

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, 26 August, 2013

CARL ASKEW
Chief Executive Officer

29 August 2013

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TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS.....	4
2	DISCLAIMER	4
3	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	4
4	PUBLIC QUESTION TIME	6
4.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	6
4.2	PUBLIC QUESTIONS.....	6
5	PUBLIC STATEMENT TIME	6
6	ATTENDANCE.....	7
6.1	APOLOGIES.....	7
6.2	APPROVED LEAVE OF ABSENCE	7
6.3	APPLICATIONS FOR LEAVE OF ABSENCE.....	7
7	DECLARATION OF INTERESTS.....	7
8	CONFIRMATION OF MINUTES	7
9	PRESENTATIONS.....	8
9.1	PETITIONS	8
9.2	PRESENTATIONS.....	8
9.3	DEPUTATIONS	8
10	REPORTS	9
10.1	REPORTS OF OFFICERS	9
10.2	REPORTS OF COMMITTEES.....	9
10.3	DEVELOPMENT SERVICES COMMITTEE MINUTES - 19 AUGUST 2013.....	9
10.3.1	NO. 257 (STRATA LOT 2) MARMION STREET – ALTERATIONS AND ADDITIONS, INCLUDING A FIRST FLOOR ADDITION, DOUBLE GARAGE, FRONT AND SIDE EXTENSIONS, PERGOLAS AND FENCING	9
10.3.2	NO. 42 (LOTS 301 & 31) JOHN STREET – TWO-STOREY AND SINGLE-STOREY ALTERATIONS AND ADDITIONS, LANDSCAPING, FENCING AND A POOL	18

	10.3.3	REPORT ON MAINSTREET AUSTRALIA CONFERENCE MELBOURNE 2013	32
10.4		WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 20 AUGUST 2013	41
	10.4.1	SURF LIFE SAVING WA SEASON REPORT AND EXTENSION OF AGREEMENT	41
	10.4.2	CONFERENCE ATTENDANCE - GOVERNMENT SUSTAINABILITY CONFERENCE 2013	43
	10.4.3	REQUEST FOR LANEWAY TO BE NAMED - ROW 39, FORREST STREET/STATION STREET	46
	10.4.4	REQUEST FOR BORE INSTALLATION ON ROAD VERGE TRUNCATION, 38 BEACH STREET, COTTESLOE	49
	10.4.5	STATUTORY FINANCIAL REPORTS FOR THE PERIOD 1 JULY 2013 TO 31 JULY 2013	52
	10.4.6	SCHEDULES OF INVESTMENTS AND LOANS AS AT 31 JULY 2013	54
	10.4.7	LIST OF ACCOUNTS PAID FOR THE MONTH OF JULY 2013	56
	10.4.8	RATES AND SUNDRY DEBTORS AS AT 31 JULY 2013	58
10.5		STRATEGIC PLANNING COMMITTEE MINUTES - 21 AUGUST 2013	60
	10.5.1	CHIEF EXECUTIVE OFFICER'S ANNUAL PERFORMANCE REVIEW	60
	10.5.2	SCULPTURE BY THE SEA MEMORANDUM OF UNDERSTANDING 2013	65
	10.5.3	POLICY REVIEW – DEFENCE RESERVIST LEAVE	68
	10.5.4	POLICY REVIEW – STAFF GIFT	70
	10.5.5	2013 NATIONAL LOCAL GOVERNMENT HUMAN RESOURCE CONFERENCE	72
11		ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	75
12		NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:	75
	12.1	ELECTED MEMBERS	75
	12.1.1	METROPOLITAN LOCAL GOVERNMENT REFORM	75
	12.2	OFFICERS	78
13		MEETING CLOSED TO PUBLIC	78
	13.1	MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	78

13.2	PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC	78
14	MEETING CLOSURE	78

1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 7:03 PM.

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Mayor advised the public that there had been a Council forum prior to the Council meeting to better inform elected members on issues associated with the State Government's threat of forced council amalgamations. The Mayor indicated that he would be moving a motion of Urgent Business at the conclusion of the meeting relating to that particular issue.

As this term of Council draws to a conclusion I would like to thank all Councillors for their cohesive and collective decision making. I think we have improved our town including our efforts to retain a low rise, vibrant beachfront, which have been vindicated over the years in that the community and Council position was validated by the experts and the Government has been caught out making a decision which was contrary to its own policy, similar to the position the State Government now finds itself in with its unlawful environmental approval of James Price Point. It will be a question as to whether we push onwards to establish that this is the case given that the State Government have recently changed its own Policy in order to overcome the unlawfulness of its previous decision. Our draft planning scheme has now been with the State Government for over 7 years, despite being ordered to complete its preparation in only 6 months. I understand that Cottesloe is not the only Council waiting for its scheme to be approved by the State Government, with the City of Nedlands also waiting just as long for its own draft planning scheme to be approved. It is disappointing that thousands of properties have had to wait for changes that would be made by the new scheme, all because the State Government is fixated on overturning the decision recommended by its own experts for only half a dozen properties, which has now got down to only two of those properties. Despite our request the Minister refuses to allow the balance of the scheme to progress. In the meantime, improvements to and rejuvenation of the Cottesloe Beach Hotel show that low rise development can deliver positive vibrancy to our beachfront.

Sound financial management has been maintained by this Council over a number of years for which I congratulate all elected members. I have been in Councils where the list of wants is endless without restraint. This year we have budget an increase of 3.8% which again is amongst the lowest in the metropolitan area and highlights our sound financial management, as does also our long term financial investment in our capital infrastructure. On my reckoning, in the time that I have been Mayor our Council's capital investment has exceeded what was spent in that area than in the preceding three (3) decades. As a result we have now got 21st century drainage for our road network, which includes pollutant traps and removed all of ocean outlets, we

have a new roof on the Civic Centre and War Memorial Town Hall, a new national award winning library, refurbished administration offices, refurbished groyne at the beach and the pylon is still standing. We have a plan to rejuvenate our beachfront reserves and this will be largely in hand once the sale of the depot site is completed, which will create further opportunities for the Council to reinvest in our public assets. We have rolling five (5) year plans where every road in this town is assessed and planned for upgrade.

In relation to our beachfront pub crowds we have significantly reduced antisocial behaviour emanating from those establishments over the last couple of years. Whilst I don't think we have got the crowd noise quite under control yet at Cottesloe Beach Hotel we are working towards a solution, though I seriously doubt whether you could ever completely control the noise from 2,000 people in an outdoor environment such as its beer garden. I think our next task is to ensure that the two beachfront hotels have their special dispensations removed, given that they are the only two large licenced premises in WA that do not have to comply with management plans with which every other large licenced premises in WA must comply.

An important uncompleted task is to finalise a policy for heritage preservation in our Town that uses an approach of *carrots rather than sticks*. This task has been delayed whilst we await approval of the new planning scheme. We continue to manage our local environment with the assistance of coastcare, for which we have now established a natural areas management plan, the implementation of which we must continue to improve. We continue to foster all of our local sporting clubs, which include our local tennis, golf, rugby, football and surf clubs. The recent underground extensions to the North Cottesloe Surf Club demonstrate this and show how we have helped to get this done in harmony with their neighbour. We have continued to foster our local service clubs being able to cater for the well-being of our community, in which regard we have been instrumental in developing new long term building solutions for a number of our key community groups, including the cancer wellness centre at the renovated Wanslea Centre, soon to be completed new premises for the Cottesloe Toy Library, refurbished and new premises for the Cottesloe Childcare Centre, soon to be completed new premises for the Cottesloe Playgroup, new premises at our new library for the Westcoast Community Centre, and soon to be completed new premises for Cottesloe Scouts, and hopefully we can get something done to improve the Deaf Institute.

Our regional cooperation via WESROC has waned somewhat in recent times due to the pressures of local government reform from the State Government and as such we have not achieved as much as we could, but this is an approach that hopefully we can soon return to.

In the future I think we need to review our enforcement of parking local laws to make them more user friendly for visitors to our Town however I accept that this is easier said than done.

We must continue to be wary of those who peddle points of view contrary to that of our community and Council. They did it on beachfront high-rise, and will do it on forced council amalgamations. To those people I say, that if they find

party political types whispering sweet nothings in their ear, they should look around, and if they can't work out who the patsy is, guess what, you're it. I thank and congratulate all councillors for their input and support. Whilst we have had our differences, we have still managed to run a cohesive council, in which regard our Council has been different to some preceding Councils in these chambers. For those who are considering re-nominating for Council during September I wish you well, I have not made that decision yet but will be considering my position over the coming weeks.

4 PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

Nil

5 PUBLIC STATEMENT TIME

Mr Laurie Scanlan – 20 Warnham Road, Cottesloe – Re. 10.3.1 No. 257 (Strata Lot 2) Marmion Street – Alterations And Additions, Including A First Floor Addition, Double Garage, Front And Side Extensions, Pergolas And Fencing

Mr Scanlan thanked Councillors for the opportunity to speak and stated that the application had gone through the planning committee and he was seeking support from all councillors. He appreciated that Council wanted to protect the Cottesloe character through planning controls and felt that his overall concept was in keeping with this character.

Mr Scanlan advised that without relaxation of the front set back the alternative would be demolition and a brand new dwelling which would produce an ordinary outcome. The design proposed was a sensitive and sustainable adaptation of the existing dwelling. He is willing to soften that wall by introducing an opening to make it look like a carport. He also mentioned examples where Council had approved carports or garages with zero setbacks.

He commented that all three neighbours have supported the proposal. He also explained how the improvements would minimise driveways/crossovers while enabling the rear unit to exit in forward gear. In this way the streetscape would be better than with redevelopment. The materials to be used and landscape would complement the locality.

6 ATTENDANCE

Present

Mayor Kevin Morgan
Cr Greg Boland
Cr Jack Walsh
Cr Katrina Downes
Cr Yvonne Hart
Cr Peter Jeanes
Cr Robert Rowell
Cr Victor Strzina

Officers Present

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

6.1 APOLOGIES

Cr Sally Pyvis

Officer Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Cr Sally Pyvis

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 DECLARATION OF INTERESTS

Nil

8 CONFIRMATION OF MINUTES

Moved Cr Strzina, seconded Cr Boland

[Minutes July 22 2013 Council.DOCX](#)

The Minutes of the Ordinary meeting of Council held on Monday, 22 July, 2013 be confirmed.

Carried 8/0

9 PRESENTATIONS**9.1 PETITIONS**

Nil

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

For the benefit of the members of public present, the Presiding Member determined to consider the following: Item from the Development Services Committee items 10.3.1 was withdrawn for consideration. The remainder items were dealt with 'En Bloc'.

From the Works & Corporate Services Committee items 10.4.3 and 10.4.4, were withdrawn for consideration. The remainder items were dealt with 'En Bloc'.

From the Strategic Planning Committee items 10.5.2 was withdrawn for consideration. The remainder items were dealt with 'En Bloc'.

10 REPORTS**10.1 REPORTS OF OFFICERS**

Nil

10.2 REPORTS OF COMMITTEES**10.3 DEVELOPMENT SERVICES COMMITTEE MINUTES - 19 AUGUST 2013****10.3.1 NO. 257 (STRATA LOT 2) MARMION STREET – ALTERATIONS AND ADDITIONS, INCLUDING A FIRST FLOOR ADDITION, DOUBLE GARAGE, FRONT AND SIDE EXTENSIONS, PERGOLAS AND FENCING**

File Ref: 2669
Attachments: [Photo Front of Dwelling](#)
[Applicant Submission and Plans](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Ed Drewett
Senior Planning Officer

Proposed Meeting Date: 19 August 2013
Author Disclosure of Interest: Nil
Property Owner: Kim and Cheryl Parker
Applicant: Lawrence Scanlan & Associates Pty Ltd
Date of Application: 10 May 2013
Zoning: Residential R20
Use: P - A use that is permitted under this Scheme
Lot Area: 480m²
M.R.S. Reservation: Not applicable

SUMMARY

This application is seeking the following variations to Council's Town Planning Scheme No. 2 (TPS 2), front setback resolution (2002), Policy for Garages and Carports in Front Setback Areas and the Residential Design Codes (RDC):

- Front setback
- Visual Privacy

Both of these aspects are discussed in this report and refer to plans received on 5 July 2013. The remainder of the proposal is compliant with TPS 2 and the RDC.

