling Highway's configuration would remain two lanes each way, the amendment proposed some adjustment to the current road reservation which would help better meet local traffic needs and cater for users of the road into the future.

Stirling Highway is an integral part of Perth's road network for local residents and the thousands of motorists, pedestrians, cyclists and public transport users that travel along it each day.

This amendment is an opportunity for the public to consider and comment on transport planning and the long term design of Stirling Highway, the historical link between Perth and Fremantle.

It will allow for improved road safety focusing on pedestrian, cyclist and public transport amenity and provide consistent planning guidance across seven local councils for the next two decades.

This process would help to provide clarity and certainty for landowners along the highway, many of whom have been significantly affected by the reservation since 1963.

Proper planning for improvements along Stirling Highway has long been needed and it is crucial that the State Government provides this certainty as Perth grows.

Put simply, we have arrived at a situation in which the reserve as currently applied is too wide in some locations while not wide enough in others.

The amendment identifies more than 25 hectares of private land that is surplus to highway requirements, which is currently included in the road reservation, and the

amendment proposes to rezone the land to remove restrictions on future development.

There are, however, certain areas where increases or minor variations to the current reserve are proposed - affected landowners will be contacted individually and these adjustments will be subject to extensive public consultation.

Without agreement on a future plan for Stirling Highway, it will not be possible to coordinate improvements that are vital to its continued safe use as Perth grows during the next 20 years.

Amendment Report

The MRS Amendment report details the background to the proposed changes.

The main points are summarised as follows:

- Stirling Highway has been reserved in the MRS since 1963. Under the current MRS it has the status of a Primary Regional Roads reservation. The originally gazetted regional road reservation was approximately 80 metres wide, more than twice the width necessary for such a regional road;*
- Amending the reservation over Stirling Highway will provide clarity and certainty for future road planning and orderly land use planning along the urban corridor;*
- Stirling Highway traverses seven Local Government Areas (LGAs) and requires consistent regional road planning and design guidance across municipal boundaries for long term safety and amenity of road users;*
- From the mid 1990s until recently the WAPC supported the practice of imposing a 5 metre interim setback from Stirling Highway for any proposed development or subdivision north of Jarrad Street in Cottesloe, thus permitting development within the remaining MRS reserve. In 2009 this interim setback reservation was extended to North Fremantle for consistency but was based on little practical road design consideration. Interim setbacks are no longer used for assessment, with subdivision and development proposals presently assessed against the proposed MRS Amendment, given its advanced detail;*
- In 1999, the Stirling Highway Reservation Planning Review (SHRPR) proposed a decrease of the Stirling Highway reservation between Jarrad Street, Cottesloe and Winthrop Avenue, Subiaco. This study was completed by Main Roads WA in 2002 and concluded that future traffic volumes on Stirling Highway were likely to increase marginally over future decades depending on development densities and the move towards more sustainable transport. Four lanes (two each way), a central median, intersection improvements, improved pedestrian/cyclist facilities and public transport priority measures were identified as necessary for ultimate road design;*
- In 2006 the Infrastructure Coordinating Committee (of the WAPC) required that any review of MRS road reservations in inner urban areas include*

planning for 5.1 metre verges to accommodate better pedestrian amenity and adequate off-road space for the provision of underground services and landscaping;

- *The proposed MRS Amendment and accompanying Concept Design Plans seek to modify the existing reservation to match the road design that has been developed during the past decade; and*
- *In 2006, the WAPC initiated the Stirling Highway Activity Corridor Study (SHACS) which is a project working group that has no formal status but has provided a forum for regional and local government specialist stakeholders to share issues and understand competing interests in terms of the highway's function. The MRS Amendment is part of SHACS Phase 1 focussing on regional transport;*

SUMMARY OF PROPOSED CHANGES

As described in the report, the MRS Amendment and supporting Concept Design Plans attempt to satisfy the following criteria (subject to existing development and constraints):

- *Verges of 5.1m width on both sides of Stirling Highway, reduced to 4.5m in constrained areas and to an absolute minimum of 4.1m in severely constrained isolated locations;*
- *1.5m on road cycle lane in each direction;*
- *Bus priority treatment at traffic-signalised intersections, generally an additional lane (designated bus lane) serving as a left turn pocket, and prioritised controls to favour Transperth buses;*
- *3.5m wide traffic lanes (two lanes in each direction);*
- *2m to 5.5m width central median (to cater for central street trees, right turn lane pockets and pedestrian refuges);*
- *Consolidated right turn lanes to reduce the potential for traffic conflict along Stirling Highway (informed by relevant LGA and Main Road officers); and*
- *Adaptive design to minimise impacts on State Heritage property.*

The proposed road carriageway plans are a guide, not a definitive plan, and future road planning by the relevant State authority may vary the present design based on best practice (subject to further consultation).

RELATIONSHIP TO WAPC STRATEGIES & POLICIES

In preparation of this MRS Amendment the following WAPC strategies and policies have been taken into consideration:

- *Directions 2031 and Beyond;*
- *Draft Central Metropolitan Perth Sub-Regional Strategy;*
- *State Planning Policy 4.2 Activity Centres for Perth and Peel;*
- *Development Control Policy 1.6 Planning to Support Transit Use and Transit Orientated Development (DC 1.6); and*
- *Development Control Policy 1.7 General Road Planning (DC 1.7).*

These are all relevant strategy and policy considerations providing guidance on accommodating Perth's future growth.

STAFF COMMENT

Overall initiative

The proposed MRS Amendment to rationalise the Stirling Highway Reservation has significant implications for many residential and commercial properties located along the highway in Cottesloe and in the neighbouring LGAs. However, as in most localities the affected properties are partially or wholly situated within the existing MRS road reservation, the proposed overall reduction should generally be less of a hindrance to property owners wishing to possibly subdivide or develop their properties in the future.

Properties owned by or vested in the Town

The following lots are owned by the Town and are affected by the MRS Amendment. However, due to the proposed rationalisation of the road reserve these lots would no longer be affected by the reserve and would be zoned 'Urban' under the MRS. This should be an advantage to the Town when considering future development proposals on the land.

Lot 2 24 Station Street – sump site

Lot 3 22 Station Street – sump site

Invitation from the Department of Planning (DOP) to address Council

The DOP has offered to go through the MRS Amendment with Council to assist in the understanding of the amendment documents. This is considered to be worthwhile and should be arranged as soon as possible to ensure that Council is fully briefed prior to making a formal submission on the MRS Amendment.

Conclusion

The proposed rationalisation of the Stirling Highway road reservation has merit but also has potential far-reaching implications on individual properties within the Town's boundary and beyond. The impacts on heritage-listed buildings will also need careful consideration by Council and the WAPC as various heritage properties have little or no setback to Stirling Highway and may be affected by the MRS Amendment proposal (eg: Albion Hotel).

The information provided in the MRS Amendment and accompanying Concept

Design Plans only focus on regional transport initiatives. It is in the next stage that it is intended to focus on land use and urban design opportunities for Stirling Highway and SHACS will continue to have an important role in providing a forum to ensure continued representation by the Town.

Following a briefing of Council from the Department of Planning it is recommended that this matter be referred back to Council for further consideration and a formal submission being made to the WAPC on the proposed MRS Amendment.

ADDITIONAL COMMENTS FOLLOWING BRIEFING

Further to the briefing on 5 June 2012 the following comments are made:

Is a broader approach needed to transport planning around Stirling Highway?

The DoP advised that the proposed MRS Amendment only affects Stirling Highway and comments should therefore be made in respect to the proposed rationalisation of the current road reservation. However, broader suggestions regarding road transport planning in the locality can still be made and will be reported to the WAPC for consideration.

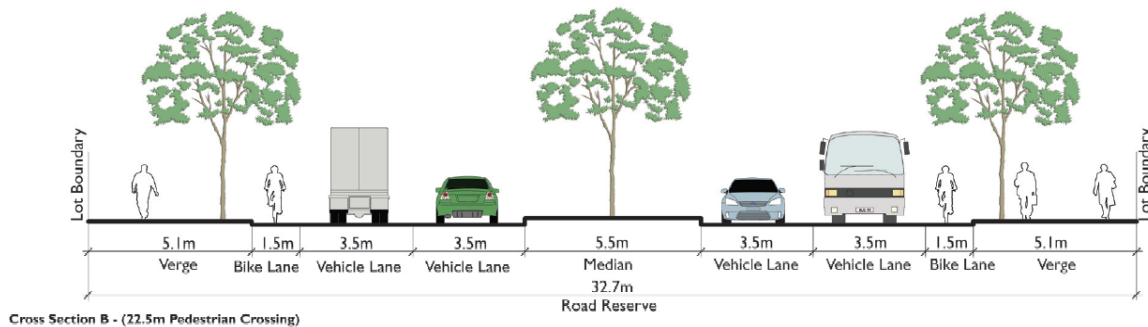
How was the proposed reserve for Stirling Highway worked out?

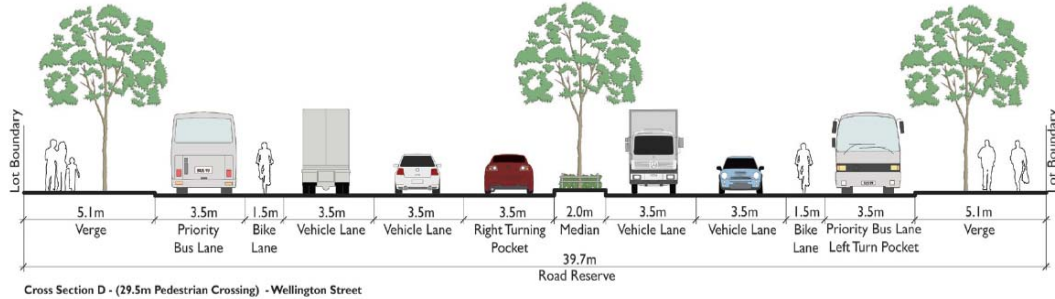
The proposed rationalisation of the road reservation is based on detailed Concept Design Plans. These provide more certainty to landowners as to how each individual property may be affected in the future and are based on actual engineering design proposals.

Does the proposed rationalisation of the reserve allow sufficient area for future increased public and private transport demand along Stirling Highway?

The western suburbs are well served by public transport and there is no foreseeable demand for future light rail along Stirling Highway, especially as the existing nearby heavy rail system is under-utilised. Priority bus lanes, wider verges, cycle lanes and turning pockets will all be incorporated within the proposed reserve.

State Road Design Requirements for Stirling Highway





Will cyclists be given safer facilities along Stirling Highway?

The Concept Design Plans propose 1.5m wide bike lanes on both sides of the highway which will improve cyclist safety. An independent, detached cycle lane is not feasible as there are too many road intersections to make it workable.

Why is a solid median needed along Stirling Highway?

A solid central median is proposed along Stirling Highway with left and right turning pockets. The median will provide a pedestrian refuge for people attempting to cross the highway safely. The length of the turning pockets could possibly be made longer to avoid the possibility of cars queuing on the highway and this could be included in the submission from Council.

Will landowners be compensated for the loss of land included in the proposed reserve?

If a landowner seeks to redevelop or subdivide their land, new development is generally not allowed on the reserved portion of the site. However, in most cases this will be significantly less than that previously required under the 5m interim road widening requirement. Landowners may seek compensation from the WAPC if they are affected by the proposed road widening reservation although this is likely to be based on existing land value rather than any loss of development potential;

The WAPC advises:

There are several options available to the owners of reserved land.

- (i) *Retain ownership of your property and continue quiet enjoyment of the property until the government needs it for the public purpose. You may complete any development or subdivision of the property approved before the reservation came into effect. Under non-conforming use rights, you may continue to use the property for the purpose for which it was legally being used immediately before the reservation came into effect.*
- (ii) *Sell the property on the open market to another person(s). The WAPC recognises that due to the reservation this may be difficult. Subject to acquisition priorities and the availability of funds, the WAPC would be willing to*

consider purchasing a reserved property if an owner is unable to achieve a private sale on the open market.

- (iii) Offer the property for sale to the WAPC. Subject to acquisition priorities and the availability of funds, the WAPC would be willing to consider purchasing a reserved property. The WAPC purchases a property at its current market value ignoring the effect of the reservation. The WAPC obtains two independent valuations to provide it with advice on the value of the property.*
- (iv) If the WAPC refuses a development application on reserved land, or approves a development application subject to conditions that are unacceptable to the applicant, the applicant can make a claim for compensation for injurious affection. However, you must be the owner of the property when it was first reserved to be eligible to make a claim. In such cases, the WAPC may elect to purchase the property instead of paying compensation. The purchase price can be determined by negotiation, by reference to the State Administrative Tribunal or by arbitration.*

Could Council consider rezoning lots that are most affected by the proposed road reservation?

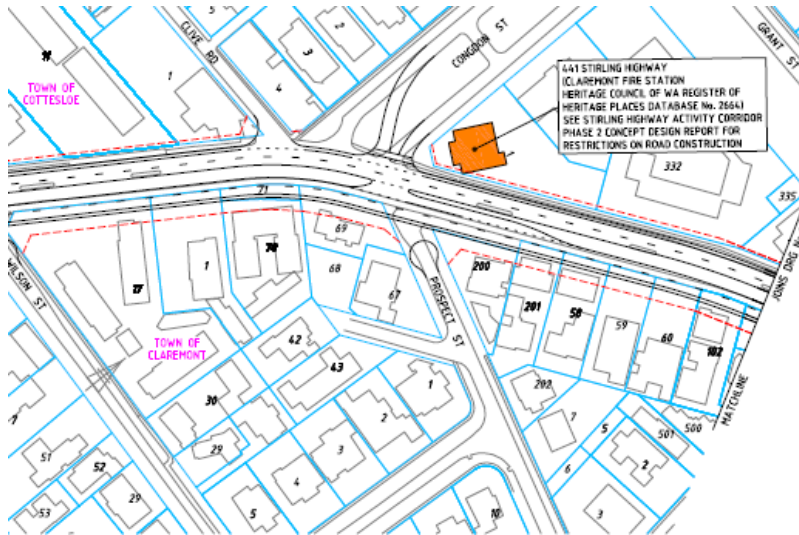
The lots between Eric Street and Napier Street appear most affected by the proposed road reservation as the land requirement ranges from approximately 10.5m to 13.4m deep in this locality. Although these lots are currently reserved under the MRS for 'Primary Regional Road' (PRR), the adjacent zoning and density coding in current TPS 2 and proposed LPS 3 includes mainly Residential R20 and pockets of Residential R30/R60.

