

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 March, 2012

29 March 2012

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Mayor announced the meeting opened at 7:00 PM.

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

Elected Members

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

Officers

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

Apologies

Nil

Officer Apologies

Nil

Leave of Absence (previously approved)

Nil

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PUBLIC STATEMENT TIME

With the Mayor and Council's agreement, Cr Downes spoke of the gift of the sculpture "lighthouse" by Mr Kerry Harmanis to the Town's collection and she stated that she was impressed with how well it fitted in at Eric Street and asked that Council write to Mr Harmanis to thank him for his generosity.

Moved Cr Downes, seconded Mayor Morgan

That Council request the administration draft a letter for the Mayor's signature to Mr Kerry Harmanis to formally thank him for his donation of the Lighthouse sculpture to the Town's collection.

Carried 9/0

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Strzina, seconded Cr Boland

[Minutes February 27 2012 Council.DOC](#)

The Minutes of the Ordinary meeting of Council held on Monday, 27 February, 2012 be confirmed.

Carried 9/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Mayor welcomed everyone to the meeting and noted that this was his first council meeting for the year. He advised that he and the CEO had met with the Member for Cottesloe and Premier of WA on Friday and had discussed a number of local/regional issues including LPS3 and the difficulties with the Minister's modifications. A presentation by Dr Linley Lutton reinforced the rationale for low rise development as articulated in the EbD and the reality of additional height impacting on potential construction/development. The Mayor suggested that there is still a hard road in front of the Town despite little substance or proof that higher developments will trigger building activity or of a nexus between ground floor commercial development and building height.

In relation to the Foreshore Plan the Premier advised that if re-elected he would look to use the MRA to take over key public lands in order to facilitate beachfront development and whilst there were no promises of State funds the State does have greater capacity to take on larger projects, but the price for the extra funding might be a loss of local control on any such development. The Premier said the MRA may consider the Town's Foreshore Plan when developing its own, and seemed interested in the potential redevelopment of

the Napier Street "A" Class Reserve. The risk is that centralised planning decisions may not have local knowledge and sensitivities.

In relation to Council's invitation to meet with all Elected Members the Premier has indicated a timeframe of May/June 2012.

In addition there has been discussion at a WESROC level about long term transport strategies including use of the Rail reserve and the opportunity was taken to discuss this with the Premier. As a collection of Western Suburbs Councils there is an opportunity to strategically plan key transit routes between Perth and Fremantle for the next 100 years and study will now be undertaken by WESROC to advance his aim. The Premier was asked to urgently have the MRA address whether localised developments at Claremont's North East Precinct and at the Beehive Montessori School are leaving sufficient space to suitably develop this transit corridor in future.

8.1 SUSPENSION OF STANDING ORDER 12.1 – MEMBERS TO RISE

BACKGROUND

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

Standing Orders 12.1 and 21.5 read as follows:

Members to Rise

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

Suspension of Standing Orders

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

COUNCIL RESOLUTION:

Moved Cr Strzina, seconded Cr Boland

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

Carried 9/0

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

CONSIDERATION OF REPORTS BY COUNCIL

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

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

11.2.5 Proposal for New Lighting, Harvey Field and Cottesloe Oval

Report of Officers:

10.1.1 2012 Whalebone Classic

The Following Items From Development Services Committee Were Withdrawn For Consideration

11.1.1 Cottesloe Foreshore/Marine Parade Signs Audit Further Report

11.1.2 Review of Draft State Planning Policy 2.6 - State Coastal Planning Policy And Guidelines

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

11.2.2 Standing Orders Local Law 2012

11.2.4 National General Assembly of Local Government Canberra 17 - 20 June 2012

11.2.6 Budget Variation - Building License Fees

11.2.7 Budget Variation – Improvements of Public Toilets at Indianas Tea House

The Remainder of The Officer Reports Were Dealt With ‘En Bloc’.

11.2.1 Grove Library Mission Statement

11.2.3 Carbon Neutral Emissions Inventory 2010-2011

11.2.8 Statutory Financial Reports for the Period 1 July 2011 to 29 February 2012

11.2.9 List of Accounts Paid for the Month of February 2012

11.2.10 Schedule of Investments and Loans as at 29 February 2012

11.2.11 Property and Sundry Debtors Report as at 29 February 2012

10 REPORTS OF OFFICERS**10.1 MANAGER CORPORATE SERVICES****10.1.1 2012 WHALEBONE CLASSIC**

File No: SUB/550-02
Responsible Officer: Mat Humfrey
Manager Corporate Services
Author: Meagan Hodgson
Community Development Officer

Proposed Meeting Date: 26 March 2012
Author Disclosure of Interest Nil

SUMMARY

On Saturday 14th of July and Sunday 15th July 2012, Fun's Back Surf Shop would like to hold their annual Whalebone Classic at Isolators Reef Cottesloe. The event will be organised by Peter Dunn and Simone Quartermaine, owners of Fun's Back Surf Cottesloe.

BACKGROUND

The Whalebone Classic is a small event, consisting primarily of a 2 day professional longboard surfing competition. It has been running for the past 14 years without incident.

A marquee tent will be set up for local sponsors to advertise their surf wares. Profits over the weekend are then distributed to Surf Aid International and others.

With 100 - 300 competitors expected, extra toilet facilities will be provided by the organisers. Rubbish bins are required, which have been supplied by the Council in previous years in support of this community event.

There will also be a designated area for complimentary beer tastings from 2.00pm – 4.30pm as has been provided in previous years and a licensing permit is to be finalised from the Department of Racing, Gaming and Liquor before the event date.

Event Commentators will make brief announcements from 7am – 5pm on both days of the competition.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Beach and Beach Reserve Policy

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

No cost to Council other than contribution to additional bins for the event.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

The Public Events Committee, met on 20 March 2012, considered and endorsed the event.

STAFF COMMENT

As this is an annual event that has been successfully run in the past, there is no reason why this event should not be approved for this year.

If the Council charges beach hire for this event, under community classification, it would total \$550. The Town has not charged in the past for the use of Isolators Beach for this event and there is little disruption to other patrons using the area.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

That Council approve the 2012 Whalebone Classic as proposed with following conditions:

- 1. That the event organisers are able to provide proof of adequate public liability insurance for all aspects of the event for no less than \$10 million;**
- 2. Additional bins and toilets are provided to the satisfaction of the Chief Executive Officer;**
- 3. No alcohol is to be served unless a valid license or permit from the Department of Racing, Gaming and Liquor is provided to the Town prior to the event; and**
- 4. That the Town's support of the event is appropriately acknowledged; and**
- 5. That the event complies with noise, relevant health and safety regulations**

Carried 9/0

11 REPORTS OF COMMITTEES

11.1 DEVELOPMENT SERVICES COMMITTEE MINUTES - 19 MARCH 2012

11.1.1 COTTESLOE FORESHORE/MARINE PARADE SIGNS AUDIT FURTHER REPORT

File No: SUB/346
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Will Schaefer/Andrew Jackson
Manager Development Services
Proposed Meeting Date: 19 March 2012

SUMMARY

In November 2011, Council requested staff to conduct an audit of signage within the Town, with special attention to be paid to the foreshore. A report was presented in February 2012.