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

PROPOSAL

This application is for alterations and additions to an existing strata-titled dwelling, incorporating a new double garage, living room, study/bedroom, bathroom, front, side

and rear pergolas on the ground floor and two bedrooms, a bathroom and balcony on the first floor.

STATUTORY ENVIRONMENT

- Town Planning Scheme No. 2.
- Residential Design Codes.

POLICY IMPLICATIONS

- Garages and Carports in Front Setback Area.

PROPOSED LOCAL PLANNING SCHEME NO. 3

No change is proposed to the existing density coding of this lot.

MUNICIPAL INVENTORY

Not applicable.

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Residential Design Codes

Design Element	Deemed-to-comply	Proposed	Design principles
5.1 – Context	6m front setback or corresponding to the average setback of existing dwellings on each side fronting the same street or minimum 3m, average 6m.	1.5m to garage.	Clause 5.1.2 – P2.1 & 2.2
5.4 – Building design	7.5m cone of vision.	6.5m cone of vision from front balcony.	Clause 5.4.1 – P1.1 & 1.2

Council Policy/Resolution

	Permitted	Proposed
Streetscape	6m front setback (Council resolution 28/10/02).	1.5m to garage; 3m to front balcony.
Garages and Carports in Front Setback Areas	6m, but may be reduced to 1.5m where parallel to the street and if satisfies policy criteria.	1.5m.

ADVERTISING OF PROPOSAL

The application was advertised by the applicant to three adjoining owners in accordance with TPS 2. All three adjoining owners have provided written support for the proposal.

BACKGROUND

An initial assessment of the application revealed a number of areas of non-compliance with Council requirements, including front setbacks, a gatehouse, side setbacks, visual privacy and fencing.

The application has been amended to overcome many of the planning concerns identified by Council Officers (see attached letter from applicant).

PLANNING COMMENT

The following technical assessment is made in respect to the proposed development:

Front setback

In 2002 Council resolved to generally require a 6m front setback for residential development (for the preservation of streetscape, view corridors and amenity). The acceptable development standards of the RDC also require a minimum 6m front setback in an R20 zone, although this may be reduced to 3m providing it averages 6m across the lot, or where a reduced setback corresponds with the average of the setback of existing dwellings on each side.

The proposed double garage will be located parallel to the street with a 1.5m front setback, bedroom 2 and 3 on the first floor will have minimum front setbacks of 3.5m and 5m respectively, and the front balcony will have a 3m front setback. The remainder of the existing dwelling and proposed additions will have setbacks varying between approximately 7.5m and 15.3m (excluding pergolas which are included in open space) and this achieves a 6m average front setback. However, the proposal is not compliant with the *deemed-to-comply* requirements of the RDC as the garage does not have a minimum 3m front setback.

The relevant *design principles* in the RDC for street setbacks state:

Buildings set back from street boundaries an appropriate distance to ensure they:

- *contribute to, and are consistent with, an established streetscape;*
- *provide adequate privacy and open space for dwellings;*
- *accommodate site planning requirements such as parking, landscape and utilities;*
and
- *allow safety clearances for easements for essential service corridors.*

Buildings mass and form that:

- *uses design features to affect the size and scale of the building;*
- *uses appropriate minor projections that do not detract from the character of the streetscape;*
- *minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and meters and the like; and*
- *positively contributes to the prevailing development context and streetscape.*

The dwelling on the southern side of the lot is single-storey and is listed as Category 3 in the Town's Municipal Inventory and described as *a good example of pre-World War One residences in this section of Cottesloe*. The dwelling has a front setback of

approximately 5m to its verandah and garage with the main part of the dwelling being setback over 6m.

On the northern side, the dwelling is also single-storey and is listed in Schedule 1 of TPS 2 as well as in the Municipal Inventory as Category 2 which describes it as a *very important and beautiful Edwardian filigree "Queen Anne" style bungalow*. It has a front setback of approximately 10m.

The existing dwelling on the lot has a front setback varying between approximately 6m to an existing carport and 13m to the dwelling itself.

The remainder of the streetscape is a mix of single-storey and two-storey dwellings with approximately 6m front setbacks, although several double carports have been constructed in front setback areas.

Whilst reduced front setbacks may lead to a more varied and interesting streetscape, it is considered that a 1.5m front setback to the blank side wall of the proposed garage will not contribute to the streetscape, is not consistent with the established streetscape, and will not positively contribute to the prevailing development context and streetscape which is highlighted by the two adjoining heritage-listed buildings. As such, it does not satisfy the *design principles* of the RDC for this reduced street setback to be supported.

Setback to garage

As mentioned above, the proposed double garage has been designed parallel to the street with a 1.5m setback from the front boundary.

The *deemed-to-comply* standards of the RDC permit garages to be setback 3m where vehicles are parked parallel to the street, providing they include an opening in the wall parallel to the street. The relevant *design principles* in the RDC state:

The setting back of carports and garages to maintain clear sight lines along the street and not to detract from the streetscape or appearance of dwellings; or obstruct views of dwellings from the street and vice versa.

The explanatory guidelines of the RDC further address setbacks to garages and state that *garages are not acceptable except as provided by clause 5.2.1 C1.1, unless they can be accommodated without obstruction to views between street and house at ground level. Such exceptions are likely to be rare.*

Council's policy for *Garages and Carports in Front Setback Areas* (Policy TPSP 003) generally requires garages (and carports) to be positioned behind the 6m front setback line, although the policy does also allow for garages to be constructed with a reduced setback of 1.5m where vehicles are parked parallel to the street and the following criteria have been considered:

- *materials, design and appearance being in character with the dwelling and surrounding streetscape;*
- *consideration of view lines from adjoining properties;*
- *provision of adequate manoeuvring space;*
- *relevant objectives of the RDC;*

- *the effect of such variation on the amenity of any adjoining lot;*
- *the existing and potential future use and development of any adjoining lots; and*
- *existing setbacks from the street alignment in the immediate locality, in the case of setbacks from the principle street.*

The proposed garage will be stone clad and have roof planting which will assist in integrating its appearance with the proposed upper floor. It will also be well setback from the adjoining properties, will not obstruct view lines, and have a 6m manoeuvring area to enable vehicles to enter and exit in forward gear. However, there are no other garages in front setback areas along this section of Marmion Street and it is considered that taking into account the existing streetscape and in particular, the existing setbacks to the adjoining dwellings, the proposed location of the garage would detract from the streetscape and obstruct views to and from the house at ground level.

A compromise situation would be to require the proposed garage to be setback a minimum of 3m from the front boundary (aligned with the proposed balcony above), with an opening in the wall parallel to the street to comply with the *deemed-to-comply* standards of the RDC. Alternatively, the proposed garage could be changed to an open-sided carport which would assist in allowing unobstructed views to and from the dwelling. Both of these alternatives would provide good articulation to the frontage of the development whilst having less visual impact on the streetscape and adjoining heritage-listed dwellings.

Visual privacy

The proposed front balcony has a 6.5m cone-of-vision to the southern boundary, in lieu of 7.5m behind the front setback as required under the *deemed-to-comply* standards of the RDC. The relevant *design principles* in the RDC state:

Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:

- *building layout and location;*
- *design of major openings;*
- *landscape screening of outdoor active habitable spaces; and/or*
- *location of screening devices.*

Maximum visual privacy to side and rear boundaries through measures such as:

- *offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;*
- *building to the boundary where appropriate;*
- *setting back the first floor from the side boundary;*
- *providing higher or opaque and fixed windows; and/or*
- *screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).*

In this case, the proposed building layout and design will ensure that there will be no direct overlooking of active habitable spaces and outdoor living areas due the balcony's proximity to an existing carport and parapet wall on the southern

neighbour's lot. The adjoining owner also has been consulted and has no objection to the proposal.

CONCLUSION

The proposed first-floor addition has been designed to avoid building over the existing dwelling to minimise cost and because the applicant has advised that the existing limestone footings would not be adequate to take the load. However, this necessitates a reduced front setback to be considered that intrudes into Council's preferred 6m front setback and which does not comply with the RDC.

Although the overall design of the proposed additions is supported as it would enhance the appearance of the existing dwelling, the proposed reduced front setback to the garage would not contribute to the streetscape or compliment the adjoining dwellings on each side which are both of heritage significance. It is therefore recommended that further design revisions are necessary to ensure that the location and appearance of the proposed double garage in the front setback area does not detract from the amenity of the area.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee discussed the approach to setbacks in relation to the streetscape which exhibited some variation and the design aspects in support of exercising discretion in this instance, with mixed opinions expressed. Committee also queried privacy and vehicular access details which officers responded to.

OFFICER RECOMMENDATION

Moved Cr Strzina, seconded Cr Hart

That Council GRANT its approval to Commence Development for the proposed alterations and additions, including a first-floor addition, double garage, front and side extensions, pergolas and fencing at 257 (Strata Lot 2) Marmion Street, Cottesloe, in accordance with the plans received on 5 July 2013, subject to the following conditions:

1. Revised plans shall be submitted at building permit stage for approval by the Manager Development Services showing the proposed garage being setback a minimum 3m from the front boundary and including an opening in the wall parallel to the street, or alternatively the garage shall be changed to a carport which is unenclosed on all sides.
2. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.
3. The external profile of the development as shown of the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.

4. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.
5. Air-conditioning plant and equipment shall be located closer to the existing dwelling than the adjoining dwellings, and housed or treated to ensure compliance with the Environmental Protection (Noise) Regulations.
6. In accordance with Council's Fencing Local Law, the proposed fencing in the front setback area above 0.9m shall have an "open aspect" in that the palings shall be spaced to ensure the width between each paling is at least equal to the width of the paling, with a minimum space of 50mm and a minimum open aspect of 50% of the infill panel, and the piers shall not exceed 2.1m in height from Natural Ground Level.

Advice Note:

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

AMENDMENT

Moved Cr Boland, seconded Cr Hart

That in condition 1 of the Officer Recommendation 3m is altered to 6m and all words after 'front boundary' are deleted.

Lost 2/4

AMENDMENT

Moved Cr Jeanes, seconded Cr Downes

That condition 1 of the Officer Recommendation is deleted.

Equality 3/3

Presiding Member casting vote against the motion

Lost 3/4

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Cr Strzina

That Council GRANT its approval to Commence Development for the proposed alterations and additions, including a first-floor addition, double garage, front and side extensions, pergolas and fencing at 257 (Strata Lot 2) Marmion Street, Cottesloe, in accordance with the plans received on 5 July 2013, subject to the following conditions:

1. Revised plans shall be submitted at building permit stage for approval by the Manager Development Services showing the proposed garage being setback a minimum 3m from the front boundary and including an opening in the wall

parallel to the street, or alternatively the garage shall be changed to a carport which is unenclosed on all sides.

2. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.
3. The external profile of the development as shown of the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.
4. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.
5. Air-conditioning plant and equipment shall be located closer to the existing dwelling than the adjoining dwellings, and housed or treated to ensure compliance with the Environmental Protection (Noise) Regulations.
6. In accordance with Council's Fencing Local Law, the proposed fencing in the front setback area above 0.9m shall have an "open aspect" in that the palings shall be spaced to ensure the width between each paling is at least equal to the width of the paling, with a minimum space of 50mm and a minimum open aspect of 50% of the infill panel, and the piers shall not exceed 2.1m in height from Natural Ground Level.

Advice Note:

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

AMENDMENT

Moved Mayor Morgan, seconded Cr Jeanes

That item 1 be deleted from the recommendation.