Council could consider rezoning these lots to the higher densities of say Residential R60 once the existing road reservation has been rationalised and removing the associated Scheme requirement for such medium density development to be a comprehensive redevelopment of more than one lot. However, this may put further pressure on the use of the existing rights-of-ways at the rear of the properties, may necessitate the rights-of-ways to be widened to 6m to accommodate two-way traffic, and it could result in local amenity issues and generate additional traffic on existing roads. Also as the landowners may be compensated by the WAPC for any loss of land in the proposed road reservation it may not be necessary for the Town to make concessions in this area.

Similarly, for all other areas along the highway where the PRR reservation is defined and reduced, the statutory requirement will be for the Town to amend its Scheme to create appropriate zones and density codes to enable local land use and development control. South of Vera Street, for example, this would entail the Residential/Office and Town Centre zones with medium to high density codes (ie R100 as exists for the Town Centre). Practically, a single Scheme amendment will probably be initiated, which is how best to zone, density-code and otherwise plan for the various parcels of de-reserved land.

Will heritage buildings be protected for the proposed road reservation?

In the overall Amendment there are 14 State Heritage Listed properties that could be affected by the proposed road reservation and these have all been identified by the DoP and highlighted on the Concept Design Plans. Of these 14 buildings only the old Claremont Fire Station at 441 Stirling Highway is abutting Stirling Highway and located within the Town's boundary. At present it is almost entirely located within the existing road reservation but this will be significantly reduced to between 1.4m - 1.7m under the proposed reservation and the building will not be affected by the proposed Concept Design Plans.



Above: Concept Design Plan showing the Old Claremont Fire Station

There are 5 other properties that are on the Town's Municipal Heritage Inventory abutting Stirling Highway and within the Town's boundary, including the old Claremont Police Station that is also included under Schedule 1 of TPS 2. Although these properties have not been highlighted on the Concept Design Plans they will all be less affected by the proposed road reservation than that which currently exists and the Town will have an opportunity to comment on individual properties as they would only be affected if there was a development or subdivision proposal submitted by the landowners.



Above: Concept Design Plans showing buildings (highlighted in blue) that are included on the Town's Municipal Inventory - (refer attachment)

What happens if the proposed MRS Amendment is not approved?

The existing 80m road reservation will remain into the future. However, without agreement on the long-term function and design of Stirling Highway, no budget or priority is likely for improvements.

CONCLUSION

The excessively-wide MRS reservation for Stirling Highway has existed for almost 50 years and despite previous examination has not until now been proposed for comprehensive rationalisation. Without an amendment the current unsatisfactory situation would continue. Although the overall transport system may be debated and the ultimate concept design for the highway could be modified, it is considered timely and beneficial to define and clarify the intended land requirements for the future roadway envisaged.

The briefing by the DoP and DoT provided an opportunity for elected members and staff to receive a more detailed background to the proposed MRS Amendment and to ask questions regarding local and regional transport concerns affecting the Western Suburbs and Cottesloe.

The DoP advised that it had been approached by many affected landowners, particularly seeking clarification about the current and proposed status of their landholdings and whether compensation would be paid in the event that land was resumed.

Whilst this proposed MRS Amendment does affect a considerable number of properties, the majority of the existing road reservation will be considerably reduced

north of Jarrad Street and it will give landowners and developers clarity and certainty to make decisions in advance of any roadworks proposed in the long term (20 years plus).

Council could resolve to seek a submission from WESROC but it is unlikely that this will occur prior to the closing date for submissions. It is therefore recommended that Council conditionally supports the proposed MRS Amendment, as it represents a logical advancement on the current 80m road widening reservation and there will be further opportunity to comment on specific land use and urban design aspects during the next planning stage to be initiated by the WAPC.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee discussed various aspects associated with the proposal as were highlighted in the recent briefing session on the matter. It was agreed that the recommendation would benefit by being expanded to comment more widely in relation to transport planning, the highway engineering, and land requirements including the impacts and compensation process.

OFFICER RECOMMENDATION

Moved Cr Strzina, seconded Cr Boland

THAT Council:

1. Request staff to complete the WAPC's submission form to advise that the Town supports the proposed MRS Amendment for the rationalisation of the Stirling Highway Primary Regional Road Reservation, subject to:
 - a) the WAPC also giving due consideration to future public and private transport demands along other regional roads in the western suburbs, especially around the existing bottleneck in Claremont and along Curtin Avenue; and
 - b) that the WAPC further reviews the Concept Design Plans to determine whether the length of the proposed turning pockets are adequate to ensure that vehicles, including buses, will not conflict with the continuous traffic flow along Stirling Highway and that there are adequate access points available for turning vehicles following the creation of the solid central median; and
2. Request staff to:
 - a) monitor progress of the proposed MRS Amendment for further reporting to Council regarding the submissions and outcome as relevant; and
 - b) give preliminary consideration to the future necessary local planning scheme amendment(s) to create zones, residential density codes, land use or development requirements and any special planning controls or redevelopment incentives for all of the land to be removed from the MRS PRR Reservation, including heritage properties, for further reporting in due course.

AMENDMENT

Moved Cr Jeanes, seconded Cr Downes

The recommendation is amended as follows:

1. Request staff to complete the WAPC's submission form in respect to the proposed MRS Amendment for the rationalisation of the Stirling Highway Primary Regional Road Reservation advising that further consideration should be given to the following:
 - a) future public and private transport demands along other regional roads in the western suburbs, especially around the existing bottleneck in Claremont and along Curtin Avenue;
 - b) alternatives to Stirling Highway, in particular along the railway reserve that runs parallel to the highway for a considerable distance, as this would reduce the impact on landowners abutting Stirling Highway;
 - c) development of a system that gives greater certainty to landowners abutting Stirling Highway including a simple and transparent compensation mechanism; and
 - d) review of the proposed Concept Design Plans to determine whether the length of the proposed turning pockets are adequate to ensure that vehicles, including buses, will not conflict with the continuous traffic flow along Stirling Highway and that there are adequate access points available for turning vehicles following the creation of the solid central median; and
2. Request staff to:
 - a) monitor progress of the proposed MRS Amendment for further reporting to Council regarding the submissions and outcome as relevant; and
 - b) give preliminary consideration to the future necessary local planning scheme amendment(s) to create zones, residential density codes, land use or development requirements and any special planning controls or redevelopment incentives for all of the land to be removed from the MRS PRR Reservation, including heritage properties, for further reporting in due course.

Carried 5/1

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Strzina

THAT Council:

1. Request staff to complete the WAPC's submission form in respect to the proposed MRS Amendment for the rationalisation of the Stirling Highway Primary Regional Road Reservation advising that further consideration should be given to the following:
 - a) future public and private transport demands along other regional roads in the western suburbs, especially around the existing bottleneck in Claremont and along Curtin Avenue;
 - b) alternatives to Stirling Highway, in particular along the railway reserve that runs parallel to the highway for a considerable distance, as this would reduce the impact on landowners abutting Stirling Highway;
 - c) development of a system that gives greater certainty to landowners abutting Stirling Highway including a simple and transparent compensation mechanism; and
 - d) review of the proposed Concept Design Plans to determine whether the length of the proposed turning pockets are adequate to ensure that vehicles, including buses, will not conflict with the continuous traffic flow along Stirling Highway and that there are adequate access points available for turning vehicles following the creation of the solid central median; and
2. Request staff to:
 - a) monitor progress of the proposed MRS Amendment for further reporting to Council regarding the submissions and outcome as relevant; and
 - b) give preliminary consideration to the future necessary local planning scheme amendment(s) to create zones, residential density codes, land use or development requirements and any special planning controls or redevelopment incentives for all of the land to be removed from the MRS PRR Reservation, including heritage properties, for further reporting in due course.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 9/0

11.1.2 LOCAL PLANNING SCHEME NO. 3 - POLICY FRAMEWORK

File No: SUB/339
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services

Proposed Meeting Date: 19 June 2012
Author Disclosure of Interest: Nil

INTRODUCTION

This document outlines the scope for and nature of local planning policies and design guidelines under LPS3, in order to:

- Demonstrate how they function.
- Identify and prioritise new policy needs.
- Incorporate existing policies into LPS3.

It presents each section of the LPS3 Text that refers to policies or design guidelines as instruments of the Scheme and explains their particular application.

It also overviews policies required or desirable pursuant to the Scheme and progress towards them.

Drafts of a *Beachfront Policy and Guidelines* and a *Parking Policy* were previously prepared for LPS3 as originally submitted, and require revision.

Current policies under TPS2 have previously been reviewed by officers and briefing sessions conducted with elected members in relation to LPS3. The task of adapting or rationalising them is ongoing.

Subsequently the Minister's Modifications have significantly altered the Scheme Text in terms of detailed provisions and specific references to policies or design guidelines, which affects the Town's work so far, whereby further review is necessary. It is only with determination of the Scheme that the final policy framework can be ascertained and fulfilled.

The LPS3 provisions referring to policy or guideline controls are reproduced herein for elected members and staff to become familiar with them, and underlining is added to assist awareness of the key dimensions involved.

PART 2 – LOCAL PLANNING POLICY FRAMEWORK

This part of LPS3 sets out the relationship between the Scheme and the Local Planning Strategy, and especially the procedures for preparing and adopting Local Planning Policies (or design guidelines as a form of policy). This is standard to all schemes and similar to TPS2 under which the current planning policies were made. Essentially, a policy can be made about any relevant matter and policies are required to be taken into consideration when dealing with planning proposals, although the

Scheme provisions prevail in the event of any inconsistency. The policy-making process includes public consultation and policies can be changed or discontinued.

It is emphasised that all local planning policies have to be created by this process under LPS3 to gain statutory bearing. This means that while they can be prepared in advance up to a point, they must be officially advertised and ratified once LPS3 is in place.

Part 2 — Local Planning Policy Framework

2.1. Scheme determinations to conform to Local Planning Strategy

Except to the extent that the Local Planning Strategy is inconsistent with the Scheme, determinations of the local government under the Scheme are to be consistent with the Local Planning Strategy.

2.2. Local Planning Policies

The local government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply —

- (a) generally or for a particular class or classes of matters; and
- (b) throughout the Scheme area or in one or more parts of the Scheme area,

and may amend or add to or rescind the Policy.

2.3. Relationship of Local Planning Policies to Scheme

2.3.1. If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

2.3.2. A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Note: Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies as required under clause 10.2.

2.4. Procedure for making or amending a Local Planning Policy

2.4.1. If the local government resolves to prepare a Local Planning Policy, the local government —

- (a) is to publish a notice of the proposed Policy once a week for two consecutive weeks in a newspaper circulating in the Scheme area, giving details of —

- (i) where the draft Policy may be inspected;
 - (ii) the subject and nature of the draft Policy; and
 - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made; and
 - (b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.
- 2.4.2. After the expiry of the period within which submissions may be made, the local government is to —
- (a) review the proposed Policy in the light of any submissions made; and
 - (b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.
- 2.4.3. If the local government resolves to adopt the Policy, the local government is to —
- (a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and
 - (b) if, in the opinion of the local government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.
- 2.4.4. A Policy has effect on publication of a notice under clause 2.4.3.(a).
- 2.4.5. A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.
- 2.4.6. Clauses 2.4.1. to 2.4.5., with any necessary changes, apply to the amendment of a Local Planning Policy.

2.5. Revocation of Local Planning Policy

A Local Planning Policy may be revoked by —

- (a) the adoption by a local government of a new Policy under clause 2.4 that is expressed to supersede the existing Local Planning Policy; or
- (b) publication of a notice of revocation by the local government once a week for two consecutive weeks in a newspaper circulating in the Scheme area.

CLAUSE 5.8.3 – POLICY FOR PARKING CREDIT

This clause provides Council with discretion to relax the parking requirement for defined tourism proposals by crediting an existing deficiency (ie a waiver) based on a policy. The policy would guide the operation of this provision in accordance with the criteria in this clause to be taken into account and with other factors such as the subject zone, usage and development. Note that discretionary decisions are appealable.

In the Town Centre, Hotel, Foreshore Centre, Restricted Foreshore Centre and Development zones, when considering redevelopment or new development or change of use applications, the local government may credit towards the amount of parking required to be provided as specified in Table 3, the parking deficiency that an existing tourism use may have when calculated against those provisions applicable to the subject site and its uses under this Scheme, having regard to the size and shape of the land, the number and availability of parking spaces in the vicinity, the likelihood of traffic congestion, and the opportunity to improve the appearance, amenity, function and accessibility of the locality provided that the decision to credit such a deficiency is made in the context of a Local Planning Policy adopted pursuant to Part 2 of this scheme. For the purposes of this clause, tourism use means the “Hotel”, “Motel”, “Short-stay Accommodation”, “Serviced Apartment”, “Small Bar” and “Restaurant” uses.

The previous draft Parking Policy and recent Outline Parking Strategy for the Town Centre and Environs briefing paper / elected member workshop will assist in addressing this policy requirement.

CLAUSE 5.8.3 – POLICY FOR CASH IN LIEU

Likewise, this provision requires a policy to guide Council’s discretion to take cash in lieu of parking subject to planning for replacement parking using cash in lieu funds. This reflects TPS2 but is a more rigorous approach. The previous draft Parking Policy and recent Outline Parking Strategy for the Town Centre and Environs briefing paper / elected member workshop will assist in addressing this policy requirement.

- (c) the cash in lieu payment shall only be accepted by the local government after a Local Planning Policy has been adopted under Part 2 of this Scheme which identifies the planned infrastructure including the land upon which it is planned to be located and the planned timing of expenditure of payments made under this clause;

TABLE 3 – VEHICLE PARKING REQUIREMENTS

Footnote 2 to Table 3: Vehicle Parking Requirements of parking ratios for land uses highlights the allowance for Council to create policy to guide parking requirements, given the aspects and variables involved. A revised Parking Policy is to consider matters to be covered.

Notes: 2. Council may formulate further provisions or policies for greater flexibility and discretion in car parking requirements, such as for cash in lieu, reciprocal parking, reduced commercial parking and so on.

CLAUSE 5.9 – DEVELOPMENT REQUIREMENTS – DESIGN GUIDELINES

This clause provides for design guidelines as specialised policies addressing detailed planning and design aspects, which for instance may apply to particular precincts, sites, types of development or generic situations. Their status as a policy means that they are required to be had regard to and that they may guide specific discretion provided for (although they could also set out mandatory design criteria). The beachfront Special Control Area 2 (SCA2) is a candidate for design guidelines, as elaborated upon further below. The Town Centre is another example of where they may arise.