Council then requested staff to further report on parking signs, the use of green poles instead of yellow for parking signs, kerb markings and markings on roundabouts.

This report attends to the above request, which relates both to the foreshore/beachfront locality as well as to the district generally.

BACKGROUND

Further to Notice of Motion 11.1.4 – *Suggestions for Public Signage Improvements at Foreshore and Generally*, an audit of signage along the foreshore and Marine Parade was presented to Council in February 2012. At the meeting Council resolved, in part, to:

3. *Request staff to further report on parking signs, colour of poles, kerb markings and markings on roundabouts.*

These subjects were covered to some degree in the February report and are now presented in more detail.

STAFF COMMENT

Parking Signs

It is recommended that the current parking signage regime remain.

As discussed in the February report, the Australian Standards caution that a lack of clear signage will understandably result in drivers assuming that no restrictions apply. In Cottesloe at present, numerous parking fine appeals are already made on the basis of inadequate signage – notwithstanding the yellow poles, Australian Standard compliant spacing and sign-size, and generally broad-daylight

circumstances of infringement. A reliance on road markings is likely to significantly increase the volume and potential success of the appeals. Further detail regarding road markings is provided in the section below.

Comparatively, parking signage along other beachfronts such as Swanbourne, Mosman Park and Leighton appears less intensive. The simplicity of other-district signage is due to differing traffic patterns and parking demand rather than better practice in the management of aesthetics. For example, at Leighton there is no obvious parking time limit the bays are grouped together in areas with controlled points of ingress and egress. In contrast, parking along Marine Parade is regulated, linear in nature and unsuited to controlled points of ingress and egress. The parking arrangement is also frequently interrupted by bus zones, taxi zones, 15 minute bays, ACROD bays and so on. Every one of these features is required under Australian Standards to be clearly marked, hence the extent of signage.

In addition, the presence of hotels, cafes, retail outlets, restaurants and accommodation along the Cottesloe beachfront generates significant parking pressure, especially during summer. The beachfronts immediately north and south of Cottesloe are almost devoid of commercial activity and parking spaces are much less intensely used as a result.

Beyond the requirements of the Australian Standards, it should be appreciated that the signage is useful to the 80% of summer Cottesloe beachgoers who are from other suburbs. Most drivers have no intention of being fined and it is often confusion about appropriate parking areas that leads to infringements.

Colour of parking sign poles

It is possible that the current yellow parking sign poles in Cottesloe could be gradually replaced with green poles. Whilst many Councils in Perth opt for yellow poles (including the Cities of Stirling and Joondalup, which have retained yellow parking poles at the Scarborough and Burns Beach beachfronts, respectively), green parking sign poles were introduced into the City of Nedlands approximately 3 years ago and, according to the City's Parking Co-ordinator, have not posed major liability problems so far. The Shire of Peppermint Grove also appear to be using green parking sign poles, though it is not known for how long or whether they have proved practical. To introduce the green poles to Cottesloe with minimal impact on Council funds, a suitably worded recommendation might be:

- 3. Request that administration progressively replace yellow parking sign poles with green poles, commencing with those that are weathered and damaged.*

Council's Manager Engineering Services advises that the poles are powder-coated, which renders them unsuitable for being painted by hand. It is also advised that the salty air along the foreshore and the legal need for brittle pole material that collapses in cases of impact are such that the lifespan of poles is rarely more than 10 years. Council could thus expect to see every pole in the preferred colour within a decade, or sooner if it is prepared to devote extra funding.

It is noted on page 12 of the Key2Design Report, which was recognised by Council in February as an appropriate guide for materials along the foreshore, the use of sea

blue for sign poles in the built environment is recommended. Council may wish to further discuss the preferred colour for parking sign poles before passing the relevant resolution.

Kerb Markings

The limited effectiveness of road marking is not confined to night-time or wet weather. In practice, a driver pulling into a gap in a long row of parked cars is likely to park quickly without pausing to look at signs. Once the vehicle is parked, the road markings beneath are of no use to the driver unless there are vacant bays nearby, and even so the driver is more likely to look for a sign than at the road (Australian Standards make this clear).

In any event, signage is legally required at every break in a linear parking arrangement. It is therefore not permissible to replace the signage with kerb marking where there are bus stops, ACROD bays, taxi zones, commercial loading zones, no parking zones, parking zones of differing time limits, or parking zones broken by kerbs.

As mentioned in the section on parking signage, the absence of clear signage nearby would also increase the likelihood of appeals.

Markings on Roundabouts

At the February meeting Council queried the need for signage at roundabouts, especially signage that reminds drivers of the legal requirement to not queue inside the give-way lines. It was also asked whether Council could replace some of the signs with road markings.

Main Roads confirms that marking at roundabouts is not acceptable and that signs are mandatory. Councils are not authorised to conduct reviews of Main Roads signage. The signs that remind drivers not to queue at the Eric Street / Railway Street roundabout were installed by Main Roads in response to repeated problems. It is unlikely that Main Roads would remove them as part of a review.

These signs are simple, well-sized, legible, black on white and low, whereby the message is very clear and visibility not obstructed. Given the significant traffic congestion experienced at the above roundabout and the need for smooth, safe movements for all roundabouts (eg Curtin Avenue/Marine Parade), such signs are highly desirable and educate drivers to comply.

Placement of signs on street light poles

Western Power confirms that apart from signs for bus routes, street names, neighbourhood watch, fire hydrants and schools, signage is not permitted on steel street-lighting columns.

Columns are designed to cater for wind, maximum outreach size, luminaires and floodlight loading, and would need to be significantly stronger to accommodate even small surface areas of signage.

The Council can purchase stronger columns from Western Power and arrange their installation if it wishes. However it should be noted that if parking signs were attached to the lighting columns, their spacing and their distance from the kerb would not meet Australian Standards, so this is not a recommended option.

CONCLUSION

The Town has audited and commenced physically reducing and improving signage at the foreshore / beachfront locality north of the North Cottesloe Surf Life Saving Club, as well as considered signage suggestions for the district generally.