Carried 5/3

For: Mayor Morgan, Crs Downes, Rowell, Jeanes, Strzina

Against: Crs Hart, Boland, Walsh

AMENDMENT

Moved Cr Boland, seconded Cr Walsh

That the garage be changed to a carport which is unenclosed on all sides.

Lost 3/5

For: Crs Hart, Boland, Walsh

Against: Mayor Morgan, Crs Downes, Rowell, Jeanes, Strzina

COUNCIL RESOLUTION

That Council GRANT its approval to Commence Development for the proposed alterations and additions, including a first-floor addition, double garage, front and side extensions, pergolas and fencing at 257 (Strata Lot 2) Marmion Street, Cottesloe, in accordance with the plans received on 5 July 2013, subject to the following conditions:

1. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.
2. The external profile of the development as shown of the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.
3. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.
4. Air-conditioning plant and equipment shall be located closer to the existing dwelling than the adjoining dwellings, and housed or treated to ensure compliance with the Environmental Protection (Noise) Regulations.
5. In accordance with Council’s Fencing Local Law, the proposed fencing in the front setback area above 0.9m shall have an “open aspect” in that the palings shall be spaced to ensure the width between each paling is at least equal to the width of the paling, with a minimum space of 50mm and a minimum open aspect of 50% of the infill panel, and the piers shall not exceed 2.1m in height from Natural Ground Level.

Advice Note:

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

Carried 5/3

THE AMENDED SUBSTANTIVE MOTION WAS PUT

10.3.2 NO. 42 (LOTS 301 & 31) JOHN STREET – TWO-STOREY AND SINGLE-STOREY ALTERATIONS AND ADDITIONS, LANDSCAPING, FENCING AND A POOL

File Ref:	2721
Attachments:	Response from Heritage Council Heritage Impact Statement Applicant Submission and Plans
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Ed Drewett, Senior Planning Officer / Andrew Jackson, Manager Development Services
Proposed Meeting Date:	19 August 2013
Author Disclosure of Interest:	Nil
Property Owner:	N Forrest
Applicant:	Carrier & Postmus Architects
Date of Application:	19 July 2013
Zoning:	Residential R20
Use:	P - A use that is permitted under this Scheme
Lot Area:	1863.9m² (Lot 301) & 621.9m² (Lot 31)
M.R.S. Reservation:	Not applicable

SUMMARY

This application has been assessed specifically in the context of the property's heritage significance in addition to relevant statutory planning provisions.

The documentation submitted has evolved following detailed discussions between the applicant, the Town, and the Heritage Council of Western Australia (HCWA) to consider whether the nature, extent and design of the proposal are appropriate for a property of such high heritage significance.

This application is seeking the following variations to Town Planning Scheme No. 2 (TPS 2), the Residential Design Codes (RDC) and Council's Fencing Local Law:

- Height;
- Solid walls in the front setback;
- Visual Privacy; and
- Walls on boundaries.

These aspects are discussed in this report and refer to documentation and plans received on 18 and 26 July and 13 August 2013. The remainder of the proposal is compliant with TPS 2 and the RDC.

Due to concerns identified the recommendation is to defer the application at this stage.

PROPOSAL

A summary of the proposed works is as follows:

Demolition

- Demolish section of southern boundary wall for new opening;
- Demolish section of northern boundary wall;
- Demolish carport;
- Modify existing kitchen and pantry rooms;
- Demolish living room;
- Remove walls of existing store room;
- Demolish sections of bedroom walls for new openings;
- Demolish pool;
- Demolish garden retaining wall; and
- Relocate gazebo (previously approved).

Proposed construction

- New garage in south-east part of site;
- New bedroom and living areas above garage with front and rear raised terrace (balcony) areas;
- New pool near eastern boundary;
- Modify garden pathway to pool area;
- New pool plant area below proposed carport;
- New dining and living room on site of former living room area;
- New outdoor sitting area to east of new living room;
- New cellar, media room and gym below proposed dining/living room;
- Modify existing kitchen and pantry;
- New internal gallery space; and
- New ensuite in a former bedroom to service existing guest bedroom and living area.

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

- WAPC SPP 3.5 Historic Heritage Conservation

STATUTORY ENVIRONMENT

- Town Planning Scheme No. 2
- Heritage of Western Australia Act 1990
- Residential Design Codes
- Fencing Local Law

PROPOSED LOCAL PLANNING SCHEME NO. 3

No change to the existing zoning or density coding is proposed.

HERITAGE LISTING

- State Register of Heritage Places
- TPS2 – Schedule 1
- Municipal Inventory (MHI) – Category 1
- Register of the National Estate
- National Trust Classification

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

	Permitted	Proposed
Height	Wall height – 6m Ridge height – 8.5m from NGL at centre of site. (7m can be supported for flat (concealed) roof under RDC).	7.44m to upper part of flat roof above carport structure.

Council Resolution

	Preferred	Proposed
Streetscape	6m front setback, no averaging.	2m front setback to covered walkway (1.3m to flat roof over).

Fencing Local Law

Permitted	Proposed
Open-aspect fencing above 0.9m in front setback area.	2.9m high solid walls to covered walkway; Solid wall along eastern boundary.

Residential Design Codes

Design Element	Deemed-to-comply	Proposed	Design Principles
5.1 – Context	6m front setback, or corresponding to the average setback fronting the same street, or minimum 3m and average 6m.	Minimum 2m to covered walkway.	Clause 5.1.2 – P2.1 & P2.2

	Walls on boundaries not higher than 3.5m, average 3m for up to one-third the length of the	4.5m high walls for 9.5m length to stairs/powder room on northern boundary.	Clause 5.1.3 – P3.2
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	boundary.		
5.4 – Building design	7.5m cone of vision from balconies.	5.65m cone of vision from upper floor rear balcony to eastern boundary.	Clause 5.4.1 – P1.1 & P1.2

CONSULTATION

The application was advertised to the eastern neighbour in accordance with TPS 2. No submission has been received to date but the adjoining owner has verbally expressed concern regarding the proposed height of solid fencing along the common boundary.

BACKGROUND

Planning approval and written consent for alterations and additions to the side and rear landscaped areas, modifications to the rear basement garage, relocation of the gazebo, new internal screen walls and modifications to the side and rear boundary walls was approved under delegation on 24 July 2013. These works were generally on the western side of the lot, whereas the current application is for works predominantly on the eastern and northern sides.

APPLICANT'S JUSTIFICATION

The applicant has submitted an overview of the proposed development and a Heritage Impact Statement prepared by Griffiths Architects in support of the proposal (see attachments).

This is a brief statement which:

- summarises the high-level heritage classifications and associated values of the place;
- identifies that the extent of demolition is to recent additions of no real heritage worth, with little impact on important heritage fabric; and
- finds that the proposal, in terms of its nature, location and contemporary design, would retain the core heritage fabric and values of the place and represents an acceptable approach, thereby indirectly enhancing heritage

This appreciation is in relation to heritage principles and practice. It does not cover detailed design aspect or the planning and development considerations of the proposal under the Scheme and Codes, which are more the province of the Town.

In comparison, applications for other high-order heritage places have included more thorough heritage studies, statements in evaluating heritage values and the impact of proposals.

HERITAGE CONSIDERATIONS

Assessment framework

There is a well-defined planning and heritage framework for assessment of the proposal, which includes the HCWA. This framework guides consideration of the design approach to the heritage place. The Burra Charter is a further guide to the

heritage dimension, including consideration of the most appropriate design approach to combining the old with the new.

Together with the planning technical assessment involved (ie: development requirements or standards), the heritage values and classification of a property have a significant bearing on the consideration of a proposal and the extent to which it is acceptable or may warrant some design modifications or conditions of approval.

In this instance, there is a strong collection of heritage instruments and classifications relating to the place and they provide guidance on how the assessment of proposals should be approached and the values of the place to take into account.

Western Australian Planning Commission's (WAPC) Heritage Policy

The WAPC State Planning Policy (SPP) 3.5 Historic Heritage Conservation was gazetted in 2007. Its objectives are:

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

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

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

Those matters relevant to the proposed development include:

- the conservation and protection of any place or area that has been registered in the register of heritage places under the Heritage Act or is the subject of a conservation order under the Act, or which is included in the heritage list under a Scheme;
- whether the proposed development will adversely affect the significance of any heritage place or area, including any adverse effect resulting from the location, bulk, form or appearance of the proposed development;
- the level of heritage significance of the place, based on a relevant heritage assessment;
- measures proposed to conserve the heritage significance of the place and its setting; and

- the structural condition of the place, and whether the place is reasonably capable of conservation.

The Policy also requires that the following development control principles should be applied for alterations or extensions affecting a heritage place:

- development should conserve and protect the cultural significance of a heritage place based on respect for the existing building or structure, and should involve the least possible change to the significant fabric;
- alterations and additions to a heritage place should not detract from its significance and should be compatible with the siting, scale, architectural style and form, materials and external finishes of the place. Compatibility requires additions or alterations to sit well with the original fabric rather than simply copying or mimicking it;
- development should be in accordance with any local planning policies relating to heritage.

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

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

State Heritage Register

The property is listed in the HCWA's State Register of Heritage Places, wherein the *Statement of Significance* for the place provides the following description:

Pine Lodge, a single-storey Federation Queen Anne style brick house with cellars and a corrugated iron clad roof, extensive verandahs and a viewing belvedere, has cultural heritage significance for the following reasons:

- *the place is a finely designed and executed substantial single-storey residence with a prominent belvedere in the Federation Queen Anne style, set in expansive grounds, and displaying quality craftsmanship;*
- *the place was designed by eminent architect Edwin Summerhayes for William Zimpel, a prominent furniture merchant and manufacturer. The business he established operated in Hay Street, Perth, from the 1880s to the 1960s;*
- *the place is representative of the residential development of the Peppermint Grove, Cottesloe and Swanbourne areas, in particular the establishment of large family homes and grounds following the increase in population and prosperity associated with the gold discoveries of the 1890s; and*

- *the place's setting is a well known feature of the suburb of Cottesloe and contributes to this community's sense of place; and, the pine trees in the grounds of Pine Lodge and the associated trees in John Street are representative of the garden suburb movement of the early twentieth century, when the Forestry Department provided a variety of seedlings free of charge for planting in public spaces.*

The clinker brick wall and the 1980s additions are considered to have little cultural heritage significance.

Heritage Council's comment

Within its purview, the HCWA has supported the proposed development and provided the following findings:

- we understand that the fabric to be demolished, including the existing living room, carport and swimming pool were built post 1980 and have little heritage value;
- the southern and northern boundary walls are also more recent additions and have little heritage value;
- the new carport is of contemporary design that distinguishes it as a new addition. It provides privacy to the new pool and lawn area behind;
- the new northern addition is of simple contemporary design and it is distinguishable as new work;
- the addition to the north is positioned behind the existing residence and so is largely hidden from John Street; and
- the new landscaping, pavilion and carport seeks to contribute to the overall presentation of the place.

This is a somewhat narrow technical response that while distinguishing what is not heritage fabric and recognising the functional intent of the design, is seen as falling-short of the extensive heritage values attributed to the place in a suite of listings and of the wider heritage context of the street and locality.

Town Planning Scheme No. 2 (TPS 2)

The subject property is included in Schedule 1 of TPS 2, which is the heritage listing available in terms of local government heritage control, as a scheme has the force and effect of law, ie: affording heritage protection.

The Schedule lists the property as follows:

- *House No. 42 John Street – Large brick and iron house with gazebo constructed circa 1900. Classified by the National Trust.*

This invokes Part 6 of the Scheme: *Conservation and Preservation of Places of Natural Beauty and Historic Buildings and Objects of Historic or Scientific Interest*, requiring Council's written consent to proposals in addition to a planning approval under Part 7.

Broadly, Part 6 requires virtually any change to such a place to receive Council's consent, and in practice the making of a development application enables that step to be addressed.

Part 6 states that:

The Council considers that the places of natural beauty, and historic buildings, and objects of historic or scientific interest in Schedule 1 should be conserved and preserved.