5.9. Development requirements – Local Planning Policy Design Guidelines

- 5.9.1. The local government may prepare and adopt Local Planning Policy Design Guidelines in accordance with the procedure outlined in clause 2.4, to augment the Scheme provisions with more detail to guide the planning and design of development proposals.
- 5.9.2. In considering an application for planning approval for land to which adopted Local Planning Policy Design Guidelines apply, the local government shall have regard to the Design Guidelines and shall use them as a basis on which to determine any variation allowed under the Scheme.

CLAUSE 6.2 – DEVELOPMENT ZONES & STRUCTURE PLANS

This clause describes that the comprehensive structure planning provisions applicable to the Development Zones (A to E) embrace local planning policies, which also suggests that they are candidates for such – the OBH, Depot, Wearne, WAIDE and Railway Lands sites are all subject to structure plans and will have individual needs for policies and design guidelines (and possibly Detailed Area Plans).

6.2 Development Zones

- 6.2.4.4 A Structure Plan is to contain such detail as, in the opinion of the local government, is required to satisfy the planning requirements of the Development Zone, and, without limiting the generality of the foregoing, may include the following details:
- (c) the planning context for the Development Zone including the regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, indicating how the Proposed Structure Plan is to be integrated into the surrounding area;

CLAUSE 6.4.3.5 – FORESHORE CENTRE ZONE

This clause provides that the Foreshore Centre Zone, which comprises the bulk of SCA2 (the balance being the two hotel sites) is deserving of policies and design guidelines, as well as Detailed Area Plans (which are a subset of a structure plan). It recognises the complexity and diversity of planning and development aspects within the beachfront. Such policy or guidelines might address development parameters, built form, streetscape, the public domain, and so on.

6.4.3.5 Provisions Applicable to the Foreshore Centre Zone

- (e) Development, subdivision and strata subdivision proposals within the Foreshore centre zone shall have due regard to any adopted Detailed Area Plans, Local Planning Policies and Local Planning Policy Design Guidelines that provide more detailed planning and design guidance and implementation measures. Any Detailed Area Plans prepared shall be formulated and adopted in accordance with clause 6.2.7.

CLAUSE 7.2 – HERITAGE AREAS

This clause requires for each heritage area (ie the equivalent of a precinct) a policy as the mechanism to define and manage the heritage phenomena in the overall context of the area. The policy is created pursuant to this clause in a similar manner to the Part 2 process (but not as well as). It contains both the justification and controls for the heritage area.

7.2. Designation of a heritage area

7.2.1. If, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, the local government may, by resolution, designate that area as a heritage area.

7.2.2. The local government is to —

- (a) adopt for each heritage area a Local Planning Policy which is to comprise —
 - (i) a map showing the boundaries of the heritage area;
 - (ii) a record of places of heritage significance; and
 - (iii) objectives, incentives and guidelines for the conservation of the heritage area; and
- (b) keep a copy of the Local Planning Policy for any designated heritage area with the Scheme documents for public inspection.

7.2.3. If a local government proposes to designate an area as a heritage area, the local government is to —

- (a) notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Local Planning Policy for the heritage area;
- (b) advertise the proposal by —
 - (i) publishing a notice of the proposed designation once a week for two consecutive weeks in a newspaper circulating in the Scheme area;

- (ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and
 - (iii) such other methods as the local government considers appropriate to ensure widespread notice of the proposal; and
 - (c) carry out such other consultation as the local government considers appropriate.
- 7.2.4. Notice of a proposal under clause 7.2.3(b) is to specify —
- (a) the area subject of the proposed designation;
 - (b) where the proposed Local Planning Policy which will apply to the proposed heritage area may be inspected; and
 - (c) in what form and in what period (being not less than 21 days from the day the notice is published or the sign is erected, as the case requires) submissions may be made.
- 7.2.5. After the expiry of the period within which submissions may be made, the local government is to —
- (a) review the proposed designation in the light of any submissions made; and
 - (b) resolve to adopt the designation with or without modification, or
- 7.2.6. If the local government resolves to adopt the designation, the local government is to forward a copy of the designation to the Heritage Council of Western Australia, the Commission and each owner of land affected by the designation.
- 7.2.7. The local government may modify or revoke a designation of a heritage area.
- 7.2.8. Clauses 7.2.3 to 7.2.6 apply, with any necessary changes, to the amendment of a designation of a heritage area.

CLAUSE 7.6 – HERITAGE INCENTIVES

This clause requires Council to be mindful of heritage incentives in operating the heritage list and associated policy. A Heritage Incentives Policy has been researched and drafted, as discussed at the recent heritage briefing session of elected members.

7.6. Heritage incentives

In applying the provisions of the Scheme to the operation of the heritage list, including any related Local Planning Policy, the local government shall give consideration to incentives for heritage conservation.

CLAUSE 10.2 – MATTERS TO CONSIDER

This clause requires Council to consider all relevant policies, guidelines or plans (eg Structure Plans or Detailed Area Plans) made pursuant to LPS3 when dealing with proposals for planning approval. Proponents should initially take into account such controls, followed by officer assessments and Council decisions.

10.2. Matters to be considered by local government**10.2.1. In considering an application for planning approval the local government is to have due regard to the following matters —**

- (g) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;

SCHEDULE 1 – PRECINCTS & POLICIES

The basic concept of a planning precinct is an area with a character, aspects or intent that warrants being managed. In Schedule 1 of LPS3 the definition of a precinct is extended to include an area subject to dedicated policy or guidelines. This does not mean that all precincts must have such measures, rather it recognises that they typically do have them.

Schedule 1 — Dictionary of defined words and expressions

“**precinct**” means a definable area where particular planning policies, guidelines or standards apply;

SCHEDULE 5 – ADVERTISEMENTS

Schedule 5 provides that for commercial premises particular signs may be exempt from planning approval, with the size stipulated in a local law or policy. This reflects TPS2 and the size criteria needs to be determined accordingly.

Schedule 5 — Exempted advertisements [clause 8.2(d)]

Land use or development	Exempted sign	Maximum size
Shops, Showrooms and other uses appropriate to a commercial area.	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building.	In accordance with the Local Law or <u>Local Planning Policy</u> on Advertisements.

SCHEDULE 15 – BUILDING DESIGN CONTROLS FOR SCA2

In Schedule 15 as required by the Minister’s modifications, intended Diagram 1: East-west section through Ocean Beach Hotel site (Development Zone A), contains the annotation: *Upper building massing to be articulated to mediate bulk and scale. Refer*

to built form guidelines for details. Yet no such guidelines were supplied with the modification, while clause 6.4 for SCA2 does not mention any for the OBH site – or any other site, only for the Foreshore Centre Zone as discussed above, which the two hotel sites are not.

However, clause 6.4.3.3 below contains urban design concepts and language which would benefit from explanatory guidelines, as they are not defined in Schedule 1: General definitions and are open to misinterpretation.

6.4.3.3 Additional Provisions Applicable to the Ocean Beach Hotel site

- (e) Further to the development controls in Schedule 15 Diagrams 1 & 2, building levels above the 3-storey frontage are to be articulated to mediate the bulk and scale as part of any development proposal. Notwithstanding other considerations, development applications will also be assessed by the local government in terms of:
- (i) Massing: articulation of building volumes above three storeys to reduce monolithic appearance;
 - (ii) Surface: composition of architectural elements and materials, including projecting or recessed walls, balconies and roofs to vary façade treatment; and
 - (iii) Context: respond appropriately to key site aspects, including the Marine Terrace foreshore promenade and the approach to the foreshore from the crest of Eric Street.

In addition, the annotation about ground levels: *Diagrams show indicative terracing of volumes for site gradient. Development proposals can adjust as appropriate within annotated parameters*, is nebulous and design guidelines could provide more detail to clarify that aspect.

In this connection it is observed that both the Premier and Minister have claimed that the Government's version of LPS3 will ensure high quality building design. The Department of Planning report to the WAPC stated: *The building envelopes and associated scheme provisions for the two hotel sites and the remaining Foreshore Centre zone were developed* [note: by the Department, without consulting the Town] *recognising the importance of retaining a human scale of development in the locality and minimising overshadowing of the public domain* – albeit that this description is at odds with the height and bulk of development provided for in the Minister's modifications.

The Minister's Office has since commented: *It is open for the Town of Cottesloe to prepare a local policy that sets out development guidelines for the subject area. This policy could contain guidance for developers on many issues including but not limited to the materials, colours and the style of buildings preferred for the area.* To formulate such a policy / guidelines the Town can draw on a solid body of knowledge and analysis comprising (but not limited to) the:

- Local Planning Strategy.
- Scheme provisions.
- Draft Beachfront Policy.

- Enquiry by Design background papers and outcomes report.
- Original Schedule 15 provisions and diagrams derived from the EbD, as initially agreed to by the Department and adopted by Council.
- Urban design principles.
- Consultants assisting the Town.

Local planning policy design guidelines for the beachfront would be a key instrument supplementing the Scheme to ensure the calibre of building design for this important precinct.

SUMMARY OF PRESENT POLICY NEEDS

The policy needs stemming directly from LPS3 as modified are summarised and prioritised as follows:

Topic	Priority	Notes
Beachfront development parameters and built form.	1	Draft Beachfront Policy and Guidelines to be revised / recast as urban design type policy to suit modified LPS3.
Parking – credits, cash in lieu, other.	1	Draft Parking Policy to be revised to match modified LPS3.
Heritage incentives.	2	Draft Heritage Incentives Policy to be revised.
Heritage areas.	3	Policy required only if a heritage area is created.
Advertisements – exemptions.	2	Minor technical policy to streamline commercial signage control.

As the immediate priorities revisions of the draft Beachfront and Parking policies to correlate with the modified Scheme provisions are underway for further reporting to Council. The advertising exemptions policy is also being attended to.

In April 2012 Council considered a preliminary report on the Heritage List for LPS3 and an elected member workshop ensued, which included discussion on heritage areas, incentives and other measures. This has given direction to preparation of the Heritage List and has informed revision of the draft Heritage Incentives Policy to accord with the modified Scheme, which is the next priority.

PREVIOUS POLICY REVIEW

During 2006-2007, in relation to the lodgement of LPS3 for advertising, the Town commenced reviewing and preparing policies based on the structure and content of the Scheme at that time. The overview document entailed consideration of:

- The then framework for policies and guidelines, similar to as outlined above.
- Rationalisation of the existing TPS2 policies in light of LP3 – including culling or updating them.
- The scope within the Residential Design Codes for policies for residential development.
- Local Laws that operate in conjunction with the Scheme and policies, for correlation of controls.

- Potential additional policies.

A range of policies were drafted and periodic workshops were held with elected members for information and direction. Most of these policies are about detailed development control matters, some fairly simple and short; for example, incidental structures and home occupations. Several are optional policies in that the Scheme does not dictate them so they are lower priority depending on whether there is sufficient cause for a policy. The Beachfront and Parking policies are more sophisticated and strategic. A Liquor Licensed Premises Policy was also produced and adopted, dealing with planning, health and community amenity aspects.

All of these policies now require further review in light of the latest version of LPS3 and are likely to be reduced in number. As indicated, the major policies need to be coordinated closely with the modified Scheme provisions.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee sought clarification regarding the parking requirements, credits and cash-in-lieu arrangements identified in the policy framework outline. The Manager Development Services elaborated on the Scheme provisions as modified by the Minister and explained the policy approach including discretion for variations.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Cr Strzina

THAT Council note this report outlining the local planning policy and design guidelines framework for Local Planning Scheme No. 3 based on the modified Scheme Text to date and the progress towards creation of the anticipated policies and design guidelines in relation to the Scheme.

AMENDMENT

Moved Mayor Morgan, seconded Cr Strzina

That a new item 2 be added to the recommendation to read: “that Council request administration investigate and report back to Council by August 2012 on possible options to fund and suitably resource Building Design Guidelines to deliver a world class beachfront at Cottesloe”.

Carried 8/1

COUNCIL RESOLUTION

THAT Council;

- 1. note this report outlining the local planning policy and design guidelines framework for Local Planning Scheme No. 3 based on the modified Scheme Text to date and the progress towards creation of the anticipated policies and design guidelines in relation to the Scheme.**

- 2. request administration investigate and report back to Council by August 2012 on possible options to fund and suitably resource Building Design Guidelines to deliver a world class beachfront at Cottesloe.**

Carried 9/0

11.1.3 PLANNING INSTITUTE OF AUSTRALIA 2012 NATIONAL CONGRESS - UPDATE

File No: SUB/38
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Ed Drewett
Senior Planning Officer

Proposed Meeting Date: 18 June 2012
Author Disclosure of Interest: Nil

SUMMARY

On 27 February 2012 Council resolved to:

APPROVE the attendance of the Senior Planning Officer at the Planning Institute of Australia 2012 National Congress - Planning for a Sunburnt Country, in Adelaide from 29 April - 2 May 2012, and request that a report on the congress be provided within two months of attending the event.

The conference was attended and this report provides a summary of the topics discussed.

BACKGROUND

The Planning Institute of Australia is recognised nationally and internationally as the peak professional body representing town planners in Australia. The theme of this year's conference was *Planning for a Sunburnt Country* and it attracted speakers from Australia and overseas and was well attended by delegates from Western Australia and other States.

The main topics of presentation included:

- Best practice in development assessment;
- Carbon neutral and clean energy initiatives;
- Building stronger and more resilient cities;
- Sustainable communities;
- Managing population growth;
- Resource scarcity;
- Renewable energy; and
- Regional infrastructure

A number of keynote speakers contributed to the program and the conference culminated in the presentation of the National Awards for Planning Excellence.

COMMENT

Key presentations are summarised as follows:

Peter Newman - Resilient Cities: Critical Issues in Planning

This presentation looked at globally emerging trends in energy renewables, reductions in car use and urban sprawl and discussed how these issues could be given momentum through planning priorities in infrastructure and the redevelopment of existing urban areas over greenfield sites.

Scott Smith - DA Process Reform: Operational Works and Large Subdivisions

This discussed development assessment reforms in Queensland that were being instigated to address the housing shortfall, some 60,000 homes in South-East Queensland by 2026. It examined a range of planning reform activities and found that many applications were being delayed due to poor quality submissions from applicants and it showed that there was merit in having pre-application discussions with owners and developers to reduce actual processing times. Reforms to the planning process are high priority to the WA government and Cottesloe must remain strong in its commitment to delivering high quality planning decisions in a timely and efficient manner.