Scope exists to continue to rationalise signage and enhance aesthetics such as by green poles. There are, however, constraints to influencing signage under the control of other agencies and the efficacy of alternatives to signs, such as kerb markings, is limited.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee discussed various aspects of the recommendation and overall was supportive of the findings. It was mentioned that the aim should be for a balance between adequate signage and aesthetics. In considering a preferred colour for parking sign poles Committee saw the need to amend point 2 to select the most suitable colour rather than simply opting for a single colour, as outlined in the Key2Design strategy.

OFFICER RECOMMENDATION

Moved Cr Strzina, seconded Cr Hart

THAT Council:

- (1) Recognise that the present parking signage regime is appropriate to the intensive parking demand along the foreshore/beachfront, and that the signs are useful for informing visitors.
- (2) Request that administration progressively replace yellow parking sign poles with green poles, commencing with those that are weathered and damaged.
- (3) Acknowledge that kerb marking as a replacement for parking signage is not considered feasible or appropriate.
- (4) Note that the replacement of roundabout signs with road markings is not supported by Main Roads Western Australia.
- (5) Note that Western Power does not permit the addition of signage to street lighting columns of the type found in Cottesloe.

AMENDMENT

Moved Cr Downes, seconded Cr Strzina

That point 2 is amended as follows:

2. Request that administration progressively replace yellow parking sign poles with coloured poles as per the Key2Design strategy, commencing with those that are weathered and damaged, and using whichever is the least unobtrusive colour.

Carried 6/0

COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Cr Strzina

THAT Council:

1. Recognise that the present parking signage regime is appropriate to the intensive parking demand along the foreshore/beachfront, and that the signs are useful for informing visitors.
2. Request that administration progressively replace yellow parking sign poles with coloured poles as per the Key2Design strategy, commencing with those that are weathered and damaged, and using whichever is the least unobtrusive colour.
3. Acknowledge that kerb marking as a replacement for parking signage is not considered feasible or appropriate.
4. Note that the replacement of roundabout signs with road markings is not supported by Main Roads Western Australia.
5. Note that Western Power does not permit the addition of signage to street lighting columns of the type found in Cottesloe.

AMENDMENT

Moved Cr Jeanes, seconded Mayor Morgan

That the word 'unobtrusive' in item 2 be replaced with 'obtrusive'.

Carried 9/0

COUNCIL RESOLUTION

THAT Council:

1. Recognise that the present parking signage regime is appropriate to the intensive parking demand along the foreshore/beachfront, and that the signs are useful for informing visitors.
 2. Request that administration progressively replace yellow parking sign poles with coloured poles as per the Key2Design strategy, commencing with those that are weathered and damaged, and using whichever is the least obtrusive colour.
-

- 3. Acknowledge that kerb marking as a replacement for parking signage is not considered feasible or appropriate.**
- 4. Note that the replacement of roundabout signs with road markings is not supported by Main Roads Western Australia.**
- 5. Note that Western Power does not permit the addition of signage to street lighting columns of the type found in Cottesloe.**

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 9/0

11.1.2 REVIEW OF DRAFT STATE PLANNING POLICY 2.6 - STATE COASTAL PLANNING POLICY AND GUIDELINES

File No: SUB/348
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Ed Drewett
Senior Planning Officer

Proposed Meeting Date: 19 March 2012

PURPOSE

The purpose of this report is to provide Council with an overview of the draft revised State Planning Policy 2.6 - State Coastal Planning Policy (SPP 2.6) and associated Policy Guidelines that have been prepared by the Department of Planning (DOP) on behalf of the Western Australian Planning Commission (WAPC) and released for public consultation. The comment period closes on 31 May 2012.

BACKGROUND

The draft Coastal Planning Policy and Guidelines are proposed to replace the current SPP 2.6 which was gazetted in 2003 and amended in 2006 (height controls added).

The DOP advises that the draft policy takes into account the latest local, national and international coastal planning information, learning gained from over 10 years of application of the existing policy, and extensive internal and targeted external consultation. The DOP also advises that the draft policy proposes revisions and additions that provide more robust guidance to the WAPC, State Government bodies and local governments for land use and development on or adjacent to the WA coastline.

The draft revised policy consists of:

1. New policy measures for:
 - Water resources and management;
 - Coastal hazard risk management and adaptation planning;
 - Infill development;
 - Coastal protection works; and
 - Precautionary principle.

2. Modified policy measures for:
 - Building height limits;
 - Coastal foreshore reserves;
 - Public interest;
 - Coastal strategies and management plans; and
 - Guidelines for determining physical processes impacts on the coastal types within Western Australia.

A media statement on the draft Policy was released by the Acting Planning Minister, Troy Buswell, on 22 February 2012 and advised:

The review brings the policy in line with other Australian States' planning policies in terms of sea level rise and application of a precautionary and risk management approach;

The comprehensive review has looked into coastal planning matters such as the foreshore reserve width; coastal types; and risk of erosion and inundation resulting from a storm event, taking into consideration all WA coastal areas;

A key feature is the introduction of coastal hazard risk management and adaptation planning, providing a more flexible approach in dealing with the potential impacts of coastal hazards;

Modifications to existing policy wording includes areas such as building height limits that will allow for more flexibility, focusing on suitable urban form, as well as coastal foreshore reserves, public interest, coastal strategies and management plans; and

New measures help to guide policy on urban consolidation, coastal protection works, and water resources.

SUMMARY OF PROPOSED CHANGES

State Coastal Planning Policy 2.6

Several headings used in the current State Coastal Planning Policy have been included in the draft Policy. However, there are also many key differences and these are summarised as follows:

Introduction and background

- Reference to the WA coast is changed from being one of the State's *greatest* assets to being a *significant* asset.
- The character of natural coasts now includes reference to *cultural activities*.
- The term *wilderness* is changed to *remote* and includes *cultural activities*.

The policy context

- References are updated to refer to Section 77 of the Planning and Development Act 2005 which requires local government, when preparing or amending a local planning scheme, to have due regard to the State Coastal Planning Policy where it affects its district.
- Local governments will be able to decide to make a new or amended scheme consistent with particular aspects of the State Coastal Planning Policy, or include in a new or amended scheme a provision that this Policy is to be read as part of the scheme.