The matters covered requiring Council consent include to:

- *clear, excavate or fill any land;*
- *fell, remove, kill or irreparably damage any tree;*
- *erect any fence;*
- *commence or carry out any renovation, modification, refitting, decoration or demolition of any building; and*
- *alter or remove any building or object or any part thereof.*

Clause 5.1.2 of TPS 2 requires Council in considering a proposed development in relation to heritage to have regard to:

- the need for preservation of existing trees or areas or buildings of architectural or historical interest; and
- the choice of building materials and finishes where these relate to the preservation of local character and the amenity of the area generally;
- the need for limitation of height or location of buildings to preserve or enhance views; and
- the dispersal of building bulk into two or more separate buildings on a lot in order to minimise the effect of building bulk.

As a further criterion, Clause 5.1.5 of TPS 2 requires that a building be designed, constructed and finished so that its external appearance does not disfigure the locality, lack harmony with the exterior design of neighbouring buildings or tend to depreciate the value of the surrounding properties.

Municipal Heritage Inventory (MHI)

The property is classified Category 1 in the Town's MHI which is defined as:

Highest level of protection: included in the State Register of Heritage Places, provides maximum encouragement to the owner to conserve the significance of the place. Photographically record the place.

The MHI description of the place is as follows:

An elegant Victorian 'Queen Anne' bungalow c. 1896 of tuckpointed brick with an iron roof. Sheltered by wide verandahs with large turned posts of regular square section frieze it has a belvedere to the south-west corner with pressed zinc cladding and candle-snuffer roof. The front sitting room has a bay window with casement windows. The main bedroom and dining room have bay windows with double-hung floor-to-ceiling window/doors with side windows. The front door has exquisite original leaded stained glass of a country scene. The carved mantelpieces came from Zimpel's own factory. The house has had two renovations. One c.1980 when the Georgian windows to the ballroom's north wall and the brick courtyards were added. The second c.1982 by D. Erickson saw the kitchen and cellars enlarged and the eastwing extensively remodeled adding the poolroom, three bedrooms and the eastern verandah. At this time the library was turned into a walk-in wardrobe and bathroom. The older bathrooms were demolished and two new ones, a guest pantry, sunroom and cloakroom created. Detailing in the old section of the house was copied. Stained glass windows and doors from the old National Mutual House were incorporated into the poolroom which has multipaned french doors echoing those in the ballroom. Underground garages were created next to the cellar. The old stables were demolished to make way for a tennis court.

Heritage and streetscape appreciation

The proposal has been assessed against this heritage framework by the Town's planning officers with the following comments and conclusion.

Pine Lodge is one of the grandest heritage places in Cottesloe. Together with Barsden, Kulahea, Belvedere, Tukurua and Le Fanu, it is one of a handful of stately period dwellings/properties around the district that stand out from others, each being of unique historical design with distinctive features and in most cases set in prominent positions and/or on larger sites.

All of these distinctive places have been saved, as well as undergone conservation works and various additions in more recent times. The earlier tendency has been for additions copying the style of the original dwellings, while lately the trend has been for additions of contemporary design. The approach has been to extend the dwellings to the rear and side, whereby the additions are either largely concealed from view or read as logical from the street. Although there have been some upper-level additions, they have tended to be minor. There has been very little by way of forward additions to these places, and none detracting from the dominance of the original dwellings to their streetscapes.

From an analysis of the proposed design the following is observed:

- the portions of the existing dwelling to be demolished or modified are later additions, which will not be detrimental to the heritage of the place;
- the proposed modern rear additions, being single-storey above ground with basement, are capable of being absorbed by the site and would be mostly hidden from view from the street;

- the proposed modern two-storey free-standing addition to the front facing John Street would:
 - (a) be positioned separately from the original dwelling, affording a degree of breathing space, yet with several interconnecting elements;
 - (b) project forward of the original dwelling, albeit setback 6m, and present its widest elevation to the street. At almost 17m this is quite wide in itself relative to a typical new house on an elongated lot, and adjacent to the original dwelling at almost 25m wide;
 - (c) insert a modernist design into the streetscape gap of the spacious curtilage to the original dwelling;
 - (d) interrupt views to and from the place from along the street, opposite the property and within the site, especially of the turret etc from the east;
 - (e) introduce a comparatively ultra-modern design in this section of the streetscape, which is characterised by an eclectic mix of period dwellings, including a number of other substantial and significant buildings, as well as some newer houses of conventional design;
 - (f) create a strong sense of bulk and scale due to the geometry, solidity and materiality of the new building. The two-storey blank wall on the eastern elevation, approximately 6.5m wide by 7.5m high, is an obtrusive element that would be obvious, stark and a major contributor to blocking-out that view of the original dwelling; and
 - (g) the proposed gatehouse/walkway with its solid walls and roof occupying the front setback and projecting forward of both the original dwelling and the proposed modern addition would increase the impact of mass and be obtrusive to the streetscape. It is not really necessary and would be better deleted altogether or at least minimised and of lightweight open-aspect design. Council has tended to not favour gatehouses or other forward elements impacting on front setback areas.

The officer conclusion is that, given the heritage framework and the effect to the proposed additional building to the front of the site, the design does not adequately respond to or respect the heritage values and setting of this high-order place.

PLANNING ASSESSMENT

In addition to the heritage requirements, the following technical assessment is made in respect to variations sought under TPS 2, the RDC and Council Policies.

Building height

The proposed two-storey, flat-roofed, addition partly straddles two existing lots which the applicant has indicated may be amalgamated. The natural ground level (NGL) at the centre of the lot(s) has been calculated at RL: 34.21 and the maximum acceptable height above this point that is generally supported by Council is 7m, based on the RDC *deemed-to-comply* height provisions for flat or concealed roofs.

The roof height of the proposed two-storey addition is up to 7.44m above the calculated NGL. Part VI of TPS 2 allows Council to vary building heights for heritage buildings. However, this increased height further emphasizes the bulk and scale of the addition, particularly when viewed from the eastern side of the site. It is therefore recommended that this be reduced accordingly or the location of the addition on the lot be reconsidered.

Solid walls in front setback

A 2.9m high x 12.4m long covered walkway is proposed partly within the front setback area with a 2m setback from the front boundary (1.3m to roof canopy). The structure will have Travertine or Sim walls with a 1.6m high open metal slat entry gate.

The height of the proposed solid walls within the front setback area exceed the maximum 0.9m height generally permitted under the Council's Fencing Local Law and it protrudes into the minimum 3m setback area required under the *deemed-to-comply* provisions of the RDC.

The *design solutions* of the RDC state:

Buildings set back from street boundaries an appropriate distance to ensure they:

- *contribute to, and are consistent with, an established streetscape;*
- *provide adequate privacy and open space for dwellings;*
- *accommodate site planning requirements such as parking, landscape and utilities; and*
- *allow safety clearances for easements for essential service corridors.*

Buildings mass and form that:

- *uses design features to affect the size and scale of the building;*
- *uses appropriate minor projections that do not detract from the character of the streetscape;*
- *minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and meters and the like; and; positively contributes to the prevailing development context and streetscape.*

Although there are some existing solid walls in the front setback area the proposed gatehouse/walkway would be roofed, have solid sides and project forward of the original dwelling and the proposed separate front addition. This would increase the impact of mass and make it obtrusive to the streetscape, which would not minimise the use of blank walls in the front setback area or satisfy the design principles of the RDC.

Visual privacy

A 5.65m cone of vision is proposed to the eastern boundary from the rear raised terrace area in lieu of a 7.5m cone of vision required under the *deemed-to-comply* standards of the RDC.

The *design principles* of the RDC state:

Minimal direct overlooking of active habitable spaces and outdoor living areas adjacent dwellings achieved through:

- *building layout and location;*
- *design of major openings;*
- *landscape screening of outdoor active habitable spaces; and/or*
- *location of screening devices.*

Maximum visual privacy to side and rear boundaries through measures such as:

- *offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;*
- *building to the boundary where appropriate;*
- *setting back the first floor from the side boundary;*
- *providing higher or opaque and fixed windows; and/or*
- *screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).*

A portion of the side and rear raised terrace will be screened to avoid direct overlooking of the adjoining eastern dwelling. Overlooking from the remainder of the terrace will generally only be at an acute angle greater than 45 degrees and would mainly be along the side of the adjoining dwelling rather than directly into active habitable spaces or outdoor living areas. The adjoining owner also has not raised any specific concern to the privacy concession sought.

Walls on boundaries

It is proposed to raise a 21.1m length of the existing northern boundary wall by approximately 0.3m to 0.9m thereby extending the overall wall height to between 4m and 4.5m respectively above the rear right-of-way. A portion of the wall will form the northern side of the proposed stairs and powder room and the remainder will provide increased privacy to the proposed outdoor entertaining area.

The *design principles* of the RDC state:

Buildings built up to boundaries (other than the street boundary) where this:

- *makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- *does not compromise the design principle contained in clause 5.1.3 P3.1;*
- *does not have any adverse impact on the amenity of the adjoining property;*
- *ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and*
- *positively contributes to the prevailing development context and streetscape.*

The proposed additions up to the boundary make effective use of space at the rear of the existing dwelling and will not have an adverse impact on the amenity of nearby

properties as it will be adjoining a right-of-way. It is also on the northern boundary so will not impact on direct sun to adjoining properties and will be of similar height to other existing screen walls that have been constructed along the right-of-way so will not appear out of keeping with the prevailing development in the area.

A new masonry wall along the eastern boundary of the site will replace an existing tennis court fence and is proposed to range in height from approximately 1.8m at the front to 3.7m at the rear. This is solid in the front setback area which is contrary to the Council's Fencing Local Law and should therefore be modified accordingly. Also the adjoining owner has expressed concern regarding the height of the remainder of the proposed wall so it has been conditioned at a maximum height of 1.8m unless agreement is reached with the adjoining owner.

CONCLUSION

Council is the authority to determine this planning application under its scheme and in doing so is required to have regard to the advice of the HCWA, which is supportive of the proposal. The short Heritage Impact Statement prepared by Griffiths Architects is also supportive.

The proposed rear addition and internal upper-level renovation can be supported.

The proposed separate front addition, however, is assessed as a bold architectural statement rather than being intrinsically sympathetic to the heritage of the place or to the quality of the streetscape, hence the design is considered difficult to support in its current form. Alternative designs could explore: a greater front setback down the side of the property and behind the original dwelling; single-storey; integration with the original dwelling; less height, scale, bulk and mass; and softer, lighter aesthetic.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee noted the heritage dimension and commented on some of the design aspects, overall concluding that the matter should be deferred as recommended. The Manager Development Services also elaborated on the heritage and planning considerations involved.

OFFICER RECOMMENDATION

Moved Cr Walsh, seconded Cr Strzina

That Council DEFER determination of the development application for Pine Lodge at No. 42 (Lots 301 and 31) John Street, Cottesloe, based on plans received 18 and 26 July and 13 August 2013, to enable the applicant to liaise with the Town towards a more acceptable design solution taking into account the heritage and planning considerations as outlined in this report.

AMENDMENT

Cr Boland foreshadowed an amendment to add the following after the recommendation to defer:

That in accordance with the applicant's "Pine Lodge Renovations" notice to residents, April 2000, the applicant be requested to: (a) designate one of the rooms in the house as the John Street Heritage Room; and (b) convene a meeting at the property for neighbours and anyone interested in the heritage aspects of the house and the John Street precinct to view the current proposal.

Cr Boland explained his rationale and given discussion by Committee modified and moved the amendment as below:

Moved Cr Boland, seconded Cr Hart

In accordance with the applicant's "Pine Lodge Renovations" notice to residents, April 2000, the applicant be requested to convene a meeting at the property for neighbours and anyone interested in the heritage aspects of the house and the John Street precinct to view the current proposal.