David Carlisle - E-Planning National Roadmap

This was an interesting discussion about a national strategy being developed for the introduction of electronic planning (eplanning) services throughout Australia. It examined current electronic planning processes that were being carried out by Councils in Queensland, Victoria and South Australia and revealed interesting web programs that addressed this type of electronic development application lodgement. It is becoming increasingly critical for WA councils to invest in suitable programs that enable electronic planning processes, particularly in the larger councils with significant DA lodgements, and also to ensure the future viability of smaller councils such as Cottesloe, Mosman Park, Claremont and Peppermint Grove which would likely benefit from shared investment in similar IT technology.

Kieron Beardmore - How do you create a 'WaterSmart Liveable City'?

This was an interesting topic which recognised water and waterways as key ingredients in the design of our cities. It put forward desirable WaterSmart Liveable City outcomes such as:

- Putting water and the water cycle back into WaterSmart Urban Design;
- Creating cities that are designed with water in mind, with water as part of sustainable buildings, sub-tropical design and climate change mitigation and adaption;
- Seeing water as part of a new urban form - designing with flood risk in mind, to create liveable streets and sustainable suburbs;
- Using water to create new green infrastructure for urban heat-island cooling, amenity and passive irrigation using landscaping as stormwater treatment areas;
- Using water for multiple benefits, ecosystem services and place-making - creating a sense of place and well-being; and
- Creating a community that is connected to water for social capital building.

It is outcomes such as these that help create pleasant, attractive, healthy and vibrant liveable cities and, whilst based on initiatives developed by Brisbane City Council, the principles could also be applied to smaller town centres, such as Cottesloe. Encouragement of owners and developers to utilise WaterSmart ideas such as “greening” of walls and roofs and creating “living” architecture may be a positive active approach to creating an attractive, sustainable and WaterSmart town centre.

Allan Jones - Creating a Carbon Neutral City - The Role of Councils

This presentation considered inefficiencies in building coal power stations for our energy needs and highlighted the relatively high levels of carbon pollution associated with such major infrastructure projects. It also considered how we have all made a difference to lowering carbon levels such as since the introduction of energy efficient light-bulbs. The discussion also looked at initiatives for future energy and water needs derived from wholly renewable resources, specifically in Sydney, whereby the Council aims to reduce greenhouse emissions by 70% by 2030. Cottesloe, too, benefits from many sustainable initiatives such as solar-powered street-lighting, native verge planting and carbon neutral initiatives for the administration building which it aims to fulfil by 2015.

Scott Davies - Providing for Life, Community and Sense of Place in the Pilbara - The Karratha Vernacular

This interesting presentation described various building and urban design initiatives that are being used by Landcorp to create a city of around 50,000 people in Karratha, as part of the State Government’s ‘Pilbara Cities’ programme.

The Karratha Vernacular study considers the way buildings and urban environments can be designed with Karratha’s climate in mind and takes account challenging issues such as:

- very hot daily temperatures and hot evening temperatures during summer;
- high humidity;
- a low diurnal (day/night) temperature range;
- periodic cyclonic conditions; and
- mild winter temperatures.

John Brockhoff - Resilient Cities - The Full Contribution of Strategic Planning

This presentation primarily was focussed on strategic planning issues associated with the expansion and increased densification of Sydney and discussed the evolution of City planning from the Corridor Plan to a ‘Connected City’ approach. It also emphasised the importance of not simply relying on past decisions but to also apply strategies that are aspirational. The ‘Connected City’ model is promoted for Perth in its ‘Directions 2031 and Beyond’ plan and many of the suggestions made are applicable to the strategic direction that the State Government foresees for the western suburbs, including Cottesloe, as it addresses a medium-density future growth scenario for the metropolitan area.

Tuesday Udel - Barriers and Solutions to Using Fruit and Nut Trees in Streets and Parks

This was an interesting presentation from the Heart Foundation of South Australia which explored new ways to improve food supply through planning. It looked at the concept of sharing produce from fruit trees planted in public areas, such as along streets and parks which can be picked and eaten by the public. It also encouraged planners to identify the potential barriers that local governments faced in planting productive trees in urban environments, such as liability issues, increased watering and long-term maintenance, and to develop a list of trees that met suitable criteria to overcome significant obstacles. This may be an approach that Cottesloe could consider and, if it received public support, could potentially be included in future street verge landscaping initiatives. Positive elements for having productive trees in our suburbs include:

- Improvement to the environment;
- Reduction of potential flooding;
- Absorption of noise emissions;
- Lowering of pollution;
- Lowering the effects of 'heat islands'
- Suppression of dust;
- Reduction in wind speeds; and
- Contribution to improved health and wellbeing.

CONCLUSION

The Senior Planner Officer thanks Council for the opportunity to attend this conference which provided a high level of training and exposure to new ideas and concepts. It also provided an opportunity to see first-hand planning initiatives that have been of mixed success in Adelaide and the coastal town of Glenelg, including the redevelopment of the Adelaide riverfront and cricket oval, recent high-rise residential developments in Glenelg and implementation of an extensive public tram network.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee noted the report on the conference including feedback in relation to planning matters generally and to Cottesloe.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Strzina

THAT Council receive this report on the 2012 Planning Institute of Australia National Congress.

Carried 9/0

11.2 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 19 JUNE 2012**11.2.1 PLAY EQUIPMENT ON ROAD VERGES**

File No: SUB/240
Attachments: [Petition](#)
[Residential Verges Policy](#)
[Confidential Legal Advice Play Equipment On Verges](#)
[Confidential Email from LGIS Liability](#)

Responsible Officer: Carl Askew
Chief Executive Officer

Author: Mat Humfrey
Manager Corporate Services

Proposed Meeting Date: 19 June 2012

Author Disclosure of Interest Nil

SUMMARY

Council is being asked to consider its position on the placement of play equipment and other structures on Council owned or controlled thoroughfares, with reference to a petition that was presented to the May 2012 Ordinary Council meeting.

BACKGROUND

The Town undertakes inspections of verges within the district, and as part of those inspections will note structures or obstructions that have been placed on verges without authorisation. When such items are found, the adjacent property owner is written to and asked to remove the obstruction or relocate it behind their property line within a given timeframe, usually 14 days. If this request is not complied with, generally the Town will then undertake the required works and that is the end of the matter.

Recently, there have been suggestions in both the local and state-wide media that local governments should allow play equipment to remain on street verges, as it creates more of a family atmosphere in these streets. This together with the timing of the latest inspections has created some concern within the community and requests for residents to keep equipment that they have placed on the verge, including the petition presented at the May 2012 meeting.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Residential Verges Policies – currently states;
(h) The construction of tree houses, tree swings and the installation of play structures is not considered appropriate within the road reserve due to safety issues.

This policy is due for review. If Council were to resolve a different position to what is stated in the policy, then the policy should be amended to reflect that view.

STATUTORY ENVIRONMENT

Activities On Thoroughfares & Trading In Thoroughfares & Public Places Local Law 2001

Local Government (Uniform Local Provisions) Regulations 1996

Local Government Act 1995

FINANCIAL IMPLICATIONS

Dependant upon the determination of Council, there may be additional costs associated with inspections and or preparation of legal agreements.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

McLeods
LGIS (JLT)

STAFF COMMENT

In considering this issue, staff have researched it from many points of view, from the individual resident who wants to retain the play equipment, through to the legal liability of the Town. This is a complex issue, and one that should be handled carefully.

The first consideration, as always, is public safety. Unauthorised structures pose two immediate concerns, being the question of whether they comply with the relevant Australian Standards and secondly, have they been placed in a way that presents a danger to either the users of the equipment, or other users of the thoroughfare.

The Australian Standards for public playground equipment are extensive and very prescriptive. They examine everything from load ratings to pinch-points and sharp edges. Most domestic play equipment is built to a slightly different standard, as it is assumed that the equipment will only be used by those people for whom it is intended. Public playground equipment is built to a higher standard, as it must be expected that it could be used by people for whom it was not designed, ie adults.

The dangers presented to other users of the thoroughfare are often entirely unintended – and can result from people thinking they are securing their equipment. Common examples are the use of star pickets to secure items to the ground, or ropes or tie-downs to secure equipment to other objects, such as trees or walls. While these might be placed safely for the users of the play equipment, they can be quite dangerous to pedestrians, cyclists and road users. A rope that is strung between equipment and a tree is safe enough during the day, but becomes a dangerous trip hazard to pedestrians and/or cyclists at night time.

No matter what action Council chooses to take in respect to this issue, a regime of regular inspection will need to continue. The Town has a duty of care to all users of its thoroughfares, and any identified hazards will need to be removed.

The question of liability, and indeed the risk of the Town being involved in a claim for damages, has been the centre of this discussion. Provided below is a brief outline of the issues involved, but it must be remembered that every civil action is different and determined on the facts of the specific case involved. It is not possible in a report of this nature to give absolute answers to all questions of liability.

When considering the risk involved in civil matters, there are two main factors that are considered, firstly being the likelihood of an action being brought against the Town and secondly, the impact or size of any damages awarded should that action be successful. Obviously a situation that is highly likely and will result in large damages being awarded is the highest risk, with a situation that is unlikely with only minor damages being the lowest risk. An additional consideration that should always be made is whether or not these risks are able to be mitigated by holding appropriate insurances.

History tells us that the number claims for damages as a result of play equipment on verges is not high and there have been very few cases of such claims in recent times. The question is whether this lack of appropriate examples is because local governments have been active in removing such items, or whether it's because this is a low risk activity.

The other part of the risk consideration is the impact that such a claim could have. Obviously, if someone were to be seriously injured, the compensation that they could be awarded if the Town was found to be negligent in its duties can be large. This is why the Town has programs in place to regularly inspect all public playground equipment as well as it's thoroughfares to ensure that its duty to the public has been fulfilled.

The Town has also received notification from its insurers that in the event the Town was subject to an action as a result of private play equipment being allowed to remain "unapproved" within its thoroughfares, it could be a claim that is denied or result in the cancellation of the Town's policies. The reasoning behind such advice is that if the Town allows equipment to remain that it normally would require to be removed, then it hasn't taken every reasonable step to mitigate its exposure. Whether or not a claim could be denied on these grounds would be subject to legal proceedings and the outcome is not clear. It is clear though that such an action could result in the cancellation of the policy.

With the insurance situation in mind, simply allowing the equipment or obstructions to remain is not recommended. If play equipment or other structures are to remain in a thoroughfare, then they must be approved. To be approved two conditions should be satisfied, which are;

1. That the equipment as installed complies to all of the relevant standards; and
2. The owner of the equipment takes out and maintains adequate public liability insurance for that equipment.

Under the *Local Government (Uniform Local Provisions) Regulations 1996*, it is an offence to undertake any unauthorised works in a public thoroughfare. The Regulations also allow local governments to require the owners of any authorised structure to take out and maintain adequate insurance, and it is an offence not to do so.

This being said, the Town would still need to regularly inspect the equipment and to see proof of insurance on a regular basis. This would place an administrative burden on the Town, although it would not be significant.

The last issue in considering this matter is how likely is it that the owners of this play equipment are going to be able to comply with the relevant standards or be able to gain insurance. As stated previously, public play equipment has a higher standard required than private play equipment simply because it is assumed that access to private play equipment can be controlled. As soon as equipment is in a public area, this assumption doesn't hold, so the equipment must be built and maintained to a higher standard.

The insurance issue is more complex. Most domestic insurance policies only cover liability within the property boundary. They may use words like "to the edge of the thoroughfare" which people may take as the road, but in reality, it actually means to the property boundary, not the curb line. Public liability insurance for structures in a public place can be prohibitively expensive and contain many conditions that could see the policy rendered void in the event of a claim. When the Town sights a Certificate of Currency, we are only going to see that there is an insurance policy that is current, we will not necessarily see, or be able to check all of the terms and conditions for that policy. The problem of course is that we may only find out that the insurance policy doesn't cover certain things after a claim is denied.

The Town has, for many years, pursued a path of action that has required people to contain their private play equipment on their own property. This policy has been pursued both to protect the Town from any action that may arise, but also to provide other users of the thoroughfare with a safe environment. While the Council could pursue a path that allows the approval of such equipment, the approval process and the requirement for insurance will provide major obstacles for most people wishing to place a piece of retail play equipment on a verge.

While the recommendation is to continue with the current policy of asking adjoining land owners to remove such obstructions or relocate them within their property as and when the Town becomes aware of them – if Council were to choose to allow the play equipment to remain, as a minimum it should ensure that each structure has been *approved* by the Town and that as a part of that approval;

- a) the equipment must comply with the relevant Australian Standards for public play equipment; and
- b) the adjacent land owner who places the equipment there takes out and maintains an appropriate level of insurance cover for that play equipment.

Council should also amend its Residential Verges Policy to reflect the new position.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Cr Rowell advised Committee that he had been the first President of the Local Government Insurance Board, and in his opinion it would be hard for Council to absolve its responsibility with regard to play equipment on street verges. Cr Rowell agreed with the sentiments of Mr Fitzhardinge regarding restrictions placed on children today, but stressed that it would be difficult for Council to have a defence if there is an injury as a result of play equipment on a street verge that is known to Council. Cr Rowell commented that even if a resident were to obtain Public Liability Insurance for the play equipment on their verge, in the event of an injury, it is likely that the Town would be pursued for compensation, as today unfortunately litigation is more popular.

Committee discussed the requirements placed on Council owned play equipment with regard to annual checks and compliance with Australian Standards, and it was agreed that if Council allowed play equipment on street verges, the equipment would be need to be subject to similar requirements.

Cr Boland advised that he would vote against the Officer Recommendation and would like a less *risk averse* position, where Council adopt a regime to support residents obtaining Public Liability Insurance for play equipment on their verges. Cr Boland advised that he can understand the legal opinion, however it is obvious that the Community favour a more relaxed approach to play equipment on verges.

Cr Pyvis advised that she was in favour of trialling play equipment on verges, with owners taking responsibility and accepting liability.

Cr Strzina questioned whether residents taking out their own Public Liability Insurance would solve Councils liability issue. Cr Rowell responded by advising in his opinion the verges are still Council responsibility and if someone is injured, it is likely that they would join the local council for compensation. Cr Strzina advised that he was in support of play equipment on verges, but was concerned with regard to what Council could potentially be opened up to. Cr Rowell cited precedents that occurred in Bassendean and Port Hedland, where the local governments were liable.