- Reference is made to the *State Planning Strategy* which provides a strategic basis for coordinating and promoting land use, transport and land development in a sustainable manner throughout Western Australia. It also refers to the strategy as setting out guidance for achieving the State goals of generating wealth and prosperity; preserving and enhancing the environment; and building vibrant and safe communities for enjoyment of current and subsequent generations.
- Updated reference is made to ensure that the draft Policy is consistent with and complementary to the State Planning Strategy, SPP 1 - State Planning Framework Policy and SPP2 - Environmental and Natural Resources Policy;

Relationship to other WAPC policies and guidelines

- This section has been updated to include reference to current WAPC State Planning Policies, Development Control Policies and guidelines relevant to the coast. However, although these other documents may refer to coastal matters the proposed SPP 2.6 is to be viewed as the higher order and prevailing policy.

Setbacks

- The existing Policy makes specific reference to coastal setbacks which provide for both physical processes and other factors such as ecological values and public access to be provided for in a coastal foreshore reserve. As a general guide the Policy refers to a total setback of 100m from the horizontal setback datum being expected albeit that proposals are also required to be assessed having regard to various other Policy considerations.
- The draft SPP 2.6 has no specific reference to setbacks.

The policy purpose

This section is not in the current Policy but is proposed in the draft Policy. It is self-explanatory and reads as follows:

The purpose of this Policy is to provide guidance for decision-making within the coastal zone including establishment of foreshore reserves; managing development and land use change; and to protect, conserve and enhance coastal values. This policy recognises and responds to regional diversity in coastal types; ensures coastal hazard risk management and adaptation is appropriately planned for; and encourages innovative approaches to managing coastal hazard risk.

The Policy is to inform and guide decision-making by the WAPC and its Committees, and in integrating and coordinating the activities of state agencies that influence the use and development of land on the coast. The Policy will also guide local governments, state government agencies, the State Administrative Tribunal and the State Government of those aspects of state planning policy concerning the protection of the coast that should be taken into account in planning decision-making.

There are many agencies with statutory responsibilities along the Western Australian coast. While recognising these responsibilities, this Policy provides a framework for coordinating those agencies activities with those of the private sector to ensure an integrated approach for coastal planning. The

Policy also provides guidance for private landowners wishing to undertake development on or abutting the coast.

This Policy provides guidance for situations where planning decisions occur outside the framework of the Planning & Development Act 2005, such as for unvested Crown land, pastoral lease, indigenous and conservation estate land.

Application of the policy

- This section remains similar to the existing Policy. However, reference to town planning schemes and local planning strategies being able to identify areas of coastal influence to which the current Policy applies is deleted. Instead the wording is changed to: *the application of this Policy should be read in conjunction with policy of other relevant decision-making and management authorities.*

Policy objectives

- The objectives in the draft Policy remain virtually unchanged to the existing Policy. However, specific reference is made to climate change whereas previously this was not mentioned.

Policy measures

- This section has been modified to make specific reference to the draft Schedule One and the Coastal Planning Guidelines prepared and endorsed under the Policy;
- Specific reference in the Policy to *Public interest, Coastal Foreshore Reserve, Coastal Strategies and Management Plans, Environment, Physical Processes Setback and Coastal Plan Requirements* have been removed.
- The sub-paragraph on *Development and settlement* is generally unchanged except for the following paragraphs that have been deleted:
 - (xix) *Require that proponents demonstrate why their development should be located within the policy area. Valid proposals will generate a demonstrable net public benefit in both the short and long term; and*
 - (xxi) *Support the use of water sensitive urban design best management practice for adjacent development to avoid discharge of water and stormwater into the coastal foreshore reserve. The discharge of some stormwater may be acceptable if there is no alternative disposal method and provision is made for pre-treatment to remove solids, reduce nutrients and other contaminants.*

The following new paragraph has been put in the draft Policy:

- (vi) *Avoid significant and permanent negative impacts on the environment, either on or off-site.*

Water resources and management

This section is not in the current Policy but is proposed in the draft Policy. It is self-explanatory and reads as follows:

- (i) Coastal development should manage water resources in accordance with the principles of water sensitive urban design and integrated water cycle management. This includes treating all urban water flows as potential resources, and giving consideration to all water users, including the community, industry and the environment.*

- (ii) Development on or near the coast should maintain or restore pre-existing or desirable environmental flows and hydrological cycles within foreshore reserves. Development on or near the coast should not discharge any waste or stormwater that could significantly degrade the coastal environment, including the coastal foreshore reserve, coastal waters and marine ecosystems.*

- (iii) Stormwater flows from development areas that comply with the Stormwater Management Manual for Western Australia may be incorporated into foreshore reserves. Permitted stormwater management measures within foreshore reserves are detention/infiltration areas and overland flow paths onto the beach for major flow events, subject to minimal landform modification within the dune system; and*

- (iv) There is a general presumption against the use of coastal foreshore reserves for the management of wastewater or to accommodate any portion of infrastructure or site works used for wastewater management.*

Building height limits

Reference to Building Height Limits was included in SPP 2.6 in 2006 as an amendment to the Policy. Whilst this is still referred to in the draft revised Policy, the wording and content has changed.

The existing SPP 2.6 reads as follows:

5.3 Building Height Limits

The provisions of this part of this policy apply to all urban development, including residential, hotel, short-stay accommodation, car-parking, retail and office development, or any combination of those uses, but does not apply to industrial or resource development, transport, telecommunications and engineering infrastructure, and Port Works and Facilities (as defined by the Port Authorities Act 1999) within 300 metres of the horizontal setback datum. A varied distance from the horizontal setback datum may be approved as part of controls set out in a local planning scheme, on the basis of appropriate analysis with reference to built form, amenity, landscape and topography and having regard to cadastral boundaries.

The height of buildings should be limited to a maximum of five storeys (and not exceeding 21 metres) in height. Local planning schemes may specify lower maximum height limits in particular localities in order to achieve outcomes which respond to the desired character, built form and amenity of the locality.

Higher structures up to a maximum of eight storeys (and not exceeding 32 metres) in height may be permitted where:

- (a) there is broad community support for the higher buildings following a process of full consultation;*
- (b) the proposed development(s) is suitable for the location taking into account the built form, topography and landscape character of the surrounding area;*
- (c) the location is part of a major tourist or activity node;*
- (d) the amenity of the coastal foreshore is not detrimentally affected by any significant overshadowing of the foreshore; and*
- (e) there is visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces.*

Proposed Building height limits

The proposed section on Building Height Limits in the draft Policy is as follows:

- (i) Careful consideration should be given to building heights.*
 - (ii) The provisions of this part of the policy apply to all development within 300 metres of the horizontal shoreline datum, but do not apply to industrial or resource development, transport, telecommunications and engineering infrastructure, and Port Works and Facilities (as defined by the Port Authorities Act 1999).*
 - (iii) Building heights on the coast should have regard to the following development criteria:*
 - (a) development is consistent with the overall visual theme identified as part of land use planning for a locality or in an appropriate planning control instrument such as a local planning strategy;*
 - (b) development takes into account the built form, topography and landscape character of the surrounding area;*
 - (c) the location is part of an identified activity node;*
 - (d) the amenity of the coastal foreshore is not detrimentally affected by any significant overshadowing of the foreshore; and*
 - (e) there is visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces.*
 - (iv) Maximum height limits may be specified as part of controls outlined in a regional planning scheme or local planning scheme, in order to achieve*
-

outcomes which respond to the desired character, built form and amenity of the locality.