Lost 2/4

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Strzina

That Council DEFER determination of the development application for Pine Lodge at No. 42 (Lots 301 and 31) John Street, Cottesloe, based on plans received 18 and 26 July and 13 August 2013, to enable the applicant to liaise with the Town towards a more acceptable design solution taking into account the heritage and planning considerations as outlined in this report.

Carried 8/0

**10.3.3 REPORT ON MAINSTREET AUSTRALIA CONFERENCE MELBOURNE
2013**

File Ref: SUB/38
Attachments: [Conference Literature](#)
[Retail Report](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services
Proposed Meeting Date: 19 August 2013
Author Disclosure of Interest: Nil

SUMMARY

The Manager Development Services attended the Mainstreet Australia Conference in Melbourne on 13-15 May 2013.

This report provides feedback to Council relevant to current planning topics generally and Cottesloe in particular.

**BACKGROUND****What is a mainstreet?**

Mainstreets are the hubs of our communities and we want them to survive and thrive. Other words for mainstreets include: traditional main streets, shopping strips, town centres, city centres, retail/commercial precincts and activity centres. Typically orientated towards public streets or places, they are characterised by multiple ownership, shared infrastructure and a broad mix of uses.

Who is Mainstreet Australia?

Mainstreet Australia is a diverse association providing strategic direction, advocacy, education and networking for all stakeholders to ensure that local business centres remain the beating heart of our communities. Established as a forum for information exchange and professional development, Mainstreet Australia provides a collective voice and vision for mainstreets to evolve and improve.

Mainstreet conferences

The Mainstreet Australia National Conference is well-respected, delivering quality speakers, practical insights, valuable information and authentic experiences. It is the largest conference that specifically supports mainstreet practitioners in the business, community, government and consultancy sectors, embracing urban planning, design and development, economic and community development, place-making and tourism.

What's it all about

This year's conference theme was *New Challenges, New Opportunities, New Values*, with a comprehensive list of topics and tours; attended by some 240 delegates from across Australia and overseas.

The conference topics and sessions were many and varied, reflecting the dynamics of town centres and mainstreets. They included theory and practice, philosophies and technicalities, issues and trends; conveying a variety of challenges facing and approaches to today's urban centres.

Speakers covered the art and science of place-making; mainstreet activation methods; managing nightlife; competition with big-box shopping centres; the digital economy; governance and relationships; financial mechanisms; measuring and monitoring success (or failure); access, inclusion and engagement; arts and culture precincts (events and tourism); and more.

Tours offered a choice of downtown destinations, specialised localities and outer growth centres.

CONFERENCE LESSONS

The conference was stimulating and enlightening, imparting the complexity of achieving healthy and vigorous mainstreets and town centres. Some of the key insights gained by this attendee are expressed below, while selected attachments to the report elaborate on certain places and matters.

Be there or be square





The conference venue of Federation Square was inspirational in many ways:

- It is a multi-functional facility catering to all sorts of activities and events. In a few days there I experienced within that overall space a conference, the arts, a union rally, excellent travel/tourist information, preparation for a weekend festival and of course the drawcard of the public plaza as a place to spend time in, mingle, meet and move on.
- It sits comfortably as avant-garde architecture alongside heritage landmarks (eg Flinders Street railway station) and addresses the city in looking out to and connecting with the station, streets, river, parkway and nearby cultural venues (eg art gallery).
- When I asked someone what was there before they could not remember, indicating how familiar and appreciated the modern replacement has quickly become.

- Federation Square has succeeded in bringing together humanity and technology, whilst also embracing the man-made and natural environments. It is available for all, providing basic needs such as food and restrooms and an urban “park” for respite, plus a complex of entertainment, cultural and educational activities.

Come rain or sunshine



An afternoon tour of the middle-distance suburban commercial centre of Sunshine, only 11km from the CBD, was informative as follows:

- This older and spread-out town centre is low-rise, diverse and busy; not so much run-down as dated, with some poor design features.
- It survives on a large catchment population, family and migrant demographic (lots of students), numerous small businesses and has the busiest municipal library in Victoria, which is appropriately located in the heart and is an anchor use.
- Like Cottesloe and many traditional town centres, the town centre sits beside a railway line but is disconnected from that and the transit environment is unpleasant. The State Government is funding a rail system overhaul programme which is seeing major redevelopment of train stations to integrate with town centres, including Sunshine. While welcome, the fast-track process is forcing designs and works on councils and communities with limited

consultation, acquiring some properties and displacing businesses. Nonetheless the new station precincts will overcome their dislocation to create transport and activity hubs which have amenity, convenience, and security.

- The council is undertaking progressive urban design and public domain infrastructure improvements to the main streets, such as repaving footpaths, traffic management and new landscaping, but the scale of the centre makes this costly and the treatments while practical are aesthetically comparatively ordinary.
- Another rejuvenation initiative is setting-up art and design studios in vacant shopfronts as creative spaces for cultural stimulation and community interaction, leading to collaborative projects such as street furniture, wall murals, etc and fostering a sense of identity. It is cautioned that innovations like this and pop-up shops require considerable effort and must still be proven as a business case in order to be sustained.
- A local short film festival is another innovation, this year inviting entries on a theme promoting “Sunshine Rising”, with categories from the community and schools.
- A significant difficulty in proposing economic measures was engaging migrant-based traders due to language barriers and business attitudes. Through the use of interpreters and events (eg street fair with food-stall competition by local restaurants) rapport and trust has been gradually built-up to overcome apprehension and raise awareness amongst traders towards participating in economic development groups and schemes.
- The Sunshine Business Association is building strength in promoting and improving the centre, undertaking a range of actions in accordance with a five-year business plan.
- Heritage occasionally suffered due to commercial developers disrespecting the opportunity for sophisticated proposals.
- Plans to introduce the first medium-rise block of apartments, with ground level commercial uses to the locality, endeavouring to entice residents from modest single dwellings with gardens to a new lifestyle. Unfortunately the development site was next to and overlooking an unattractive shopping complex and remote from the train station. The design was also mediocre rather than imaginative and instead of being a catalyst could become a planning blunder and blot on the urban landscape. Interestingly the developer attributed the built form outcome to financial constraints and planning rules dictating the design.

Wider ranging

Another tour (although not taken by this author) was to the more distant regional centre of Dandenong set in the famous ranges, 35km from the CBD. Dandenong is an important dormitory, service and tourist settlement, experiencing a State Government investment of \$290 million to revitalise the central area.

This capitalises on the foundation of a very multicultural community, a fresh-produce economic base and associated market (Victoria’s oldest), heritage, festivals (some 60 events a year) and major sports venues (eg Sandown Race Course). The redevelopment includes new housing, introducing apartments, high-tech offices, mainstreet and public spaces urban design, and commercial premises.

It is clear that with careful planning, controlled development, sufficient funding and effective management there is a future for existing centres to be rejuvenated and to generate lifestyle and employment opportunities as attractive alternatives to inner-city areas.

Eat, drink and be civilized



Downtown Melbourne has avoided dominant high-rise development and retained is a compact grid of mixed uses and a very walkable city centre, augmented by trams and trains linking to inner-metropolitan activity centres and recreational/tourist destinations. The convenience and enjoyment of movement networks and modes is a vital ingredient of urban liveability.

Although like all big cities it has some grotty corners, grungy activities and dodgy characters, the active core exhibits an exciting pulse, noticeable friendliness and cultural air, with a sense of identity belonging to the people as opposed to duller atmosphere of post-WWII “modernist” CBSs. This is despite a mere trickle of a river compared to the mighty Swan, and temperatures giving a whole new meaning to “cold” for any Perthite.

Several additional factors contribute to the buoyancy and vibrancy of downtown Melbourne:

- Legibility owing to layout, scale and urban design treatments.
- Night-time activation which is more about lifestyle than night-life; ie opportunities for socialisation, recreation, education and the arts as alternative pastimes to the centre being for work, business or shopping during the day.
- A spectrum of basic through to high-brow services and facilities, catering for the gamut of interests, ages and income levels, offering choice and variety, all within easy reach and comfortably coexisting.
- Efficient transport links to near-city precincts as part of an interconnected greater urban system, achieving integration rather than separation or isolation, with economic, social and sustainability benefits.

Fiscal fortitude

The reality-check on the surge of community engagement and design creativity in fostering and enhancing mainstreets is the financial wherewithal to operate programs, dispense services, pay consultants and fund works.

Although larger centres or councils may enjoy economies of scale and greater influence in deriving rate revenue, attracting investment and obtaining grants or

government funding, their size also presents hurdles to coordination, consensus and collaboration. The sheer cost of extensive improvements or major projects mounts-up and the necessary administration demands more resources. Dedicating staff and tools to the task as well as a commitment to longer-term outcomes becomes essential.

Often mainstreet initiatives are in reaction to declining centres owing to economic, physical, social and governance difficulties, characterised by problems such as poor accessibility, vacant premises, security issues, low amenity and so on, which lead to urban blight and decay. Administratively, local governments can face constraints in funding and resources and lack of cooperation from multiple landlords/small businesses and community groups. Practically, mainstreets must deal with planning considerations, transport requirements, parking pressures, changing demographics, competition and trends (eg internet sales).

Mainstreet Australia recognises the fundamental economic and business dimension of town centres and concentrates on this as one area of learning and advocacy. Examples include professional training on detailed mechanisms such as: starting up a business association; marketing for mainstreets; rules of association - getting the frameworks right; and best practice approaches to special rates and charges.

Cottesloe perspective



Cottesloe has always been a local village centre serving the district and hinterland of the nearby western suburbs and has evolved gradually, overcoming some periods of relative stagnation to today be in equilibrium. The geographic extent of the centre has been limited but business growth has occurred in keeping with real estate, population and lifestyle aspects. As a result the retail function of the service centre has become more fashion and food and beverage focussed. The centre has also seen mixed-use commercial/apartment developments and the new library adjacent.

In recent years council has undertaken a number of studies to address the future of the Town Centre as a basis for improvements to the public domain. Progress to date has concentrated mainly on providing more parking, better managed-parking (Meter Eye and time limits) and security (CCTV). Judicious infill developments supported by Council have contributed to the streetscape. Procott has continued to promote and enhance the Town Centre in conjunction and consultation with the Town.

Looking ahead, regional planning direction for activity centres, urban consolidation and transit-orientated development can be expected to have a stronger bearing on the Town Centre. The intended local government amalgamations would also alter the outlook to the role of the centre, its size/expansion, and the resources devoted to plan, develop and improve the locality. During this next phase, the philosophies, principles and practices of mainstreets, together with the complementary field of place-making, will continue to be of value in guiding planning and development for the Cottesloe Town Centre.

In this regard in January this year a report entitled *Perth Retail Strip Precinct Assessment* was published by Lease Equity and the Property Council of Australia (WA). It examined the economic, planning and retail sector influences and trends having a bearing on traditional inner-urban strip-shopping precincts around Perth, outlined success factors for mainstreets and profiled each centre, including Cottesloe. Key extracts are attached and salient points include the importance of:

- Connectivity (where Cottesloe is seen deficient);
- continuity of premises and street activation, with overall integration (where Station Street is seen as underdeveloped);
- efficient access, circulation and parking, plus public transport (which should be capitalised on);
- breadth of retail and business services to maintain competitiveness; and
- quality urban design and attractive streetscapes.

The extracts elaborate on these aspects and details in general and for Cottesloe in particular. The report is a useful reference for the Town's purposes of the planning, development and management of the Cottesloe's mainstreet precinct.

VOTING

Simple Majority

COMMITTEE COMMENT

Cr Hart, on behalf of the Committee, thanked Mr Jackson for the insightful and detailed report on the Mainstreet Conference activities and outcomes.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Strzina

THAT Council receive this report on the Mainstreet Australia Conference 2013 and note the potential application of planning approaches to the Cottesloe Town Centre.