Cr Jeanes suggested that a system be put in place where landowners make an application to have play equipment on their street verge, neighbouring residents are advised of the application, as part of the approval criteria insurance certificates are required to be provided and annual inspections of the equipment be conducted to ensure the equipment is suitable. Cr Jeanes further stated that all associated costs be passed back to the applicant.

OFFICER RECOMMENDATION

Moved Cr Rowell, seconded Cr Strzina

THAT Council continue to require all unauthorised structures be removed from public thoroughfares in accordance with Council's Residential Verges Policy and the *Local Government (Uniform Local Provisions) Regulations 1996*.

Lost 2/3

NEW MOTION / COMMITTEE RECOMMENDATION**Moved Cr Rowell, seconded Cr Strzina****THAT Council,**

- 1. Consider allowing play equipment to remain on street verges, subject to each structure receiving Council approval, with the following conditions;**
 - a. The adjacent landowner, at their expense, have the equipment certified as complying to the relevant Australian Standards by a suitably qualified consultant or engineer;**
 - b. The adjacent landowner, at their expense, take out and maintain Public Liability insurance that indemnifies the Town and the landowner from any action that results from the placement or maintenance of the play equipment; and**
 - c. Notify adjacent neighbours of any application for play equipment to be placed on the verge.**

- 2. Undertake a review of its Residential Verges Policy accordingly.**

Council Discussion

Council discussed the matter at length including consideration of the comments from the members of the public present. Discussion included a desire to do something without creating a liability issue for Council including issues related to inspections and notification to Council by landowners/residents. Point (a) was considered too onerous. Discussion also centred on the requirement for public liability insurance and the ability to manage the risks involved. Acknowledgement was given to the recommendation which is to “consider” allowing such equipment subject to conditions and that the matter would come before Council and Committee again before any changes were implemented. As a consequence a number of changes were proposed to the recommendation.

AMENDMENT**Moved Mayor Morgan, seconded Cr Walsh****That:**

- (1). in item 1 of the recommendation, the words “subject to each structure receiving Council approval” be deleted and be replaced with: “for a trial period subject to Council undertaking regular district wide inspections together with a requirement that landowners notify Council of their intentions”, and that**
- (2). part 1(a) be deleted and renumber the other conditions accordingly.**
- (3). the following words be added to part 2 of the recommendation, after word ‘accordingly’; “including approaches by other Councils and advice from Kidsafe and Council’s insurers.**

Carried 7/2

For: Mayor Morgan, Crs Boland, Walsh, Pyvis, Downes, Jeanes, Strzina

Against: Crs, Rowell and Hart

COUNCIL RESOLUTION

THAT Council,

1. Consider allowing play equipment to remain on street verges, for a trial period subject to Council undertaking regular district wide inspections together with a requirement that landowners notify Council of their intentions, with the following conditions;
 - a. The adjacent landowner, at their expense, take out and maintain Public Liability insurance that indemnifies the Town and the landowner from any action that results from the placement or maintenance of the play equipment; and
 - b. Notify adjacent neighbours of any application for play equipment to be placed on the verge.
2. Undertake a review of its Residential Verges Policy accordingly including approaches by other Councils and advice from Kidsafe and Council's insurers.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 7/2

For: Mayor Morgan, Crs Boland, Walsh, Pyvis, Downes, Jeanes, Strzina

Against: Crs, Rowell and Hart

11.2.2 REVIEW OF THE GRANT STREET PARKING RESTRICTIONS

File No: SUB/457
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services

Proposed Meeting Date: 19 June 2012
Author Disclosure of Interest Nil

SUMMARY

A review of the parking restrictions for the Grant Street median strip is being presented for Council's consideration.

BACKGROUND

Council considered the issue of parking on the Grant Street median strip on five occasions in 2011. The issue was sparked by a sudden increase in commuter parking on the median strip, due to the closure of other 'free' parking elsewhere on the train line. This sudden increase in parking resulted in damage to the grass on the median strip, which caused dust and other problems for adjacent residents.

The first time Council considered the issue, the question was whether or not Council should pursue constructing a purpose built car park on the median strip to accommodate the commuters and alleviate the dust issues. Council resolved to consult with adjacent residents and reconsider the issue.

The consultation showed that the overwhelming majority of residents were against the construction of a carpark, and instead favoured parking restrictions designed to prevent commuter parking. In the May meeting, Council resolved to implement a trial of 3 hour parking restrictions on the affected part of the Grant Street median strip. At the conclusion of the trial period, a second trial was undertaken whereby a permit parking zone was established on the Grant Street median strip between Curtin Avenue and Marmion Street.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

The implementation of the permit parking zone was undertaken after detailed consultation with adjacent residents.

STAFF COMMENT

Since the issue was first raised over a year ago, there have been several developments in this area. The one that has had the most impact is the construction of a free car park adjacent to the Cottesloe Train Station, which seems to be attracting a number of commuters.

The trial has been successful with 47 infringements being issued in the 6 months from 1 November 2011 to 30 April 2012. Of these, 12 were withdrawn on appeal where residents or their guests had not displayed their permits for a valid reason. Parking on the Grant Street median strip has been reduced to residents only, and rangers continue to patrol the area regularly.

One of the concerns raised was that making the Grant Street median strip a permit parking area would simply push commuter parking onto side streets. On the surrounding streets only 2 infringements have been issued and rangers are still patrolling this area to ensure that parking is not becoming an issue. The opening of the new car park seems to have absorbed many of the commuters that would otherwise have parked in this area.

It is recommended to leave the current parking restrictions in place. The reason for this is that if parking this close to the train station were to become freely available again, it would only be a matter of time before the parking issues returned. If the permit zone is left in place and the area regularly patrolled, the parking should remain available for residents and their guests.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Cr Rowell advised that since the introduction of the Permit Parking Zone on Grant Street, some people were parking on Railway Street, as well as the new parking at Cottesloe station. Cr Jeanes questioned whether the parking restriction days could be amended to allow unrestricted parking on a Saturday. Committee discussed the effectiveness of the current Permit Parking Zone and were hesitant to make any further changes, as residents and commuters are now familiar with the requirements.

OFFICER RECOMMENDATION

Moved Cr Strzina, seconded Cr Rowell

THAT Council leave the Permit Parking Zone on the Grant Street median strip, between Curtin Avenue and Marmion Street, in place until further notice.

AMENDMENT

Moved Cr Jeanes, seconded _____

That the parking restrictions on Grant Street be amended to allow unrestricted parking on Saturday's.

MOTION LAPSED DUE TO WANT OF A SECONDER

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council leave the Permit Parking Zone on the Grant Street median strip, between Curtin Avenue and Marmion Street, in place until further notice.

THE SUBSTANTIVE MOTION WAS PUT

Carried 9/0

11.2.3 FINAL ADOPTION OF DOGS AMENDMENT LOCAL LAW 2012

File No: CLL/9
Attachments: [Dogs Amendment Local Law 2012](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services

Proposed Meeting Date: 19 June 2012
Author Disclosure of Interest Nil

SUMMARY

The *Dogs Amendment Local Law 2012* is being presented to Council and is recommended for final adoption.

BACKGROUND

In June 2011, Council adopted the *Town of Cottesloe Dogs Local Law 2011*. It was subsequently published in the Government Gazette in July and forwarded to the Joint Standing Committee on Delegated Legislation (JSCDL) for their consideration.

During the JSCDL process, several drafting issues were raised, as well as the duplication of parts of the *Dog Act 1976* in three subclauses. In allowing the local law, the JSCDL required that the Town give an undertaking that several amendments to the local law be made and that the affected sections of the local law not be enforced until the amendments were completed.

The *Dogs Amendment Local Law 2012* was compiled to make these amendments and was presented to Council in April 2012 for advertising. The six week submission period has now been completed and the *Dogs Amendment Local Law 2012* is being put forward for final consideration.

The Purpose: An amended local law that complies with the undertaking given to Joint Standing Committee on Delegated Legislation.

The Effect: To implement the undertakings that were provided to the Joint Standing Committee on Delegated Legislation, that clarify certain issues within the Dogs Local Law 2011.

STRATEGIC IMPLICATIONS

Council local laws are an important part of the administration and good governance of the district. Review of the local laws ensures continued relevance to our community.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Section 3.5 and 3.12 of the Local Government Act applies.

3.5 Legislative power of local governments

- (1) *A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.*
- (2) *A local law made under this Act does not apply outside the local government's district unless it is made to apply outside the district under section 3.6*
- (3) *The power conferred on a local government by subsection (1) is in addition to any power to make local laws conferred on it by any other Act.*
- (4) *Regulations may set out –*
 - (a) *matters about which, or purposes for which, local laws are not to be made; or*
 - (b) *kinds of local laws that are not to be made, and a local government cannot make a local law about such a matter, or for such a purpose or of such a kind.*
- (5) *Regulations may set out such transitional arrangements as are necessary or convenient to deal with a local law ceasing to have effect because the power to make it has been removed by regulations under subsection (4).*

3.12 Procedure for making local laws

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
 - (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
 - (3) *The local government is to –*
 - (a) *give Statewide public notice stating that –*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarised in the notice*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any pace specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
-

(3A) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*

(4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

***Absolute majority required**

(5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*

(6) *After the local law has been published in the Gazette the local government is to give local public notice –*

(a) *stating the title of the local law;*

(b) *summarising the purpose and effect of the local law (specifying the date on which it comes into operation); and*

(c) *advising that copies of the local law may be inspected or obtained from the local government's office.*

(7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*

(8) *In this section –*

making *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

Regulation 3 of the Local Government (Functions and General) Regulations 1996 provides the following:

3. Notice of purpose and effect of the proposed local law – s.3.12(2)

For the purpose of section 3.12, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that –

(a) *the purpose and effect of the proposed local law is including in the agenda for that meeting; and*

(b) *the minutes of the meeting of the council include the purpose and effect of the proposed local law.*

FINANCIAL IMPLICATIONS

The primary cost associated with the review and making of local laws are officer time and advertising costs. All of the costs associated with the making of this local law are allowed for in the current operating budget.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

The Draft local law has been subject to the extensive consultation requirements, as detailed below.

State-wide public notice

Council advertised its intentions to make a local law in a state wide newspaper (The West, 28/4/2012), as well as all of the requirements of a local public notice. This included advertising in local papers (The Post 28/04/2012) and causing notices to be placed on all Council notice boards.

Copies of the draft local law were available online, at the Council offices and Library.

Feedback was sought by way of written submissions and notices provided information on how these submissions were to be made. The submission period was 6 weeks. No public submissions were received.

Copy to the Minister

A copy of the draft local law was sent to the Minister for Local Government, who then forwarded it to the Department. The Department provided comments on the draft local law which have been addressed in the final draft as presented in this report. These changes were minor drafting issues only, no change was made to the operative parts of the local law.

STAFF COMMENT

This local law has been drafted to address issues raised by the Joint Standing Committee on Delegated Legislation (JSCDL) which considered the *Town of Cottesloe Dogs Local Law 2011* in October last year. Primarily the issues raised were to do with drafting issues or duplicating State legislation. Council resolved in November 2011 to give an undertaking to the JSCDL to make these amendments and not to enforce the parts of the local law covered by these amendments until this was done.

VOTING

Absolute Majority (s3.12(4))

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council, by Absolute Majority;

1. In accordance with s3.12(4) of the *Local Government Act 1995*, ADOPT the *Dogs Amendment Local Law 2012* as presented;
2. In accordance with s3.12(5), PUBLISH the local law in the Government Gazette and SEND a copy to the Minister for Local Government;
3. After Gazettal, in accordance with s3.12(6), GIVE local public notice:
 - a) Stating the title of the local law;

- b) Summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - c) Advising that copies of the local law may be inspected or obtained from the Town Administration and website.
4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 7 November 2005, PROVIDE a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and the Chief Executive Officer to the WA Parliamentary Joint Standing Committee on Delegated Legislation.

Carried 9/0

11.2.4 UNIFORM POLICY

File No: POL/70
Attachments: [Uniform Policy](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services

Proposed Meeting Date: 19 June 2012
Author Disclosure of Interest Nil

SUMMARY

Council is being asked to consider changes to the Town's Uniform Policy following a recent review of the costs and benefits of this policy.

BACKGROUND

During negotiations for the Town's Enterprise Bargaining Agreement, the Town's Uniform Policy was included within the EBA as a part of the officer's remuneration. The policy made provision for staff to either acquire uniforms from one of the two preferred uniform suppliers of WALGA, or alternatively on a reimbursement basis from purchases through Myer's Corporate Wear Range.

A recent review showed that a vast majority of staff were purchasing their clothing through the Myer Corporate Wear Range due to issues with the uniform suppliers. The issues centred mostly on the time taken for clothing ordered through the uniform suppliers to be delivered, the cost of the clothing and the inability for staff to select the clothes and try them on before they purchased the clothing.

The Myer Corporate Range is diverse and carries no logos or identifying marks to suggest it is a part of that range.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

A change is being recommended to the Uniforms – Office Staff Policy.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Altering the Uniform Policy from the provision of clothing to the payment of an allowance as part of the normal pay cycle will reduce the Town's Fringe Benefits Tax exposure.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Staff have been consulted on the potential change. All of the staff who returned a survey (more than 80% of office staff) supported the recommended change.

STAFF COMMENT

The provision of staff uniforms was seen as a tangible benefit several years ago, when the uniform suppliers were price competitive with retail suppliers and there were no Fringe Benefits Tax implications for the Town. Since this time the range offered, the cost of the uniforms and issues with delivery and seeing clothing before purchasing have meant that the uniforms no longer are of a greater benefit to staff or the Town.

Given that the benefit is contained with the Town's Enterprise Bargaining Agreement, it can't simply be set aside. Any benefit can be altered or changed, so long as it has the support of the majority of staff.

The change being recommended is to remove the options of purchasing clothing through the uniform suppliers or via reimbursement if purchasing Myer Corporate wear and instead paying a "uniform allowance" in two instalments during the financial year. Staff would still be required to wear appropriate clothing as contained in the requirements of the Employee Handbook.

The Town will benefit from this change with a reduced Fringe Benefits Tax exposure, less administration time taken with the monitoring and payment of the benefit – while staff will gain from having more flexibility in where and how they purchase their corporate clothing. The payments made to staff in this way will be subject to income tax.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council adopt the amended policy "Uniforms – Office Staff" as attached.