Coastal hazard risk management and adoption

This is a new section that is in draft SPP 2.6. It reads as follows:

- (i) *Adequate coastal hazard risk management and adaptation planning should be undertaken by the responsible management authority and/or proponent where existing or proposed development is in an area at risk of being affected by coastal hazards over the planning timeframe. Coastal hazard risk management and adaptation planning should include as a minimum, a process that establishes the context, vulnerability assessment, risk identification, analysis, evaluation, adaptation, funding arrangements, maintenance, monitoring and review.*
 - (ii) *Where a coastal hazard risk is identified it should be disclosed to those likely to be affected. On consideration of approval for development lot owners should be made aware of the coastal hazard risk by providing the following notification on the certificate on title: **VULNERABLE COASTAL AREA – This lot is located in a area likely to be subject to coastal erosion and/or inundation over the next 100 years.***
 - (iii) *Where risk assessments identify a level of risk that is unacceptable to the affected community or proposed development, adaptation measures need to be prepared to reduce those risks down to acceptable or tolerable levels. Adaptation measures should be sought from the following coastal hazard risk management and adaptation planning hierarchy on a sequential and preferential basis:*
 - (1) **Avoid** the presence of new development within an area identified to be affected by coastal hazards. Determination of the likely consequences of coastal hazards should be done in consideration of local conditions and in accordance with the guidelines provided in Schedule One.
 - (2) **Planned or Managed Retreat** or the relocation or removal of assets within an area identified as likely to be subject to intolerable risk of damage from coastal hazards over the planning time frame.
 - (3) If sufficient justification can be provided for not avoiding development of land that is at risk from coastal hazards then **Accommodation** adaptation measures should be provided that suitably address the identified risks. Such measures would involve design and/or management strategies that render the risks from the identified coastal hazards acceptable.
 - (4) Where sufficient justification can be provided for not avoiding the use or development of land that is at risk from coastal hazards and accommodation measures alone cannot adequately address the risks from coastal hazards, then coastal **Protection** works may be proposed for areas where there is a need to preserve the foreshore reserve, public access and public safety, property and infrastructure that is not expendable.
 - (iv) *Where new information or methods become available that significantly modify the understanding of the coastal hazards then all areas within the newly defined risk areas should be reviewed again through the coastal hazard risk*
-

management and adaptation planning hierarchy above, as part of the ongoing monitoring and review process.

Infill development

This is a new section in draft SPP 2.6. It reads as follows:

- (i) Where development is likely to be subject to coastal hazards over the planning timeframe, coastal hazard risk management and adaptation planning measures (Section 5.5) should be implemented to reduce the risk from coastal hazards over the full planning time frame to an acceptable level.*

Coastal protection works

This is another new section in draft SPP 2.6. It reads as follows:

- (i) There is a general presumption against new coastal protection works, except where such works are considered only after all other options for avoiding and adapting to coastal hazards have been fully explored, as part of a comprehensive coastal hazard risk management process.*
- (ii) Existing coastal protection works that require significant upgrade or maintenance over the planning timeframe should be considered as new coastal protection works, including consideration of the most appropriate form.*
- (iii) Coastal protection works should only be supported:*
 - (a) where it is demonstrated there are no significant negative impacts on the adjacent environment within the sediment cell; and*
 - (b) in conjunction with appropriate funding arrangements for the construction and ongoing care, control and maintenance being put in place.*
- (iv) Coastal protection works, where necessary and justified should be:*
 - (a) adequately considered and planned as part of making decisions about land use, subdivision and development within the coastal zone;*
 - (b) primarily proposed in the public interest to ensure they maintain a coastal foreshore reserve, public access, public amenity and public safety as well as to protect high value property and infrastructure that is not expendable; and*
 - (c) evaluated at a sediment cell level and take into consideration the future protection requirements of adjoining development.*

Public interest

This section remains similar to the existing Policy. However, the following paragraph has been deleted:

- (ii) Maintain and enhance public enjoyment of the coast where this is consistent with the objectives of this policy.*

The following paragraph has been included in the draft Policy:

- (ii) *Community consultation and engagement strategies should be developed to encourage informed community input into decision-making processes. Communities should have sufficient information to understand the risks to their communities arising from likely influence on coastal processes and coastal hazards. Consultation and participation should raise community awareness, understanding and education of risks and appropriate responses associated with their region(s).*

Coastal foreshore reserve

This section remains similar to the existing Policy. However, the following paragraph has been deleted:

- (viii) *Ensure that the identification of coastal foreshore reserves takes into account consideration of ecological values, landscape, seascape, visual amenity, indigenous and cultural heritage, public access, public recreation needs and safety to lives and property (as described for the physical processes setback in Schedule One).*

The following paragraphs have been included in the draft Policy:

- (i) *Coastal foreshore reserves are required to accommodate a range of functions and values. While local and site specific considerations will vary, the delineation of a coastal foreshore reserve will include the consideration of, and protection for, significant natural features such as coastal habitats and, for their biodiversity, archaeological, ethnographic, geological, geo-morphological, visual or wilderness, ecological, heritage, landscape, seascape, and visual landscape values; likely impacts of coastal hazards; and opportunities for public access, public recreation needs and safety to lives and property. Schedule One provides guidance on how to estimate the potential impacts of coastal hazards, however, this is only one input into the determination of a coastal foreshore reserve, which will be required to demonstrate that the values, functions and uses prescribed are available at the end of the planning timeframe.*
- (ii) *The required coastal foreshore reserve will vary according to the circumstances of any particular proposal. Each proposal must be assessed on its merits having regard to this policy, including the principles and guidelines of Schedule One and the Coastal Planning Policy Guidelines.*

Coastal strategies and management plans

This section remains similar to the existing Policy. However, the following additional paragraphs are in the draft Policy:

- (iii) *Ensure that the coastal planning strategy or foreshore management plan is developed in consultation with the broad community and relevant public authorities, and achieve the approval of the local land manager and the WAPC if appropriate.*

- (iv) *A coastal planning strategy or foreshore management plan should address as a minimum, the matters set out in the Coastal Planning Policy Guidelines.*

Environment

This section is not included in the draft Policy.