Carried 8/0

**10.4 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 20
AUGUST 2013****10.4.1 SURF LIFE SAVING WA SEASON REPORT AND EXTENSION OF
AGREEMENT**

File Ref: SUB/115
Attachments: [2012_2013 Season Report_Cottesloe Beach
CONFIDENTIAL Draft Contract for Provision of
Lifeguard Services](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate & Community Services
Proposed Meeting Date: 20 August 2013
Author Disclosure of Interest Nil

SUMMARY

Council is being asked to receive the 2012/2013 season report from Surf Life Saving WA and to consider extending the agreement between the Town and Surf Life Saving WA for another three years.

BACKGROUND

Surf Life Saving WA (SLSWA) has provided professional lifeguards on weekdays during summer at Cottesloe Beach for some time. The service is generally well received by residents and visitors and provides surf life saving services at a time when volunteers are generally not available due to work commitments.

As a part of the agreement with SLSWA, a report is provided annually that covers all aspects of the services provided, as well as highlighting any issues that are specific to Cottesloe Beach. While the 2012/2013 summer season was extended well into April, it was not remarkable in any aspect other than late season numbers.

The agreement between SLSWA and the Town expired at the end of the 2012/2013 season, and the Town needs to renew its agreement in order for surf life saving services to be provided during the next summer season. Administration staff have met with SLSWA representatives and revised the previous agreement with some suggested changes which are covered below.

The previous agreement has worked well and there are no major issues with the working of this agreement to report.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

The cost of this service is covered within the adopted operating budget.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

Surf Life Saving WA has provided a highly professional service for a number of years. The communication between the duty life guards and the Town's staff has been excellent and the two organisations have worked together during some very difficult and trying situations in recent years.

Recent improvements to aerial surveillance, equipment on beaches and procedures for events that require beach closure or external assistance have been welcomed and the service continues to evolve in response to pressures from the public's desire to use the beach for recreation.

The only change to the service as has been provided for the last three years is the proposal to have three life guards on duty during peak times over school holidays. At a cost increase of \$15,000 – the additional service is affordable and will also provide a greater ability to respond to any incidents at North Cottesloe or areas south of the Cottesloe Groyne – should the need arise. As the number of people using the beaches has increased steadily over time, it is now seen as prudent to have a third life guard during the peak times.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council;

- 1. Receive the 2012/2013 season report from Surf Life Saving WA; and**
- 2. Authorise the Chief Executive Officer to sign the contract for the 2013/2014 to 2015/2016 seasons as attached.**

Carried 8/0

**10.4.2 CONFERENCE ATTENDANCE - GOVERNMENT SUSTAINABILITY
CONFERENCE 2013**

File Ref: SUB/1631
Attachments: [Government Sustainability Conference 2013 Program](#)
Responsible Officer: Andrew Jackson
Manager Development Services
Author: Nikki Pursell
Sustainability Officer
Proposed Meeting Date: 20 August 2013
Author Disclosure of Interest: This report recommends the Sustainability Officer attend the conference.

SUMMARY

Regular attendance at national level conferences allows staff to stay abreast of developments and remain connected to the industry. The field of sustainability is particularly dynamic and continually evolving. The Sustainability Officer position at the Town of Cottesloe is relatively isolated and therefore draws significant benefits from regular interaction and learning opportunities outside of the office.

The Government Sustainability Conference is the only Australian conference aimed at public sector sustainability practitioners. This year's conference will be held in Melbourne on the 7th and 8th of October. Due to the extremely positive and useful experience gained at last year's conference, as well as the recommendation from the staff member's performance review, the Sustainability Officer is seeking approval to attend the conference in 2013.

BACKGROUND

The Government Sustainability Conference is the peak annual environmental conference for Australia's public sector, focusing on the key environmental issues relevant to local governments. This year's event will include a record number of presentations, case studies, workshops and experts. Presentation topics will include:

- Analysis of the future carbon management landscape for government and public sector authorities.
- Design and implementation of climate change adaptation strategies and strategic sustainability planning.
- Implementing clean and energy efficient technologies in government infrastructure.
- How to develop a culture of sustainability within a government organisation.
- How to achieve a low carbon future.
- Public sector sustainability reporting.
- Community engagement on sustainability issues.
- Sustainable waste management.

Speakers include a cross-section of local government employees with valuable lesson to share, State Government department representatives, academics and university staff with up-to-date research outcomes, and relevant private sector and consultant representatives.

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

Regular attendance at conferences and other learning opportunities encourages innovation and confidence in staff, foster knowledge and skills, and supports the Town's strategic outlook.

POLICY IMPLICATIONS

The Town's policy on Conferences, Seminars and Training applies. The policy recommends the following expenses for approved conferences should be met by Council:

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

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation for staff training. The likely cost is \$2000 including registration, travel, accommodation and food.

STAFFING IMPLICATIONS

The learning and networking opportunities presented at national conferences fosters knowledge and expertise for both the staff member and the organisation. Provision of staff development opportunities assists in retaining existing staff.

CONSULTATION

The Sustainability Officer has consulted and received support from management.

STAFF COMMENT

The opportunity to attend a national 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 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 Town of Cottesloe has committed to achieve Carbon Neutrality, reduce its water consumption and lead the community by example in climate change action, and waste minimization. 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 benefits gained from relevant conferences are reflected in the Sustainability Officer’s Performance Review which recommends annual attendance.

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 Government Sustainability Conference 2013 in Melbourne on October 7 and 8 2013, and request a report on the conference to be provided within two months of attending the event.

Carried 8/0

10.4.3 REQUEST FOR LANEWAY TO BE NAMED - ROW 39, FORREST STREET/STATION STREET

File Ref: SUB/279
Attachments: [Copies of Received Comments](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 20 August 2013
Author Disclosure of Interest Nil

SUMMARY

At its June 2013 meeting Council resolved to;

1. *Write to all property owners on both sides of ROW 39 and ProCott, requesting comments on the idea of naming the laneway, as well as suggestions of a suitable name.*
2. *Thank the resident who made the suggestion with an explanation of the process now being followed.*
3. *Reconsider this matter, along with received comments at the August 2013 meeting.*

The period for comments has closed. This report presents the received comments and suggestions and recommends the Council;

1. Apply to the Landgate Geographic Names Committee for ROW 39 to be named _____ and;
2. Inform Procott and the four other people suggesting names of Council's decision, with thanks for their submissions.

BACKGROUND

The original request stated that the laneway is busy, with many properties backing onto it. Google Maps wrongly shows the laneway as De Nardi Lane. The last laneway named was "Doscas Lane", in 2009. This required advertising to owners connected to the lane and then a final approval by Landgate Geographic Names Committee of the new name proposed.

At the June 2013 meeting, Council resolved to seek comments from affected property owners on the proposal.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

New name must be approved by the Geographic Names Committee.

FINANCIAL IMPLICATIONS

Minimal – cost of 2 new signs

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Consultation period with property owners on ROW 39 has closed. This report presents the results.

STAFF COMMENT

No negative comments have been received regarding the idea of naming this laneway.

At the time of this report being written, five comments had been received. Procott supported the naming of the laneway but offered no suggested name. One suggestion proposed either Minty Lane or Peppermint Lane. The third suggestion was for the lane to be named after the original owner/licensee of the Albion Hotel.

Staff have investigated ownership of the Albion Hotel through the contents of “Cottesloe – A Town of Distinction” by Ruth Marchant James. Thomas Briggs applied for a publicans licence in 1870. Charles Wegg was the owner of the Albion Hotel at the turn of the century. Robert Bullen applied for the licence in 1882.

The next suggestion is Metcalf Lane, as Metcalf Motors used to be situated where the BP petrol station is currently located or Black Cockatoo Lane, due to the number of Black Cockatoos that pass through the area.

The final suggestion includes Figtree Lane, Fig Lane, Little Fig Street or Black Fig Lane. Note: Figtree Lane cannot be considered as there is already a ROW with this name in Cottesloe.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Committee discussed the suggested names for the ROW with a majority of the Councillors confirming a preference for the name Black Cockatoo Lane.

OFFICER RECOMMENDATION

THAT Council;

1. Apply to the Landgate Geographic Names Committee for ROW 39 to be named _____ and;
2. Inform Procott and the four other people suggesting names for Council's decision, with thanks for their submissions.

COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Cr Strzina

THAT Council;

1. Apply to the Landgate Geographic Names Committee for ROW 39 to be named Black Cockatoo Lane and;
2. Inform Procott and the four other people suggesting names for Council's decision, with thanks for their submissions.

AMENDMENT

Moved Cr Jeanes, seconded Mayor Morgan

That the item be deferred for three months further consideration of an alternative name and that Council inform Procott and the four other people suggesting names for Council's decision, with thanks for their submissions.

Equality 4/4
Presiding Member casting vote against the motion
Lost 4/5

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

THAT Council;

1. Apply to the Landgate Geographic Names Committee for ROW 39 to be named Black Cockatoo Lane and;
2. Inform Procott and the four other people suggesting names for Council's decision, with thanks for their submissions.

Carried 6/2

THE SUBSTANTIVE MOTION WAS PUT

**10.4.4 REQUEST FOR BORE INSTALLATION ON ROAD VERGE TRUNCATION,
38 BEACH STREET, COTTESLOE**

File Ref: SUB/431
Attachments: [Copy of Request Email](#)
[Plan of Site](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 20 August 2013
Author Disclosure of Interest Nil

SUMMARY

A request has been received from the owner of 38 Beach Street for permission to install a bore within the truncation of the Broome Street/Beach Street road reserve intersection, close to the property boundary.

The recommendation is that Council:

1. Allow the installation of a private bore in the truncation area of the road reserve corner of Beach Street and Broome Street, fronting 38 Beach Street, Cottesloe.
2. Inform the applicant of Council's decision on this matter.

BACKGROUND

The owner of 38 Beach Street, on the corner with Broome Street, wants to install a bore to reticulate gardens in the property and on the verge.

The wide road reserve of Broome Street and the narrow Beach Street road reserve are both vested in Council. There are no services in the truncation area proposed for a bore installation. Power to the bore would have to come from the private property.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council has no policies covering this issue.

STATUTORY ENVIRONMENT

Both road reserves are vested in Council. Council owns bores for its own use installed on road reserves. Council has the power to approve or reject this application.

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The applicant eventually wants to arrange the closure of the truncation, with the area to be included into the property. However he knows that the formal process could take up to two years and also be expensive. This was Council's experience when another truncation area was closed several years ago.

The verge width of Broome Street in this area is approximately 15m and the truncation area has no impact on the available vision around the Beach Street/Broome Street corner.

The bore would be installed close to the property boundary and be located with a flat plastic lid at ground level. There are no services through this triangular truncation area. No problems are seen by staff in allowing this installation to take place.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Cr Strzina raised and Committee discussed the broader issue of private bores water quality monitoring. Manager Engineering Services (MES) advised that the Town has no information or records of bores that are located on private property and the request for a bore at 38 Beach Street is only going before Council as the proposed bore is currently on Council controlled land.

Cr Boland stated that he was not in favour of the officer recommendation as he believed it would set an undesirable precedent. Cr Boland queried whether Council should create a policy in regards to this matter. Cr Boland also expressed concern that the Town is striving to be a Water Wise Council and the installation of a private bore on public land runs counter to that aim. Cr Boland also voiced concern that the possible closure of the truncation would affect the sight lines of pedestrians using the footpath on Broome Street. MES advised that due to the wide verge on Broome Street the sight line would remain satisfactory if the closure of the truncation were to be approved.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Cr Hart

THAT Council:

- 1. Allow the installation of a private bore in the truncation area of the road reserve corner of Beach Street and Broome Street, fronting 38 Beach Street, Cottesloe.**
- 2. Inform the applicant of Council's decision on this matter.**

COUNCIL DISCUSSION

Cr Boland circulated a proposed alternate motion and advised that garden bores were not suitable in this area of Cottesloe and referred to Water Corporation information sheet on garden bores (April 2013). Council discussed the matter at length including Council's position as Waterwise Council, the impact of bores on the environment and issues associated with the removal of the truncation.