Carried 9/0

11.2.5 GOVERNMENT SUSTAINABILITY CONFERENCE 2012

File No: SUB/83
Attachments: [Conference Information](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services

Proposed Meeting Date: 19 June 2012
Author Disclosure of Interest: Nil

SUMMARY

For the last 6 years, the Local Government Sustainable Development Conference has been held around Australia to inform Local Government representatives and staff on relevant issues regarding sustainability and sustainable development. This year the conference, now revamped and called the Government Sustainability Conference, will be held in Melbourne. The focus of the conference is on ingraining environmentally sustainable policies and practises within government organisations and communities and will include presentations from over 20 national and international speakers. Also included in the conference is a 'Public Sector Clean Energy Forum'. These are relevant topics and issues for the Town and the core business of the Sustainability Officer role.

The two day conference will be held in Melbourne on the 18th and 19th of September 2012. This report recommends Council endorse the Sustainability Officer's attendance.

BACKGROUND

The Local Government Sustainability Conference is Australia's peak environmental conference for the public sector and the only major event that specifically caters for Sustainability Officers in Local Government.

The program, held over two days at Sebel Albert Park, Melbourne, will cover many relevant topics including:

- Embedding a culture of environmental sustainability within a government organisation.
- Implementing leading-edge climate change strategies that encourage reduced emissions and prepare a government organisation for the risks posed by climate change.
- Community engagement in environmental initiatives.
- Encouraging sustainability in public sector infrastructure and the built environment.
- Efficient water management practices and waste minimisation.
- Green purchasing and procurement.
- Policy and regulation adherence.

Additionally, workshops will include:

- Carbon accounting in the Public Sector – A workshop presented by National Centre for Sustainability, Swinburne University.
- Barriers and drivers to embedding sustainability in your government organisation - Workshop presented by Local Government Association of NSW and Shires Association of NSW.

This national conference will provide attendees with the means to network and discuss environmental best practice with experts and the nation's public sector sustainability leaders.

STRATEGIC IMPLICATIONS

Fosters staff knowledge and skills.
Supports Council's long term sustainability outlook.

POLICY IMPLICATIONS

Council's *Conferences Policy* applies.

Policy Extract:

Employees who wish to attend a conference/ seminar/ training shall complete a Request for Training Application form and submit it to the Chief Executive Officer through their Supervisor.

When funding for a conference/ seminar/ training is not provided in the budget, authorisation must be sought through the Works and Corporate Services Committee. Attendance at any interstate or international conference must be the subject of an application to be considered by the Chief Executive Officer and referred to the Works and Corporate Services Committee for recommendation to Council.

The following expenses for approved conferences/ seminars/ training will be met by Council:

- (a) Registration fees;
- (b) Return fares and other necessary transport expenses;
- (c) Reasonable accommodation and living expenses.

Where possible expenses are to be prepaid. All expenditure is to be accounted for prior to reimbursement.

FINANCIAL IMPLICATIONS

The estimated cost of registration, accommodation, meals and travel for the congress is \$1,800 and can be met by the Sustainability budget for training and conferences in 2012/13. Early bird registration is available until July 2012 and will be utilised if approval is granted. The total cost is comparatively economical for a conference of this calibre.

STAFF COMMENT

The sustainability field is dynamic and rapidly expanding. It is vital for practitioners in this field to keep abreast of current research, best practice and information sources. One of most effective ways to achieve this is through attendance at conferences and

seminars, particularly if delivered by high quality, practicing experts working in the industry, both here and overseas.

The opportunity to attend an international-standard conference targeted at sustainability practitioners is an excellent form of professional development.

For staff from small local governments such as Cottesloe it is also a welcome way to avoid becoming too isolated or insular by gaining exposure to the bigger picture both internationally and nationally.

The Town of Cottesloe has committed to achieve Carbon Neutrality, reduce its water consumption and lead the community by example in climate change action, sustainable procurement and waste minimisation. Exposure to broad industry knowledge, up-to-date approaches and best practice methodologies in these fields will strongly assist the Sustainability Officer in the role. In addition, the opportunity to “swap notes”, make contacts and develop a network of colleagues and resources at an event such as this ensures the officer is well connected to the sustainability fraternity.

The Sustainability Officer is committed to the role and is motivated to maintain and enhance her professional knowledge and experience. Both she and the Town would gain from attendance at the conference. For these reasons the request for approval is supported.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council APPROVE the attendance of the Sustainability Officer at the Local Government Sustainability Conference 2012 in Melbourne on September 18 and 19 2012, and request that a report on the conference be provided within two months of attending the event.

Carried 9/0

**11.2.6 NORTH STREET / WEST COAST HIGHWAY LEFT TURN LANE
EXTENSION**

File No: SUB/486
Attachments: [City of Nedlands Letter](#)
[Plans of Options for Left Turn Lane Extension](#)
[Aerial Photo of Affected Area](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 19 June 2012
Author Disclosure of Interest Nil

SUMMARY

The City of Nedlands has requested the Town of Cottesloe's approval *in principle* to create an extension of the existing left turning lane on North Street, at West Coast Highway, to address the traffic problems experienced through the Swanbourne area. There are three options regarding this proposal. The City of Nedlands would fund the works, in 2012/2013.

The recommendation is that Council:

1. Gives approval *in principle* to the City of Nedlands for the extension of the left turn lane of North Street onto West Coast Highway during the 2012/2013 financial year.
2. Gives support *in principle* to the North Street widening required for the increased left turn lane capacity to include an impact on the south side of North Street, in the Town of Cottesloe, with the requirements that impact on verge trees be kept to a minimum and that public consultation takes place with all potentially affected properties.

BACKGROUND

North Street is the boundary street between the City of Nedlands and the Town of Cottesloe, with the street centre line being the boundary.

The current works of resurfacing North Street has been a joint exercise between the two municipalities, with the eastern end of the work ending at approximately the start of the proposed left turn lane extension.

It has become obvious in recent years that the traffic lined up on North Street, wanting to turn left into West Coast Highway, has steadily increased, particularly at the peak times around 8.00am and 5.00pm. Vehicles are driving over the north side kerb line and the section built and marked for two lanes has been informally extended by increased vehicle use.

This proposal is aimed at creating a lengthened section of left turn lane which will also allow a lengthened 'through' lane from North Street across the highway or for a right turn.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

The City of Nedlands will have to obtain Main Roads WA approval for the extra line marking and signage required for this work. This will include approval of the design. Main Roads WA is the only authority with the power to approve such line marking and signage.

FINANCIAL IMPLICATIONS

The City of Nedlands will fund all works involved with this proposal, including survey, design, construction, lighting and any impact on services.

SUSTAINABILITY IMPLICATIONS

One or two street trees will have to be removed, depending on the design option chosen, either from the north or the south side of North Street.

CONSULTATION

Apart from this contact from the City of Nedlands, no other consultation has occurred.

STAFF COMMENT

The problem is obvious to anyone using North Street trying to get onto West Coast Highway around 8.00am and 5.00pm. The solution is to increase the holding capacity of the left turn lane and with it, the through / right turn lane. The City of Nedlands will fund all works and arrange the construction.

The issue is which side is to be affected. The three options are:

- Option 1 - all works on the north (Nedlands) side;
- Option 2 - all works on the south (Cottesloe) side; or
- Option 3 - partial widening on both sides.

Option 3, with almost double the cost, up to 5 street trees lost and drainage pits on both sides being affected, would be the easiest option to discount.

There is a fourth option - Do nothing. With Nedlands funding the work and the obviousness of improvements being urgently required, this option should also be discounted.

Option 1 on the Nedlands side, affects 7 property accesses compared to Option 2 on the south side affecting 2 accesses. The majority of services are also on the Nedlands street verge, along with one street light required to be relocated.

In regards to street trees, the northern option removes 2 trees, with the southern option removing one tree. There is a potential of two more trees to be impacted upon, on the south side, depending on final exact surveys.

Given the heavy use made of this intersection by vehicles originating from Cottesloe and the lesser impact of on the south side verge (Option 2) when compared with Option 1 (north side), this proposal is worthy of support, dependant on the minimum amount of tree removals from the verge. At this stage, the works are proposed mid 2012/2013 if the City of Nedlands budget process permits.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Committee discussed the three options presented in the letter from the City of Nedlands and agreed that option 2 did not entirely solve the issue of people turning right onto West Coast Highway, which in turn holds up traffic wanting to either turn left or go straight on. Committee discussed options to promote traffic flow that included use of the sump land on the corner of West Coast Highway and North Street to create a slip road and requesting that Main Roads consider revising the traffic light sequencing and/or include a right turn green arrow.

Committee agreed that it could be beneficial to receive a presentation from Engineers from the City of Nedlands to discuss other possibilities for the road works, as the current three proposed options may not solve the traffic congestion problems.

OFFICER RECOMMENDATION

Moved Cr Boland, seconded Cr Rowell

THAT Council:

1. Gives approval *in principle* to the City of Nedlands for the extension of the left turn lane of North Street onto West Coast Highway during the 2012/2013 financial year.
2. Gives support *in principle* to the North Street widening required for the increased left turn lane capacity to include an impact on the south side of North Street, in the Town of Cottesloe, with the requirements that impact on verge trees be kept to a minimum and that public consultation takes place with all potentially affected properties.

Lost 0/5

NEW MOTION / COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council defer the matter and request a presentation from officers from the City of Nedlands to discuss other possibilities for this traffic management issue.

Carried 9/0

11.2.7 MATERIAL VARIANCES FOR STATEMENTS OF FINANCIAL ACTIVITY

File No: SUB/1209
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services

Proposed Meeting Date: 19 June 2012
Author Disclosure of Interest Nil

SUMMARY

Council is being asked to consider its level of materiality for statements of financial activity.

BACKGROUND

Under the Australian Accounting Standards an item is considered material if its omission or mis-statement could influence the decisions of the users of a financial report. An item may be material because of its size, nature or both.

Under the *Local Government (Financial Management) Regulations 1996* local governments are required to set their level of materiality for their Statements of Financial Activity every financial year. The materiality referred to is for the difference between the budgeted amount for an item and the actual income or expenditure that occurs.

Council is being asked to consider its level of materiality for the preparation of the 2011/2012 Statements of Financial Activity.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996 (r34(5)).

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

In a local government context, setting a level of materiality sets the level at which any variance to budgeted expenditure must be reported on both the financial statements, as well as a separate list of material variances. While it may be tempting to list every variance, this could result in information overload – and may in fact mean that important information is missed. By only including the significant items on the variance list (i.e. the items that are material) Council is more likely to be aware of and able to act on any items of importance.

The Town has had a level of materiality set at 15% for some time. What this means in a reporting sense is that any budget line item where actual expenditure varies from budgeted expenditure by 15% or more, it must be listed in a report called “Material Variances” as well as included in the Statements of Financial Activity.

This level is still thought to be appropriate as it eliminates any small variances caused by estimation or rounding, while still being low enough for Council to be aware of any trends that may be occurring in income or expenditure.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council in accordance with the *Local Government (Financial Management) Regulations 1996* set the level of material variance for the 2011 / 2012 financial year at 15%.

Carried 9/0

**11.2.8 STATUTORY FINANCIAL REPORTS FOR THE PERIOD 1 JULY 2011 TO
31 MAY 2012**

File No: SUB/137
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager

Proposed Meeting Date: 19 June 2012
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present to Council the Statement of Financial Activity and Operating Statements by Program and by Nature and Type, the Statement of Financial Position, and other supporting financial information for the period 1 July 2011 to 31 May 2012 as included in the attached Financial Statements.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Statement of Financial Activity on page 1 of the attached Financial Statements shows favourable operating revenue of \$28,801. Operating expenditure is \$297,236 or 3% less than year to date budget with all material variances itemised on the Variance Analysis Report on pages 7 to 10 of the attached Financial Statements. Capital expenditure is reported in detail on pages 28 to 32 of the attached Financial Statements.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council receive the Statement of Financial Activity, Operating Statements by Program and by Nature and Type, Statement of Financial Position, and other supporting financial information as included in the attached Financial Statements for the period 1 July 2011 to 31 May 2012, and as submitted to the 19 June 2012 meeting of the Works and Corporate Committee.

Carried 9/0

11.2.9 LIST OF ACCOUNTS PAID FOR THE MONTH OF MAY 2012

File No: SUB/137
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager

Proposed Meeting Date: 19 June 2012
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the List of Accounts Paid for the month of May 2012, as included in the attached Financial Statements, to Council.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The list of Accounts paid in May 2012 is included in the attached Financial Statements on pages 11 to 18. The following significant payments are brought to Council's attention;

- \$22,762.15 & \$13,989.10 to Synergy for street lighting and power to various other locations.
 - \$30,615.69, \$13,783.54 & \$13,991.40 to WA Local Government Superannuation Plan for staff superannuation contributions.
 - \$26,644.55 & 14,204.74 to Cobblestone Concrete for footpath installation.
 - \$29,274.47 to BCITF for levy contributions collected by Council.
 - \$25,789.35 to WA Surf Life Saving WA for the monthly life saving contract.
-

- \$16,924.60 to Digital Mapping Solutions for Graffiti Management Software.
- \$11,932.80 to OceanIT for IT services.
- \$11,261.01 & \$ 17,821.83 to WMRC for waste disposal services.
- \$47,324.91 to Transpacific Cleanaway for waste disposal services.
- \$11,935.00 to Civica Pty Ltd for licence fees.
- \$109,113.67 to FESA for the fourth quarter ESL payment.
- \$121,000.00 & \$300,000.00 to Council's investment account.
- \$77,363.01 & \$76,275.68 for fortnightly staff payroll.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council receive the List of Accounts Paid for the month of May 2012 as included in the attached Financial Statements, as submitted to the 19 June 2012 meeting of the Works and Corporate Committee.

Carried 9/0

11.2.10 SCHEDULES OF INVESTMENTS AND LOANS AS AT 31 MAY 2012

File No: SUB/150 & SUB/151
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager

Proposed Meeting Date: 19 June 2012
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Schedule of Investments and the Schedule of Loans as at 31 May 2012, as included in the attached Financial Statements, to Council.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on page 21 of the attached Financial Statements shows that \$2,264,735.86 was invested as at 31 May 2012. Approximately 42% of the funds are were invested with Westpac Bank, 34% with National Australia Bank, 13% with the Commonwealth Bank of Australia, and the remaining 11% with Bankwest. Council has been able to invest funds for longer periods of time due to certain projects being undertaken later in the year than anticipated. This along with greater than anticipated transfers to reserves has resulted in increased revenue from interest earnings than budgeted as can be seen on page 3 in the Operating Statement by Nature and Type.