Physical process setback

This section is not included in the draft Policy.

Precautionary principle

This is a new section in draft SPP 2.6. It reads as follows:

- (i) *Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason to postpone measures to prevent environmental degradation.*
- (ii) *The onus is on any proponent to show that development does not pose any likelihood of serious or irreversible harm to the environment.*
- (iii) *If the proponent cannot demonstrate there is not a likelihood of such harm, the onus is on the development proponent to show that the harm can be managed.*

Implementation

This section describes how the draft Policy is to be implemented (ie: through related state planning policies, regional strategies, local planning strategies and regional and local planning schemes). It is similar to the existing Policy, although some paragraphs have been condensed without significantly affecting its content.

Information support

This section is not included in the draft Policy.

Definitions

The list of definitions in the existing coastal policy has been expanded in the draft policy to include the following additional definitions:

'acceptable' *means the risks that do not need further treatment at this stage. The expression acceptable level of risk refers to the level at which it is decided that further restricting or otherwise altering the activity is not worthwhile. eg. additional effort will not result in significant reductions in risk levels.*

'adaptation' *means an adjustment in natural or human systems in response to actual or expected stimuli or their effects, which moderates harm or exploits beneficial opportunities. Adaptation is the primary means for maximising the gains and minimising the losses associated with climate change.*

'coastal compartment' *means length of shoreline bounded by broad scale changes in geology, geomorphic structures/landforms or changes in the aspect of the shore.*

'coastal hazard' *means the consequence of coastal processes that affect the environment and safety of people. Potential coastal hazards include erosion, accretion and inundation.*

'coastal processes' means any action of natural forces on the coastal environment.

'coastal protection works' means any permanent or periodic work undertaken primarily to alter physical coastal processes and/or manage the effects of coastal hazards. The influence of coastal protection works should be evaluated at the sediment cell level.

'consequence' means the outcome or impact of an event. Consequence is expressed qualitatively or quantitatively – a loss, injury, expressed concern, disadvantage or gain. Consequence can be more than one consequence from one event, range from positive to negative and is generally considered in relation to achievement of objectives.

'cross-shore' means perpendicular to the shoreline.

'environment' means conditions or influences comprising built, physical and social elements, which surround or interact with the community (including the natural conditions, the natural as modified by human activity and the artificial).

'event' means any occurrence of a particular set of circumstances that can have an adverse impact(s) on the environment. The event can be certain or uncertain, and be a one-off occurrence or a series of occurrences of a particular set of circumstances.

'height' has the same meaning as in the Town Planning Regulations 1967, Appendix B–Model Scheme Text.

'infill development' refers to sites between existing developments.

'intolerable' means risk that is unacceptable in any circumstances or at any level.

'inundation' means the flow of water onto previously dry land. It may either be permanent (for example due to sea level rise) or a temporary occurrence during a storm event.

'likelihood' means the probability that something will occur. Likelihood is generally expressed qualitatively or quantitatively.

'longshore' means parallel to the shoreline.

'peak steady water level (PSWL)' means the highest average elevation of the sea surface caused by the combined effect of storm surge, tide and wave setup resulting from the storm events defined in Schedule One section 5.

'precautionary principle' means where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, decisions should be guided by:

- (i) careful evaluation to avoid, where practicable, serious or irreversible damage to the environment; and
- (ii) an assessment of the risk-weighted consequences of various options.

'risk' is specified in terms of an event or circumstances and the consequence that may flow from it. Risk is measured in terms of a combination of the likelihood of an event occurring and the consequence of that event occurring.

'risk assessment' means the overall process or method for evaluating risks associated with a specific coastal hazard and includes risk identification, risk analysis and risk evaluation.

'risk management' means the measures taken to reduce, modify, offset or share risks associated with development in areas subject to coastal hazards. These include the coordinated activities to direct and control an organisation with regard to risk; and the culture, processes and structures that are directed towards realising potential opportunities whilst managing adverse effects.

'sediment cell' means a length of shoreline in which interruptions to the movement of sediment along the beaches or near shore sea bed do not significantly affect beaches in the adjacent lengths of coastline. Within a sediment cell the sediments sources, transport pathways and sinks should be clearly definable.

'storm surge' means the increase in water level at the shoreline due to the forcing of winds (wind-setup) and atmospheric pressure.

'tidal reaches of inland waters' has the meaning in Schedule One section 3.5.

'tolerable' means the willingness to live with a risk to secure benefits, on the understanding that it is being properly controlled. 'Tolerability' does not mean 'acceptability'. Tolerating a risk does not mean that it is regarded as negligible, or something we may ignore, but rather as something that needs to be kept under review and reduced further, if and when able to be done so.

'updrift' means the direction to which the predominant longshore movement of shoreline material approaches.

'vulnerability' means the degree to which a system is susceptible to, or unable to cope with, adverse effects of climate change, including climate variability and extremes. Vulnerability is a function of the character, magnitude, and rate of climate change and variation to which a system is exposed, its sensitivity, and its adaptive capacity. Systems that are highly exposed, sensitive and less able to adapt are vulnerable.

'wave run-up' means the rush of water up a shoreline or structure on the breaking of a wave.

'wave overtopping' means water carried over the top of a structure or landform due to wave run-up or surge action exceeding the crest.

Schedule One

Calculation of coastal processes

Schedule One is an attachment to the draft Policy. It is proposed to supersede the existing Schedule One attached to the current Policy. It is a technical document that provides detailed description to coastal landforms and processes.

The key differences between the existing and proposed Schedule One attachments are summarised as follows:

- The title of Schedule One has changed from *Coastal Development Setback Guidelines for Physical Processes* to *Calculation of coastal processes*;
- The existing Schedule One gives setback guidelines to provide direction for the siting of development, whereas the draft Schedule One provides guidance for calculating the component of the coastal foreshore reserve required to allow for coastal processes;
- The Planning timeframe referred to in the draft Schedule One is based on a 100 year timeframe as in existing Schedule One; however, reference is now also made to storm surge events;
- Reference to *setback delineation* has been not been included in the draft Schedule One;
- Reference to *Sandy coasts* remains similar although is more descriptive in the draft Schedule One;
- Reference to *Rocky coasts* remains similar although is more descriptive in the draft Schedule One;
- Reference to *Mixed sandy and rocky coasts*, *Coastal lowlands*, *tidal reaches of inland waters* and *Islands* in the draft Schedule One replaces descriptive terminology used in the existing Schedule One;

- Reference to *Calculation of the coastal processes* in the draft Schedule One is more descriptive to the existing Schedule One and includes specific reference to *Climate Change*. It also states that *the allowance for sea level rise should be based on a vertical sea level rise of 0.9 metres over a 100-year planning timeframe to 2110; and*
- Reference to *Variations* in draft Schedule One remains similar to that existing although the descriptions have been expanded upon. In brief, they include *development with an expected lifespan of less than 30 years for public recreation purposes on the proviso that the development is to be removed or modified should it be threatened by erosion, temporary and easily relocatable structures; Department of Defence facilities; Industrial and commercial development (dependent on coastal location); development nodes and Surf Life Saving Clubs.*

Draft State Planning Policy Guidelines

These new draft Guidelines provide detailed guidance for the application of the Policy measures proposed in draft SPP 2.6.