ALTERNATE MOTION

Moved Cr Boland, seconded Cr Hart

That Council:

- 1. Decline the request for installation of a private bore on Council property at the corner of Beach Street and Broome Street.**
- 2. Inform the applicant of Council's decision in the matter.**

Carried 8/0

COUNCIL RESOLUTION

That Council:

- 1. Decline the request for installation of a private bore on Council property at the corner of Beach Street and Broome Street.**
- 2. Inform the applicant of Council's decision in the matter.**

Carried 8/0

THE AMENDED SUBSTANTIVE MOTION WAS PUT

**10.4.5 STATUTORY FINANCIAL REPORTS FOR THE PERIOD 1 JULY 2013 TO
31 JULY 2013**

File Ref: SUB/137
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 20 August 2013
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Statutory Financial Statements and other supporting financial information for the period 1 July 2013 to 31 July 2013 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 Statement of Financial Activity on page 1 of the attached Financial Statements shows operating revenue excluding rates at \$27,190 or 8% less than budgeted year to date revenue. Operating expenditure is \$575,621 or 52% less than budgeted year to date operating expenditure. The main reasons for this are outlined on the Variance Analysis Report on pages 7 to 9 of the attached Financial Statements. It should be noted that of this amount, approximately \$173,532 related to depreciation on fixed assets which is unable to be processed until the auditors have signed off on the Financial Statements for 2012/2013 which is likely to be in October 2013. Capital expenditure is detailed on pages 23 to 26 of the attached Financial Statements.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council receive the Statutory Financial Statements including other supporting financial information as submitted to the 20 August 2013 meeting of the Works and Corporate Services Committee.

Carried 8/0

10.4.6 SCHEDULES OF INVESTMENTS AND LOANS AS AT 31 JULY 2013

File Ref: SUB/150 & SUB/151
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 20 August 2013
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 July 2013, 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 18 of the attached Financial Statements shows that \$1,815,441.75 was invested as at 31 July 2013. Approximately 58% of the funds are invested with the National Australia Bank, 27% with the Commonwealth Bank of Australia and 15% with Bankwest.

The Schedule of Loans on page 19 of the attached Financial Statements shows a balance of \$5,870,772.29 as at 31 July 2013. Included in this balance is \$337,611.36 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 the 31 July 2013. These schedules are included in the attached Financial Statements as submitted to the 20 August 2013 meeting of the Works and Corporate Services Committee.

Carried 8/0

10.4.7 LIST OF ACCOUNTS PAID FOR THE MONTH OF JULY 2013

File Ref: SUB/137
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 20 August 2013
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the list of accounts paid for the month of July 2013, 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 July 2013 is included in the report on pages 10 to 15 of the attached Financial Statements. The following significant payments are brought to Council's attention;

- \$50,481.20 to Colgan Industries Pty Ltd for remedial works to walls at the Civic Centre.
- \$52,800.00 to Cobblestone Concrete for footpath works at Curtin Avenue.
- \$36,279.18 to Transpacific Cleanaway for waste collection and charges.
- \$82,685.90 to F J Fitzsimmons & Co for asphalt works at Station Street.
- \$88,138.55, \$84,649.95 & \$81,290.62 for fortnightly payroll.

- \$200,000.00 & \$300,000.00 to the Town's Investment account held with National Australia Bank.

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 July 2013 as included in the attached Financial Statements, as submitted to the 20 August 2013 meeting of the Works and Corporate Services Committee.

Carried 8/0

10.4.8 RATES AND SUNDRY DEBTORS AS AT 31 JULY 2013

File Ref: SUB/145
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 20 August 2013
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Rates and Sundry Debtors outstanding as at 31 July 2013, 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 20 to 21 of the attached Financial Statements shows a total balance outstanding of \$193,136.52 of which \$150,917.10 relates to the current month. The balance of aged debtors is \$42,219.42.

The Statement of Financial Position on page 4 of the attached Financial Statements shows total rates outstanding of \$9,210,212. Of this amount, \$198,596 is deferred and the balance of rates as a current asset is \$9,011,616.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council receive the Rates and Sundry Debtors reports as at 31 July 2013. This information is presented in the Financial Statements as submitted to the 20 August 2013 meeting of the Works and Corporate Services Committee.

Carried 8/0

10.5 STRATEGIC PLANNING COMMITTEE MINUTES - 21 AUGUST 2013**10.5.1 CHIEF EXECUTIVE OFFICER'S ANNUAL PERFORMANCE REVIEW**

File Ref:	PER/94
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Carl Askew Chief Executive Officer
Proposed Meeting Date:	21 August 2013
Author Disclosure of Interest	The author has an interest in the matter as it directly relates to his employment.

SUMMARY

This report recommends that Council confirm the establishment of the Panel for the Chief Executive Officer's annual performance appraisal in order to make recommendations to Council in accordance with Clause 8 of the Chief Executive Officer's contract of employment. It further recommends that Council invite a representative from WALGA's *Workplace Solutions* to join the panel to provide independent facilitation and professional advisory services.

BACKGROUND

In October 2012 Council considered a report in relation to the CEO's performance review and Key Result Areas (KRA's) for 2013. Specifically it resolved;

THAT Council;

- 1. Receive the attached Performance Review report and endorse the overall rating of "Satisfactory - meeting the performance requirements of the position of Chief Executive Officer of the Town of Cottesloe".*
- 2. Conduct the next review of the CEO's performance by December 2013*
- 3. Adopt the attached Key Result Areas for the January to December 2013 appraisal period as drafted by the Panel and Mr Askew.*
- 4. Request the facilitator provide a Remuneration Report for consideration by Council at its November 2012 meeting.*
- 5. Request the facilitator draft a contract of employment for consideration and discussion of a further contract for the CEO by Council at its November 2012 meeting.*

Carried 9/0

In accordance with the Position Description for the Chief Executive Officer the principal Objectives of the position are;

- Provides visionary leadership and strategic management and direction for the Town of Cottesloe.
- Provides the primary link through effective engagement between the Council, Staff, Stakeholders and the Community to achieve the Town's goals and objectives.

- Responsible for ensuring the highest level of business excellence, integrity, corporate governance and accountability, which is demonstrated within an environment of transparency, trust, openness, honesty and fairness for all.
- Commits to “Broad Objectives for the Future” in the Future Plan 2006 – 2010, namely:
 - Protecting and enhancing the lifestyle of residents and visitors.
 - Resolving the divisive nature of the configuration of the railway and main roads.
 - Enhancing beach access and the foreshore.
 - Managing the complexities involved in pressures for development.
 - Managing infrastructure and council buildings in a sustainable way.
 - Earning the community’s confidence in council.

Clause 7 of the CEO’s contract reads as follows;

7. *PERFORMANCE CRITERIA & KEY RESULT AREAS*

The following performance criteria apply to this contract:

- *Provide accurate and timely advice to Council based on available and appropriate information;*
- *Works collaboratively with Council;*
- *Facilitate the development and achievement of the Local Government’s strategic plan through the involvement of stakeholders and the persistent application of effort;*
- *Maintain a work environment that facilitates the development of people and encourages them to perform at a high level;*
- *Ensure the effective and accountable application of financial and physical resources;*
- *Develop and implement continuous improvement strategies to enhance service delivery;*
- *Initiate the development, implementation and review of Policy.*

These performance criteria may be varied and any other criteria may be included by agreement between the parties at any time during the term of this contract.

Key Result Areas

- *Key Result Areas will be developed for each 12-month period of the Contract.*
- *Key Result Areas are not intended to cover all aspects of the position, only those which are most clearly linked to the achievement of the Local Government’s strategic objectives and Future Plan.*
- *Key Result Areas will be tangible and measurable and within the Employee’s area of control and authority.*

Clause 12 of the CEO’s contract reads as follows;

12. REMUNERATION

12.2.1 *The remuneration package referred to in sub-clause 12.1 shall be reviewed annually by Council. A review shall not result in a decrease in the remuneration package.*

STRATEGIC IMPLICATIONS

The achievement of Council's Future Plan is related to the performance of the Chief Executive Officer.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

The relevant sections of the Local Government Act read, in part, as follows:

5.23. Meetings generally open to the public

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
 - (a) *all council meetings; and*
 - (b) *all meetings of any committee to which a local government power or duty has been delegated.*
- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
 - (a) *a matter affecting an employee or employees;*
 - (b) *the personal affairs of any person;*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

5.39. Contracts for CEO's and senior employees

(1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*

(1a) *Despite subsection (1) -*

- (a) *an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*

(b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.

(2) A contract under this section -

- (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;*
- (b) in every other case, cannot be for a term exceeding 5 years.*

(3) A contract under this section is of no effect unless -

- (a) the expiry date is specified in the contract;*
- (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
- (c) any other matter that has been prescribed as a matter to be included in the contract has been included.*

(4) A contract under this section is to be renewable and subject to subsection (5), may be varied.

(5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.

(6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.

(7) A report made by the Salaries and Allowances Tribunal, under section 7A of the Salaries and Allowances Act 1975, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.

Regulation 18D:

- *The performance of the CEO be reviewed at least once a year;*
- *The CEO will have a written contract of employment, which shall include performance criteria for the purpose of conducting a review. and,*
- *A Local Government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.*

FINANCIAL IMPLICATIONS

Any change in remuneration will have a budgetary impact. The current budget allows for an increase in line with the Town's current Enterprise Agreement.

STAFFING IMPLICATIONS

Annual review of the CEO's performance is a requirement under the LG Act and Regulations.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Mayor

STAFF COMMENT

In July 2012 Council resolved that the Strategic Planning Committee be appointed as the CEO's Contract and Performance Review Panel. The review process is conducted by the Panel under the auspices of the Mayor (whose role is to *"liaise with the CEO on the Local Government's affairs and the performance of its functions"*) and it was recommended that evaluation of performance should also invite input from all elected members.

As previously approved, a number of specific Key Result Areas (KRA's) for the CEO were identified and endorsed by Council in October 2012. In accordance with Council's October 2012 resolution, the CEO's performance and remuneration review should be completed by December 2013. Initial contact with Mr John Phillips, Executive Manager WALGA Workplace Solutions has confirmed his availability to once again support Council and the Review Panel with facilitation and professional advisory services. As with previous years the review process will allow "the opportunity for elected members to meet with the facilitator to provide feedback" and this has been discussed with Mr Phillips for inclusion in the review process.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

THAT Council

1. **Confirm the appointment of the Strategic Planning Committee as the CEO's Contract and Performance Review Panel with its role/responsibility being to;**
 - a. **Conduct the CEO's annual performance review based upon the performance objectives set for 2013 with the process to include the opportunity for elected members to meet with the facilitator to provide feedback.**
 - b. **Make recommendations to Council on the CEO's contract, remuneration and performance objectives for 2014.**
2. **Invite a representative from WALGA's Workplace Solutions to join the panel to provide independent facilitation and professional advisory services.**

Carried 8/0

10.5.2 SCULPTURE BY THE SEA MEMORANDUM OF UNDERSTANDING 2013

File Ref: SUB/1420
Attachments: [CONFIDENTIAL – MOU](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer

Proposed Meeting Date: 21 August 2013
Author Disclosure of Interest Nil

SUMMARY

Council has received an updated Memorandum of Understanding (MOU) from Sculpture by the Sea Inc, for the period 2014 - 2016. This report recommends that Council note some minor amendments to the MOU and authorises the CEO to sign the Memorandum of Understanding for Sculpture by the Sea on behalf of Council.

BACKGROUND

Council has had two *three year* Memorandum of Understanding (MOU) with Sculpture by the Sea covering the periods 2007-2009 and 2010-2013. Sculpture by the Sea has presented Council with a new MOU for the 2014 event and the following two (2) years.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

The Beach and Acquisition of Artworks policies apply.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Consultation has taken place between Council staff and Sculpture by the Sea Organisers.