The Schedule of Loans on page 22 of the attached Financial Statements shows a balance of \$6,208,229.62 as at 31 May 2012. Included in this balance is \$380,753.94 that relates to self supporting loans.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council receive the Schedule of Investments and the Schedule of Loans as at 31 May 2012. These schedules are included in the attached Financial Statements as submitted to 19 June 2012 meeting of the Works and Corporate Services Committee.

Carried 9/0

**11.2.11 PROPERTY AND SUNDRY DEBTORS REPORTS AS AT 31 MAY
2012**

File No: SUB/145
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager

Proposed Meeting Date: 19 June 2012
Author Disclosure of Interest Nil

SUMMARY

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

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report on pages 23 to 26 of the attached Financial Statements shows a balance of \$98,798.36 of which \$97,791.36 relates to the current month. The balance of aged debtors is \$1,006.50.

The Rates and Charges Analysis on page 27 of the attached Financial Statements shows a balance outstanding of \$357,232.26. Of this amount \$191,913.09 and \$57,091.94 are deferred rates and outstanding emergency services levies respectively. The Statement of Financial Position on page 4 shows a rates outstanding figure of \$260,065 as compared to \$64,753 this time last year.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council receive the Property and Sundry Debtors Reports as at 31 May 2012. These reports are included in the attached Financial Statements as submitted to the 19 June 2012 meeting of the Works and Corporate Services Committee.

Carried 9/0

Mayor Morgan and Cr Walsh declared a financial interest in Item 11.2.12 due to the adoption of Mayoral Allowance and Deputy Mayoral Allowance.

11.2.12 ADOPTION OF 2012/2013 BUDGET

File No: SUB/1359
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services
Attachments: [2012/2013 Budget](#)
Proposed Meeting Date: 19 June 2012
Author Disclosure of Interest Nil

SUMMARY

Council is being asked to consider its budget for 2012/2013.

BACKGROUND

Council is required under the *Local Government Act 1995* to adopt a budget for each financial year between 1 June and 31 August. The must be in the prescribed format and set expenditure levels and type for the financial year.

STRATEGIC IMPLICATIONS

The budget sets out how funds will be allocated to all projects during the financial year, including strategic projects. In the 2012/2013 budget there is also an allocation for a Community Perceptions Survey, which is the first step towards a new Community Strategic Plan.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 (s6.2)

6.2. Local government to prepare annual budget

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

** Absolute majority required.*

(2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —

(a) the expenditure by the local government;

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

Local Government (Financial Management) Regulations 1996

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

FINANCIAL IMPLICATIONS

The budget allocates the Town's financial resources for the financial year ending 30 June 2013.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Public

Council is required to advertise its intention to raise a differential rate and to allow for public submissions on that differential rate. The differential rate was advertised on 30 May 2012 and no comments on the differential rate were received.

Council also called for applications from community groups for its donations program. A table summarising the applications received and the recommended donation can be seen on page 37 of the budget document.

Council

Three Council workshops have been conducted on all aspects of the budget. These workshops provided a forum whereby Council could be informed of budget trends and issues, as well as the chance for Council to provide feedback on the draft budget.

STAFF COMMENT

The process of compiling the 2012/2013 budget started in February 2012, with Council adopting its 5 year asset management plans. The plans form the basis of the "capital" section of the budget. In April 2012, the prior year operating budget was examined and efficiencies sought. From this, the information contained in the mid-year budget review and the 5 year plan, the first draft budget was compiled.

Several workshops have been held to provide a chance for feedback on the contents of the budget, budget priorities as well as expenditure and revenue levels. This feedback provides the basis for the final draft of the budget which is presented for consideration.

Council is required to advertise its intention to raise a differential rate, and allow time for public submissions on the proposed differential rate. The required notices were placed in May and the public consultation has closed. There were no submissions received on the proposed differential rate.

The 2012/2013 budget is a responsible budget that will continue to allow Council to achieve things, while not placing undue pressure on ratepayers, either now or in the future. The Town's reserves are healthy and will give the Council the flexibility to take on larger projects without being restricted by funding arrangements. There are also a number of capital works projects within the budget that represent an improvement to or upgrade of the Town's assets.

VOTING

Absolute Majority

OFFICER RECOMMENDATION

Moved Cr Rowell, seconded Cr Boland

THAT Council:

1. ADOPT the Budget for the year ended 30 June 2013, as attached, including:
 - a) Adopting the Statement of Cashflows for the year ended 30 June 2013;
 - b) Adopting the Rate Setting Statement for the year ended 30 June 2013;
 - c) Endorsing the Statement of Comprehensive Income (by Nature and Type) showing expenditure of \$10,597,922 and revenue of \$10,128,294 for year ended 30 June 2013;
 - d) Endorsing Note 6 – Statement of Reserves for the year ended 30 June 2013;
 - e) Endorsing Note 7 – Net Current Assets as at 30 June 2012; and
 - f) Adopting the Fees and Charges for the year ended 30 June 2013.

2. ADOPT the rates (as per Section 6.32 of the Local Government Act 1995)
- a) Differential General Rates
Impose rates in the dollar on the gross rental value of all the rateable property within the Town of Cottesloe for the financial year ending 30 June 2013 as follows:
- i) GRV – Residential Improved (RI) – 6.1811 cents in the dollar
 - ii) GRV – Residential Vacant (RV) – 6.1811 cents in the dollar
 - iii) GRV – Commercial Improved (CI) – 6.1811 cents in the dollar
 - iv) GRV – Commercial Town (CT) – 7.2585 cents in the dollar
 - v) GRV – Industrial (II) – 6.1811 cents in the dollar
- b) Minimum Rate
Impose a minimum rate of \$934.00 for the financial year ended 30 June 2013.
- c) Refuse Collection
Include in the rate charge for residential properties:
- i) a once per week service of a 120 litre mobile garbage bin (MGB) for general household rubbish
 - ii) a once per fortnight service of a 240 litre MGB for recyclable household rubbish
- Apply the following charges to residential properties for additional services (per annum GST inclusive):
- i) General Rubbish – each additional service per week (120 litre MGB) - \$325.00
 - ii) Recycling – each additional service per fortnight (240 litre MGB) – free
- Apply the following charges to commercial properties (per annum GST inclusive).
- i) General Rubbish – each service per week (240 litre MGB) - \$325.00
 - ii) Recycling – one service per fortnight (240 litre MGB) - \$135.00
 - iii) Recycling – one service per week (240 litre MGB) - \$270.00
- d) Administration Charge – Local Government Act 1995 – \$6.45(3)
Impose an administration charge of \$18.00 where a payment of a rate or service charge is made by instalments, except that eligible pensioners will be excluded from paying the charge.
- e) Interest on Outstanding Rates and Charges – Local Government Act 1995 – \$6.51.
Apply an interest rate of 7% per annum to rates and service charges levied in the year ended 30 June 2013 which remain unpaid after they become due and payable and where no election has been made to pay the rate or service charge by instalments.
- f) Rates Instalment Payment Option
Adopt the following rate instalment plans
- i) Option 1

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

ii) Option 2

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

First Instalment	28 August 2012
Second Instalment	30 October 2012
Third Instalment	8 January 2013
Fourth Instalment	12 March 2013

After the due date for the first instalment, accounts paid by instalment will have an interest rate of 2% applied to the outstanding balance until the account is paid in full or the due date for an instalment lapses. At that point the rates will become due and payable and interest of 11% will be applied to the outstanding balance at that time.

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

That Council apply an interest rate of 7% per annum to any amount not paid within 25 days of the date of the issue of the account.

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

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

5. ADOPT Members Attendance Fees – Local Government Act 1995 – S5.99
That Council set an annual meeting attendance fee of \$6,000 for Council members and \$14,000 for the Mayor.

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

That Council set a Mayoral Allowance of \$7,500.

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

That Council set a Deputy Mayoral Allowance of \$1,250.

AMENDMENT

Moved Cr Strzina, seconded _____

That part (5) of the recommendation be amended to replace "\$6,000" with "\$5,000" with regard to the meeting attendance fee.

MOTION LAPSED DUE TO WANT OF A SECONDER

OFFICER & COMMITTEE RECOMMENDATION**Moved Mayor Morgan, seconded Cr Rowell****THAT Council:**

1. **ADOPT the Budget for the year ended 30 June 2013, as attached, including:**
 - a) **Adopting the Statement of Cashflows for the year ended 30 June 2013;**
 - b) **Adopting the Rate Setting Statement for the year ended 30 June 2013;**
 - c) **Endorsing the Statement of Comprehensive Income (by Nature and Type) showing expenditure of \$10,597,922 and revenue of \$10,128,294 for year ended 30 June 2013;**
 - d) **Endorsing Note 6 – Statement of Reserves for the year ended 30 June 2013;**
 - e) **Endorsing Note 7 – Net Current Assets as at 30 June 2012; and**
 - f) **Adopting the Fees and Charges for the year ended 30 June 2013.**
2. **ADOPT the rates (as per Section 6.32 of the Local Government Act 1995)**
 - a) **Differential General Rates**

Impose rates in the dollar on the gross rental value of all the rateable property within the Town of Cottesloe for the financial year ending 30 June 2013 as follows:

 - i) **GRV – Residential Improved (RI) – 6.1811 cents in the dollar**
 - ii) **GRV – Residential Vacant (RV) – 6.1811 cents in the dollar**
 - iii) **GRV – Commercial Improved (CI) – 6.1811 cents in the dollar**
 - iv) **GRV – Commercial Town (CT) – 7.2585 cents in the dollar**
 - v) **GRV – Industrial (II) – 6.1811 cents in the dollar**
 - b) **Minimum Rate**

Impose a minimum rate of \$934.00 for the financial year ended 30 June 2013.
 - c) **Refuse Collection**

Include in the rate charge for residential properties:

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

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

 - iii) **General Rubbish – each additional service per week (120 litre MGB) - \$325.00**
 - iv) **Recycling – each additional service per fortnight (240 litre MGB) – free**

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

- iv) General Rubbish – each service per week (240 litre MGB) - \$325.00
 - v) Recycling – one service per fortnight (240 litre MGB) - \$135.00
 - vi) Recycling – one service per week (240 litre MGB) - \$270.00
- d) Administration Charge – Local Government Act 1995 – \$6.45(3)

Impose an administration charge of \$18.00 where a payment of a rate or service charge is made by instalments, except that eligible pensioners will be excluded from paying the charge.

- e) Interest on Outstanding Rates and Charges – Local Government Act 1995 – \$6.51.

Apply an interest rate of 7% per annum to rates and service charges levied in the year ended 30 June 2013 which remain unpaid after they become due and payable and where no election has been made to pay the rate or service charge by instalments.

- f) Rates Instalment Payment Option

Adopt the following rate instalment plans

- iii) Option 1

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

- iv) Option 2

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

First Instalment	28 August 2012
Second Instalment	30 October 2012
Third Instalment	8 January 2013
Fourth Instalment	12 March 2013

After the due date for the first instalment, accounts paid by instalment will have an interest rate of 2% applied to the outstanding balance until the account is paid in full or the due date for an instalment lapses. At that point the rates will become due and payable and interest of 11% will be applied to the outstanding balance at that time.

3. ADOPT a rate of interest on money owing – Local Government Act 1995 – \$6.13.

That Council apply an interest rate of 7% per annum to any amount not paid within 25 days of the date of the issue of the account.

4. ADOPT a Telecommunications Allowance – Local Government Act 1995 – \$5.99A.

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

5. ADOPT Members Attendance Fees – Local Government Act 1995 – \$5.99

That Council set an annual meeting attendance fee of \$6,000 for Council members and \$14,000 for the Mayor.

6. **ADOPT the Mayoral Allowance – Local Government Act 1995 – S5.98 and S5.98A.**

That Council set a Mayoral Allowance of \$7,500.

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

That Council set a Deputy Mayoral Allowance of \$1,250.

The Mayor referred to previously circulated Memo from the Manager Corporate Services in relation to changes to the Local Government (Financial Management) Regulations 1996 restoring penalty and instalment interest rates and new fees and charges as a result of the adoption of the Building Act 2011.

AMENDMENT

Moved Mayor Morgan seconded Cr Rowell

That:

- (1). **changes be made to items: 2(e) from 7% to 11%, 2(f) from 2% to 5.5%, and 3 from 7% to 11%; and**
- (2). **the following be inserted in the fees and charges on page 85 of the budget document, before the section on "Occupancy Permits"**

Certificate of Design Compliance

Class 2 -9 Value of Work < \$150,000	\$270
Class 2 -9 Value of Work \$150,000 - \$500,000	\$270 + 0 15% for every \$1 > \$150,000
Class 2 -9 Value of Work \$ 500,001 - \$1000,000	\$ 795+ 0 12% for every \$1 > \$ 500,001
Class 2 -9 Value of Work >\$1000,001	\$ 1,395 + 0 1% for every \$1 > \$1,000,001

Carried 9/0

Due to declarations of interest by the Mayor and Deputy Mayor the recommendation was put to a vote with recommendations five (5), six (6), and seven (7) being dealt separately and items one (1) to four (4) together.

Mayor Morgan declared a financial interest in item (5) and (6) as they relate to allowances to be paid to him.

Mayor Morgan left the Chambers at 8:41pm

Due to the Mayor's declaration Cr Walsh, as Deputy Mayor, presided for this item.

Recommendation five (5) and six (6):

Moved Cr Walsh, seconded Cr Rowell

5. **ADOPT Members Attendance Fees – Local Government Act 1995 – S5.99**
That Council set an annual meeting attendance fee of \$6,000 for Council members and \$14,000 for the Mayor.
6. **ADOPT the Mayoral Allowance – Local Government Act 1995 – S5.98 and S5.98A.**
That Council set a Mayoral Allowance of \$7,500.

Carried 7/1

Mayor Morgan returned the Chambers at 8:42pm

Cr Walsh declared a financial interest in item (7) as it relates to an allowance to be paid to him.

Cr Walsh left the Chambers at 8:42pm

Recommendation seven (7):

Moved Mayor Morgan, seconded Cr Rowell

7. **ADOPT the Deputy Mayoral Allowance – Local Government Act 1995 – S5.98 and S5.98A.**
That Council set a Deputy Mayoral Allowance of \$1,250.