A brief summary of each of the main topics covered is as follows:

Development and settlement

This section makes reference to State Planning Policies No. 2 and 3 as coastal planning should reflect consideration of these guidelines where applicable. In addition the following elements should also be considered:

- *Coastal planning should result in sustainable development which recognises the need to balance competing economic, social and environmental demands;*
- *Development should not result in discharges such as sewerage, fertilisers or toxic chemicals into the coastal environment;*
- *Development should not result in changes to water circulation patterns. Such changes may have an adverse impact on the ecology or public use of foreshore areas;*
- *Development should not substantially alter existing natural drainage patterns, nutrient and organic matter cycling processes, near shore sediment transport patterns or water quality;*
- *Coastal waters support primary food production for marine fauna and flora. Coastal habitats, particularly areas of high biological productivity, should be protected;*
- *Disturbance of existing vegetation during construction should be minimised. However, if unavoidable, the area should be rehabilitated after disturbance with native species to stabilise land in and around developments;*
- *Coastal vegetation corridors should be retained, not fragmented, and where possible, enlarged (widened and lengthened);*

- *Places of unique landscape, scientific and cultural significance should be conserved and managed including geomorphological, ecological, anthropological and historical sites;*
- *Coastal areas that provide nesting sites for marine reptiles, mammals and sea birds should be protected from impacts of development;*
- *Development should be designed to prevent invasion of native habitats by introduced species/pests;*
- *Off-road vehicle use should be managed and kept from degrading coastal dunes and vegetation; and*
- *Disturbance of any endangered, threatened or priority listed species and communities present in the area should be avoided and assessed based on the applicable legislation.*

Earthworks and soil

This section makes reference to the WAPC's *Acid Sulfate Soils Planning Guidelines* as coastal planning should reflect consideration of these guidelines where applicable. In addition the following elements should also be considered:

- *Development should not occur on or adjacent to unstable or mobile dunes;*
- *Development proposed on unconsolidated dunes or sand sheets should only be supported where an appropriate stabilisation and rehabilitation plan has been prepared;*
- *Natural sediment processes, including lithification and wind or water transport should not be significantly or permanently altered by development;*
- *Topsoil should be stockpiled (for as short a time as possible) and respread on bare areas. While being stockpiled topsoil should be reasonably protected from moisture to preserve the viability of the seed bank;*
- *Development may be restricted during certain times of the year when high wind rates may impact upon the amenity of surrounding land uses, particularly residential uses; and*
- *Livestock should be kept from grazing in coastal dunes.*

Water resources and management

This section makes reference to the WAPC's *Water Resources Policy (SPP 2.9), Better Urban Water Management and Livable Neighbourhoods* as coastal planning should reflect consideration of these guidelines where applicable. In addition the following elements should also be considered:

- *Development adjacent to enclosed or partly enclosed water bodies (such as bays, estuaries, lagoons and marshes) should not impact upon processes such as nutrient cycling and should seek to avoid eutrophication or altered nutrient loads;*
- *Development should not alter existing sediment movement processes either towards or into water bodies from natural (or current) levels;*

- *Natural water movements, including ocean water and groundwater should not be significantly altered or affected by development;*
- *Polluted and contaminated run-off should be treated at the source. The Contaminated Sites Act 2003 sets out obligations and responsibilities for contaminated land;*
- *Well vegetated margins of water bodies should be maintained to act as natural nutrient and sediment filters;*
- *Waste discharge into enclosed or poorly circulated water bodies should be prevented;*
- *Where on-site effluent treatment and disposal systems are proposed, account must be taken of sod depth, sod absorption rates, soil absorption ability and whether the superficial water table is in hydrologic connection with the sea and enclosed water bodies;*
- *All waste disposal facilities including rubbish tips, waste transfer stations, septic tanks, liquid and industrial waste holding areas and similar facilities shall be located landward of the foreshore reserve boundary and be designed/lined to isolate waste from the sea and other enclosed water bodies and prevent leaching; and*
- *Stormwater retention and/or infiltration areas and, for major flow events, overland flow paths onto the beach are permitted, subject to minimal landform modifications within the dune system.*

Visual landscape

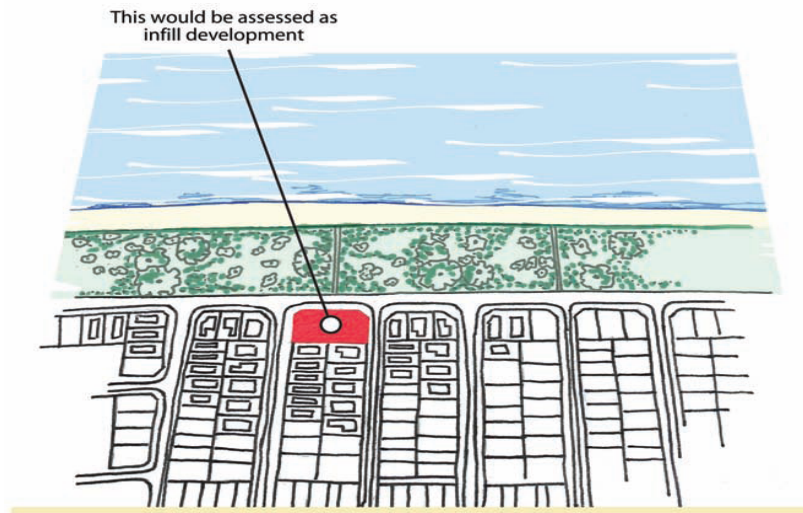
This section makes reference to the WAPC'S *Visual Landscape Planning in Western Australia - a manual for evaluation, assessment siting and design*. Landscape, seascape and visual landscape elements of coastal planning are to reflect consideration of the manual.

Coastal hazard risk management and adaption planning.