STAFF COMMENT

The proposed Memorandum of Understanding presented to Council has a few changes from the previous MOU as follows;

1. An increase to the number of sculptures from 60 to “*in excess of 70*” with security being in place 24 hours a day for the duration of the exhibition, via exhibition site crew and contracted security company.
2. An increase *up to three* fete stalls to act as information and catalogue sales booths.
3. To have exclusive rights to engage the public by the Exhibition’s sponsors.
4. Exclusive right to engage in commercial activities on the beach and foreshore (excluding permanent businesses) in the Sculpture by the Sea display area.
5. Contribution for the purpose of assisting with operational aspects of the exhibition including signage, additional public toilets and/or publicity costs.
6. Sole right to stage public sculpture exhibitions in the Municipality from the date of the agreement until a period of three years after the expiration of the agreement.
7. Support of Sculpture by the Sea’s request to PTA to approve signage at the Cottesloe train station promoting Cott Cat and park and ride.
8. Consultation and assistance with addressing the need for additional public car parking.

Changes have been made to protect the Event and to ensure Sculpture by the Sea Inc maintain a well organised and well funded event for the future. Staff have also recommended that a plan/map of the area be attached to the MOU.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Mayor Morgan, seconded Cr Rowell

That Council endorse the Memorandum of Understanding with Sculpture by the Sea Inc. and authorise the CEO to sign the Agreement on behalf of Council.

AMENDMENT

Moved Mayor Morgan, seconded Cr Rowell

That these words be added after the words “on behalf of Council” ‘subject to Sculpture by the Sea Inc being provided with the opportunity to allow the MOU to be extended from three (3) to five (5) years.’.

Carried 4/0

COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Walsh

That Council endorse the Memorandum of Understanding with Sculpture by the Sea Inc. and authorise the CEO to sign the Agreement on behalf of Council subject to Sculpture by the Sea Inc being provided with the opportunity to allow the MOU to be extended from three (3) to five (5) years.

AMENDMENT

Moved Mayor Morgan, seconded Cr Walsh

That Council

1. endorse the amended Memorandum of Understanding (MOU) with Sculpture by the Sea Inc. with the MOU term to be for five (5) years and the Council contribution to operational aspects of the exhibition (as identified in the MOU - part 2 – Financial Assistance) be subject to a CPI increase each year.
2. authorise the CEO to sign the Agreement on behalf of Council.

Carried 8/0

COUNCIL RESOLUTION

That Council

1. endorse the amended Memorandum of Understanding (MOU) with Sculpture by the Sea Inc. with the MOU term to be for five (5) years and the Council contribution to operational aspects of the exhibition (as identified in the MOU - part 2 – Financial Assistance) be subject to a CPI increase each year.
2. authorise the CEO to sign the Agreement on behalf of Council.

Carried 8/0

THE AMENDED SUBSTANTIVE MOTION WAS PUT

10.5.3 POLICY REVIEW – DEFENCE RESERVIST LEAVE

File Ref: POL/55
Attachments: [Defence Reservist Leave Policy](#)
Responsible Officer: Carl Askew
Author: Chief Executive Officer
Carl Askew
Chief Executive Officer

Proposed Meeting Date: 21 August 2013
Author Disclosure of Interest Nil

SUMMARY

This report recommends that Council to note the review of the Defence Reservist policy, noting there is one minor wording change made to the policy.

BACKGROUND

A process of review and update for all Council policies has been implemented by the Administration and policies are being presented to Council as they are reviewed for endorsement.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

This item relates to the review of a Council Policy.

STATUTORY ENVIRONMENT

The Defence Reserve Service (Protection) Act 2001

FINANCIAL IMPLICATIONS

Nil at this point in time as there are no staff involved with the Australian Defence Reserves.

STAFFING IMPLICATIONS

Nil at this point in time as there are no staff involved with the Australian Defence Reserves.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

This policy has been reviewed to ensure it is relevant to the Town of Cottesloe's current working environment. Aside from the national interest being better served, the intended policy is more of a staffing or administrative nature

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

THAT Council adopt the Policy on Defence Reservist Leave as attached to the Strategic Planning Committee Agenda of 21 August 2013.

Carried 8/0

10.5.4 POLICY REVIEW – STAFF GIFT

File Ref: POL/66
Attachments: [Staff Gift Policy](#)
Author: Carl Askew
Chief Executive Officer

Proposed Meeting Date: 21 August 2013

Author Disclosure of Interest Nil

SUMMARY

The Town of Cottesloe policy for Staff Gifts has been amended by Council staff. This report recommends that Council adopt the policy, noting some minor changes have been recommended.

BACKGROUND

A process of review and update for all Council policies has been implemented by the Administration and policies are being presented to Council as they are reviewed for endorsement.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

This item relates to the amendment of a Council Policy.

STATUTORY ENVIRONMENT

Local Government Act 1995 (S. 5.50. Payments to employees in addition to contract or award).

FINANCIAL IMPLICATIONS

The changes to the gratuity amount only reflect the increase of the inflation rate since the policy was last updated in 2007.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

This policy has been reviewed to ensure it is relevant to the Town of Cottesloe's current working environment.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

THAT Council adopt the updated Policy on Staff Gift as attached to the Strategic Planning Committee Agenda of 21 August 2013.

Carried 8/0

10.5.5 2013 NATIONAL LOCAL GOVERNMENT HUMAN RESOURCE CONFERENCE

File Ref: SUB/1631
Attachments: [2013 National HR Conference.pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Lydia Giles
Executive Officer
Proposed Meeting Date: 21 August 2013
Author Disclosure of Interest This report recommends Executive Officer attends the conference

SUMMARY

This report recommends Council endorse the Town's Executive Officer to attend the National Local Government HR Conference from 6-8 November, 2013.

BACKGROUND

This conference is a being coordinated by the Local Government Association of Queensland on behalf of all the state Local Government Associations. The conference has been designed by Local Government practitioners for Local Government, including the WA Local Government Association (WALGA), for its members. It will seek to address issues and challenges that the local government sector finds itself facing from an increasingly demanding constituency and reformist state and federal governments, amidst times of unprecedented and growing financial pressures and continuing change.

STRATEGIC IMPLICATIONS

Fosters staff knowledge and skills.

POLICY IMPLICATIONS

Council's *Conferences Seminars and Training Policy adopted in July 2012* applies.

Policy Extract:

- *The Town will fund attendance at conference and seminars in order to provide regular opportunities for all employees of the Town to upgrade and enhance their skills and knowledge.*
- *At the recommendation of the relevant Manager and the Chief Executive Officer a council approval shall be sought prior to employee's attendance at conferences and seminars outside of Western Australia by referral to the Works and Corporate Services Committee for recommendation to Council. The authority which is sought must specify the associated costs including whether or not accommodation or travelling expenses are sought.*
- *Managers and the Chief Executive Officer must ensure that when approving an employee's request to attend a conference or seminar that the necessary budgetary allocations have been made and the course has been included within the training and development section of employees performance review.*

- *The Chief Executive Officer will require a report to be submitted to Council following attendance at a conference or seminar to assess the value of such attendance and expenditure.*

The Town of Cottesloe will cover the costs of attendance including the following:

- *Registration and other associated administrative fees;*
- *Return economy airfare (if air travel is required) and/or*
- *other necessary transport costs; and*
- *Reasonable accommodation costs and living expenses.*

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

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

The estimated cost of registration, accommodation, meals and travel for the conference is \$2,500 and can be met by the Training and Conferences budget for training and conferences in 2013/14. Early bird registration is available until 30 September 2013 and will be utilised if approval is granted.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

Councils, especially small councils such as Cottesloe, are necessarily and understandably looking to their corporate entities for ways to improve efficiencies and enhance productivity through organisational change, innovation and maximum performance of the organisation. This conference will address what these challenges mean and entail for the management of Council's workforce for the benefit of human resources, industrial relations, learning and developments, and workforce health and safety. The conference will contain a broad spectrum of presentations, workshops and discussions to assist Councils maximise their workforce management to achieve their business and service objectives.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

THAT Council approve the attendance of the Town's Executive Officer at the National Local Government HR Conference 2013 from 6 – 8 November 2013 and request that a report on the conference be provided within two months of attending the event.

Carried 8/0

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

Nil

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

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

Moved Mayor Morgan, seconded Cr Strzina

That a Motion related to Metropolitan Local Government Reform be considered as urgent business.

Carried 8/0

12.1.1 METROPOLITAN LOCAL GOVERNMENT REFORM

The Mayor referred to the Elected Members briefing prior to the Council meeting and the information provided by the CEO, including the Minister's media statement, presentation notes and associated correspondence related to the Government's reform agenda. He outlined his intention to move the following recommendation:

THAT Council;

- 1. Not support the Minister for Local Government's amalgamation proposal for the Councils of the western suburbs being forced on our community.**
- 2. Oppose the removal or dilution of the *Dadour* Poll provisions in the Local Government Act.**
- 3. Lobby State parliamentarians, encouraging them to not support the amending legislation as it relates to the Poll provisions (the *Dadour* amendment) contained in Local Government Act 1995.**
- 4. Encourage elected members within rural and remote areas to lobby local State parliamentarians to oppose the removal of the Poll provisions.**
- 5. Call upon the State Government to suspend the existing 4 October 2013 deadline for submissions to the Local Government Advisory Board, until the outcome of any process to remove or amend the Poll provisions is determined.**
- 6. Recommend to WALGA via the Central Metropolitan Zone, and via support from other affected metropolitan local governments, for adoption by WALGA State Council to lobby State parliamentarians for retention and no dilution of the Poll provisions, and promote this view to the State Government.**

7. Encourage members of the Cottesloe community to Lobby State parliamentarians to not support the amending legislation as it relates to the Poll provisions (Dadour provisions) contained in Local Government Act 1995.

AMENDMENT

Moved Cr Jeanes, seconded Cr Rowell

That a new item 8 be added to the officer recommendation to read:
"Reaffirm Council's previously resolved position, including a preparedness to consider an amalgamation with the Towns of Claremont and Mosman Park and the Shire of Peppermint Grove (plus associated boundary adjustments)".

Lost 2/6

For: Crs Jeanes, Rowell

Against: Mayor Morgan, Crs Downes, Hart, Boland, Strzina, Walsh

AMENDMENT

Moved Mayor Morgan, seconded Cr Strzina

That a new item 8 be added to the officer recommendation to read:
"Reaffirm Council's previously resolved position, including a preparedness to consider an amalgamation with the Towns of Claremont and Mosman Park and the Shire of Peppermint Grove (plus associated boundary adjustments) subject to prior confirmation that the Poll provisions will be maintained".

Lost 3/5

COUNCIL RESOLUTION

THAT Council;

1. Not support the Minister for Local Government's amalgamation proposal for the Councils of the western suburbs being forced on our community.
2. Oppose the removal or dilution of the Dadour Poll provisions in the Local Government Act.
3. Lobby State parliamentarians, encouraging them to not support the amending legislation as it relates to the Poll provisions (the Dadour amendment) contained in Local Government Act 1995.
4. Encourage elected members within rural and remote areas to lobby local State parliamentarians to oppose the removal of the Poll provisions.
5. Call upon the State Government to suspend the existing 4 October 2013 deadline for submissions to the Local Government Advisory Board, until the outcome of any process to remove or amend the Poll provisions is determined.

6. Recommend to WALGA via the Central Metropolitan Zone, and via support from other affected metropolitan local governments, for adoption by WALGA State Council to lobby State parliamentarians for retention and no dilution of the Poll provisions, and promote this view to the State Government.
7. Encourage members of the Cottesloe community to Lobby State parliamentarians to not support the amending legislation as it relates to the Poll provisions (Dadour provisions) contained in Local Government Act 1995.

Carried 5/3

For: Mayor Morgan, Crs Hart, Boland, Strzina, Walsh

Against: Crs Jeanes, Rowell, Downes

THE SUBSTANTIVE MOTION WAS PUT

12.2 OFFICERS

Nil

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

Nil

14 MEETING CLOSURE

The Mayor announced the closure of the meeting at 8:25 PM.

CONFIRMED MINUTES OF 29 August 2013 PAGES 1 – 78 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

DATE: / /