Carried 8/0

Cr Walsh returned the Chambers at 8:43pm

Recommendation one (1) to four (4):

1. **ADOPT the Budget for the year ended 30 June 2013, as attached, including:**
 - a) **Adopting the Statement of Cashflows for the year ended 30 June 2013;**
 - b) **Adopting the Rate Setting Statement for the year ended 30 June 2013;**
 - c) **Endorsing the Statement of Comprehensive Income (by Nature and Type) showing expenditure of \$10,597,922 and revenue of \$10,128,294 for year ended 30 June 2013;**
 - d) **Endorsing Note 6 – Statement of Reserves for the year ended 30 June 2013;**
 - e) **Endorsing Note 7 – Net Current Assets as at 30 June 2012; and**
 - f) **Adopting the Fees and Charges for the year ended 30 June 2013.**
 2. **ADOPT the rates (as per Section 6.32 of the Local Government Act 1995)**
 - a) **Differential General Rates**
-

Impose rates in the dollar on the gross rental value of all the rateable property within the Town of Cottesloe for the financial year ending 30 June 2013 as follows:

- i) GRV – Residential Improved (RI) – 6.1811 cents in the dollar
- ii) GRV – Residential Vacant (RV) – 6.1811 cents in the dollar
- iii) GRV – Commercial Improved (CI) – 6.1811 cents in the dollar
- iv) GRV – Commercial Town (CT) – 7.2585 cents in the dollar
- v) GRV – Industrial (II) – 6.1811 cents in the dollar

b) Minimum Rate

Impose a minimum rate of \$934.00 for the financial year ended 30 June 2013.

c) Refuse Collection

Include in the rate charge for residential properties:

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

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

- v) General Rubbish – each additional service per week (120 litre MGB) - \$325.00
- vi) Recycling – each additional service per fortnight (240 litre MGB) – free

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

- vii) General Rubbish – each service per week (240 litre MGB) - \$325.00
- viii) Recycling – one service per fortnight (240 litre MGB) - \$135.00
- ix) Recycling – one service per week (240 litre MGB) - \$270.00

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

Impose an administration charge of \$18.00 where a payment of a rate or service charge is made by instalments, except that eligible pensioners will be excluded from paying the charge.

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

Apply an interest rate of 11% per annum to rates and service charges levied in the year ended 30 June 2013 which remain unpaid after they become due and payable and where no election has been made to pay the rate or service charge by instalments.

f) Rates Instalment Payment Option

Adopt the following rate instalment plans

- v) Option 1

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

vi) Option 2

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

First Instalment	28 August 2012
Second Instalment	30 October 2012
Third Instalment	8 January 2013
Fourth Instalment	12 March 2013

After the due date for the first instalment, accounts paid by instalment will have an interest rate of 5.5% applied to the outstanding balance until the account is paid in full or the due date for an instalment lapses. At that point the rates will become due and payable and interest of 11% will be applied to the outstanding balance at that time.

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

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

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

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

Carried 9/0

Cr Boland circulated prior to the meeting a proposed amendment to the Donations budget. Cr Boland spoke to his amendment outlining the following reasons for his proposal:

This donation was discussed at the Budget Workshop, but since then the High Court has handed down a decision on 20 June 2012 in case of Williams v Commonwealth of Australia, and that decision has found against the Commonwealth fund religious chaplains in schools.

Our donation amount is only relatively small, but there is a significant principle involved which is that in a secular society with a secular public school system, the provision of welfare services in schools should not be religious faith based.

The Education Department should provide welfare and counselling services free from the involvement of any particular faith, Christian or otherwise.

AMENDMENT

Moved Cr Boland, seconded Cr Strzina

That a new item 8 be added to the recommendation to read “Adopt the recommended Donations Summary with the exception of “Shenton Christian Council” donation of \$2,000.

Lost 2/7

12 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**12.1 RESCISSION OF DECISION: REPORT 11.2.8 - 2011/2012 ROAD SAFETY IMPROVEMENT AND SPEED RESTRICTION – 28 NOVEMBER 2011, RESOLUTION ITEM 1(B).**

Note: Council's Standing Orders s 16.20 *Revoking Decisions* requires a decision which is to be rescinded to be supported by at least one third of the number of offices of Council.

The attached Rescission Motion has been lodged on 6 June 2012 by Crs Jeanes, Rowell and Downes.

In addition Cr Jeanes has provided the following additional comments in support of his motion;

I acknowledge that our engineer Geoff Trigg has gone out of his way to alert councillors to the construction of a blister island in Broome Street opposite Bryan Way.

Council approved the works with only Cr Rowell raising in an email that it may pose a danger to cyclists.

I wrongly assumed that the blister would be like those near the Civic Centre and overlooked the possibility that it might have an effect nearby residents and their crossovers.

However, inspecting the site and the chalk markings of the work involved gave me cause for a rethink.

The relative small revenue of the Town of Cottesloe as well as our duty to ratepayers dictate that we must get value for every dollar we spend. All projects must give ratepayers value for money.

The bottom line is that this blister crossing is unnecessary and the funds allocated could be better spent elsewhere.

Neither the traffic volume in Broome Street nor the pedestrian numbers using Bryan Way justify a crossing. Broome Street at this point offers unrestricted sight lines to the roundabouts at Eric and Napier Street making it a perfectly safe crossing place as it is. Even the odd speeding vehicle is easy to spot.

If Bryan Way was connected to a school or kindergarten the pedestrian numbers would probably justify a crossing at Broome Street, but the fact is Bryan Way is little used.

The residents whose crossovers are at the blister or nearby are affected. At worst it means they would be restricted to using the east lane only to enter and exit their properties though we are assured that is not the case. Also most, if not all, adjacent property owners have objected.

We have also had an email from a resident who does not live nearby but bemoans that the boulevards with wide verges in Cottesloe are being lost. This is a valid point. Also, any adornments to the blister crossing

such as metal rails painted orange and red are an unnecessary visual obstruction .

The resident also says the funds could be better spent in the town centre or the beach. He has a point.

Any intrusion on a road that forces a car to change direction is a danger point, especially for cyclists.

In summing up, this is not a dangerous crossing point, it does not warrant a blister island and the consequent cutting back into verges, the residents don't want it and the money could be better spent elsewhere.

ATTACHMENTS

- Rescission Motion
- Report to Council – November 2011
- Design as approved by Main Roads
- Traffic Management Policy
- Resident correspondence
- Town of Cottesloe correspondence

FINANCIAL

In addition to the design work already undertaken, some initial kerb cutting has taken place however no other works have been undertaken at this site at the moment. The overall cost of the project was \$29,000 of which \$3,200 has been expended to date. If a decision is made to support the proposed rescission motion the kerbing works can be reinstated at an estimated cost of \$3,600. There has also been officer time involved in the project to date including planning and research, report writing, site marking and meetings.

STAFF COMMENT

Council has previously committed to a long term plan to reduce speeding traffic and install controls at unsafe intersections within the Town of Cottesloe, based on a Traffic Study completed in 2008 and which involved extensive community consultation at the time. When Council endorsed the Traffic Consultant's report it became the basis for Council's own 5 Year Plan for Speed and Safety. A number of issues listed have or will be dealt with via State and Federal Government *Black Spot* funding applications and 2011/12 is the second year of the ongoing program.

The three projects identified for 2011/12 were:

- 1) *Installation of a central island in Napier Street, at the Marine Parade intersection, including widening on one side to allow width for the island. This is to allow pedestrians a central island where crossing the intersection and to stop vehicles on Marine Parade using the intersection as a 'U' turn.*
- 2) *Installation of a pedestrian crossing island on Broome Street, at the northern end of the tennis courts, to line up with the pedestrian path accessing Bryan Way and Marine Parade. This island would also have a slowing effect on traffic in Broome Street.*

- 3) *The installation of rubber speed cushions in Mann Street and Grant Street at the intersection. This installation was adopted by Council as an alternative to the State Black Spot funded intersection treatment abandoned in 2009/2010.*

In February 2011 Council endorsed its 5 Year Plan and the above three projects were included and approved. In June 2011 Council endorsed the 2011/12 Budget and this project formed part of that budget. In November 2011 a further report was prepared and endorsed by Council due to concerns from Administration based upon previous experiences on Broome St. Of the three projects listed for 2011/12 Council agreed to defer project number 3 above, and approve the remaining two - of which this project was one.

There has been some concern raised about the design and affect of the proposed pedestrian crossing on the immediate landowners and a number of emails and letters received in relation to this project are attached. Also attached is the schematic for the blister island which has been designed so that no crossovers are affected. The "ends" of the blister are "faux brick" in look but are "flat" with the road surface, allowing residents who enter or exit their property to do so in either direction.

Four properties were directly affected by this installation, all of which received letters advising them of the proposed works. As a result of these letters one resident requested to meet the Town's Engineer on-site to obtain more information on the installation. That resident also commented that the existing path end was dangerous and needed a light at the Broome St end of the path. A second resident also spoke to the Manager Engineering Services on-site and suggested alternative path works (south along the tennis courts) but was not negative to the proposal. These owners initially accepted the design on-site.

One resident objected to the planned works. A second resident also objected however his property and crossover was not affected by the installation as the island was not in front of his property. Since that time there have been a number of emails and letters received and a number of residents have now expressed objections to the proposed works including its location and its aesthetics. This matter has also been taken up by a number of elected members hence the attached Rescission Motion.

Part of the feedback has been about the "need" for the works and the "safety" aspects of this section of Broome St given its position between the two traffic roundabouts at Napier and Eric Streets. In addition there has been reference to Council's Traffic Management Policy (copy attached) and specifically Schedule 3 (Intervention Guidelines). It should be noted that this schedule relates to the overall Traffic Management Strategy as opposed to specific projects. Some residents have referred to point 5 "*individual traffic calming measures would require a majority support from the directly affected adjacent residents*". Further to the comments above, initially there was only one objector to this project however others have now reviewed their position. (Note: This project is primarily a speed and safety issue related to both pedestrian safety (crossings) and speed safety (slowing of vehicles) through

this section of Broome St and item 8 of the same Policy schedule states "traffic treatments that are warranted on traffic safety grounds would be exempted from meeting the criteria of this policy"). It is also worthy of note that this section of Broome Street was the subject of a previous road accident (fatality) in 2006 when a local resident was hit crossing this section of Broome St.

Concern has also been raised directly with the CEO from one resident about the consultation and communication processes for this project including the fact that residents did not have an opportunity to speak to Council on the matter when it was reported in November 2011 (and earlier). His suggestion was that our process should have alerted affected residents to the proposed works. This is a broader issue that has been noted and the Town will now consider at an administrative level how to improve its communication processes for such projects, including a review of the referred to Traffic Management Policy.

VOTING

Absolute Majority

COUNCIL DISCUSSION

Council discussed the matter at length, including making reference to the many comments from residents. Cr Jeanes referred to his comments and belief that the blister island was not warranted, and his view was supported by Cr Rowell. Cr Downes acknowledged that the matter had been reported to Council previously but was prepared to support the residents as an installation that was not necessary. Other views included reference to previous advice provided by Manager Engineering Services including that the impact of the "raised section" of the island would not affect resident cross-overs and that the issue was related to pedestrian safety and traffic speed. The Mayor referred to the traffic data for that section of road (circulated to all members at the meeting) which highlighted the high volume of traffic and the high percentage (45%) of vehicles exceeding the speed limit. On this section of Broome Street there was also comment about the previous fatality in 2006 of a pedestrian on that section of road. Clarification was sought and provided in relation to the markings on the road which indicate where the lines will be painted not where the blister island will be constructed. There was also discussion in relation to possible "illumination" at the site near the Bryan Way Path.

RECOMMENDATION

Moved Cr Jeanes, seconded Cr Rowell and Downes

THAT Council rescind its previous resolution being item 11.2.8 dated 28 November 2011 [item 1 (b)] *the proposed pedestrian crossing island on Broome Street at the northern end of the tennis courts.*

Carried 5/4

For: Crs Walsh, Pyvis, Rowell, Downes, Jeanes

Against: Mayor Morgan, Crs Boland, Hart and Strzina

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING**13.1 WALGA CENTRAL METROPOLITAN ZONE MEETING – REPORT ON METROPOLITAN LOCAL GOVERNMENT REVIEW.**

Cr Boland, as one of Council's representative to the WALGA Central Metropolitan Zone, raised an item on the upcoming Agenda related to WALGA's submission to the Robson Review (Draft Findings). Cr Boland sought advice and direction from Council with regard to that item and Council's resolved position in relation to a G4.

The report and attachments were circulated to Elected Members prior to the Council Meeting.

Moved Cr Boland, seconded Cr Mayor Morgan

That the matter of the WALGA Zone report on the Metropolitan Local Government Review be considered as urgent business.

Carried 9/0

Council discussed the report and attachments and the Mayor provided advice in relation to the meeting of Metropolitan Mayors on 22 May at the City of Belmont. Concern was raised about the WALGA approach and the fact that there appeared to be bi-partisan support for the Local Government reform. The Mayor specifically referred to the Panel Finding 13 and especially the option of a "Metropolitan Wide Authority for responsibility for waste, regional planning and transport to co-exist with local governments" which was initially supported 15/14 as an amendment but was lost when considered as the substantive motion 14/15. The general view of the Council was that Council's delegates should vote against the WALGA recommendation which proposed 15-20 Local Government's in Perth as that clearly requires "forced change" which is not supported by Council. Discussion then centred on the current G4 proposal endorsed by Council and the promises by the Premier at his recent meeting with views expressed that there needs to be certainty for that proposal which might guarantee or quarantine such a partnership from any future changes proposed by the Robson Enquiry or the State Government. As a consequence of the discussions a proposal was made that Council should take the lead on this issue and write to the Minister for Local Government, with a copy to the Local Member/Premier, seeking such an assurance.

Moved Cr Boland, seconded Cr Rowell

That Council;

- 1. Write to the Minister for Local Government requesting confirmation that a G4 amalgamation (Towns of Cottesloe, Claremont, Mosman Park and Shire of Peppermint Grove) would be an acceptable outcome for reform in the Western Suburbs.**
- 2. Provide a copy of the letter to the Premier and Local Member for Cottesloe, the Hon Colin Barnett MLA**

Carried 9/0

14 MEETING CLOSURE

The Mayor announced the closure of the meeting at 9:15 PM

CONFIRMED MINUTES OF 25 June 2012 PAGES 1 – 88 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

DATE: / /