This section details specific requirements necessary to ensure an appropriate risk assessment and management planning framework for incorporating coastal hazard considerations into decision-making processes is undertaken. This should be completed by an appropriately qualified professional person with appropriate indemnity insurance.

Infill development

This section defines what may be considered as infill development. It excludes coastal land adjacent to existing development on only one side (such as at the edge of a town or zone) or where there is a reasonable distance between lots. This section is not about building heights.



Coastal protection works

This section refers to the draft Policy which addresses this topic.

Public interest

This section includes reference to the importance of community consultation when considering coastal hazards and risk management and it also provides specific guidance on topics such as *public access, coastal roads, coastal car parks, coastal pedestrian access* and *coastal dual use paths*.

Coastal foreshore reserve

This section describes why a flexible approach is required in foreshore reserve planning and management. It advises that 'outcome-based' decision-making is better than using a nominal 'setback' requirement. This is a sustainable approach which does not restrict the social and economic opportunities of the coastal environment while adequately protecting the values, functions, and uses of foreshore reserves.

Coastal strategies and management plans

This section sets out specific requirements that should be included in a coastal planning strategy and/or foreshore management plan. It states that the proponent should be responsible for the implementation of the foreshore management plan as well as the funding, maintenance, monitoring and management of foreshore works for a period of not less than five years commencing from completion of all foreshore works.

Precautionary principle

The precautionary principle in coastal decision-making requires decision makers to act in response to the best available science, knowledge and understanding of the consequences of decisions and in the context of increasing uncertainty, to make decisions that minimise adverse impacts on current and future generations and the environment.

Information support

This is the final section in the Guidelines. It advises that the WAPC and Department of Planning support coastal planning and management activities through a number of sources including the:

- Coastal Planning Program; and
- Coastal Planning and Management Manual.

It also advises that specialist coastal engineering advice, including advice regarding the Coastal Protection Policy for Western Australia and the collection and analysis of data measuring the physical characteristics of the coastal zone can be obtained from the Department of Transport.

STAFF COMMENT

Overall initiative

The draft SPP 2.6 - State Coastal Planning Policy and accompanying State Coastal Planning Policy Guidelines provide detailed technical advice on coastal planning matters and represent significant changes to the existing SPP 2.6 - Coastal Planning Policy.

Many of the changes appear justified as they ensure that the policy is up-to-date with the latest local, national and international coastal planning information. This is also reflected in the Town of Cottesloe's own geotechnical studies undertaken in recent years to better understand the geomorphology of its coastline.

Building height control

Apart from the scientific, broad planning and management aspects forming the thrust of the draft Policy and Guidelines, the proposed changes with respect to building heights can be seen to have significant implications for the Cottesloe beachfront, Council's adopted LPS 3 and all local governments.

Existing SPP 2.6 provides that the *height of buildings should be limited [emphasis added] to a maximum 5 storeys (and not exceeding 21 metres) in height...Higher structures up to a maximum of 8 storeys (and not exceeding 32 metres in height) may be permitted...in certain circumstances.*

In this connection, on 3 November 2006 the WAPC published a notice of resolution pursuant to clause 32 of the Metropolitan Region Scheme requiring various coastal local governments to refer for determination by the WAPC all applications for residential development *exceeding 5 storeys or 21 metres in height (or both), or exceeding 8 storeys or 32 metres in height where a height of 8 storeys or more is permissible under the Local Government Scheme on land within 300 metres of the horizontal setback datum defined in State Planning Policy 2.6.* This call-in power effectively causes determination of such proposals by the regional planning authority based on a state-wide policy approach.

The Town's solicitors have provided preliminary comment on the draft Policy SPP 2.6 as follows:

The section dealing with building heights (part 5.4, page 5) in draft SPP 2.6 no longer contains actual maximum building height. Instead, SPP 2.6 now simply refers to the need for "careful consideration" to be given to building heights (part 5.4 (i)) and sets out a number of development criteria that building heights should have regard to (part 5.4 (iii)). The criteria are all subjective and open to interpretation – including that development "be consistent with the overall visual theme" of the locality, "takes into account the built form, topography and landscape character of the surrounding area", that the "amenity of the coastal foreshore is not detrimentally affected by any significant overshadowing of the foreshore" and that "there is visual permeability of the foreshore and ocean".

The only reference at all to maximum height (in 5.4 (iv)) is that maximum heights "may be specified as part of controls outlined in a regional planning scheme or local planning scheme, in order to achieve outcomes which respond to the desired character, built form and amenity of the locality". This begs the question of what that "desired" character, built form and amenity might be, and whose "desire" is referred to.

The revised SPP 2.6 provisions have obvious potential implications for consideration of the LPS 3 [Ministerial] modifications...It would certainly be possible to support the proposed modifications "having regard to" these revised SPP 2.6 provisions – avoiding the difficulties in relation to the current provisions.

To elaborate on these observations, the Manager Development Services advises:

Fundamentally, the draft Policy recognises that building height ought to be controlled as a relevant planning consideration, which is to be supported. However, the basic problem with the building height provisions is that originally they were politically-inspired (reflecting previously-announced Government policy at the time) and with a pro-development rather than a planning-control purpose. Hence they were an anomalous addition to the present Policy, which is focussed on coastal environments, processes and management, and remain out of place in the similar draft replacement Policy.

They belong in another policy altogether, dealing with land use planning, development requirements, urban design, built form and amenity. In this respect the proposed Policy objectives do not mention building height and are aimed at coastal management. When the amendment to the initial Policy to add building height limits was reported to Council in 2005, it was noted that: "The proposal is effectively a development control that is proposed to sit within a policy that is of a strategic environmental planning and management nature rather than a mainstream development control instrument". With this in mind Council's LPS 3 Local Planning Strategy, Scheme Text and draft Beachfront Policy all articulate building height considerations and controls in an integrated and detailed manner.

It is noted that the draft Guidelines do not contain any further explanation of the proposed Policy height provisions. This suggests that the aspect of building height is

not germane to the Policy, that the provisions are deliberately brief, and that the rationale for them is not strong.

Moreover, one perspective is that the proposed revised building height provisions dilute the matter to an extent that they seem virtually pointless and potentially unworkable as policy measures. That is, because actual limits are not specified and are directed to schemes, why deal with them at all in the draft Policy? And why make the parameters so open to interpretation and possible misuse (unless that flexibility is intentional)? While the notion of limits is retained, the heading "Building height limits" is a misnomer as none is specified. It should be entitled "Approach to control of building heights" or likewise.

Another perspective is that the building height provisions in the draft Policy relax the approach to limits and simply outline criteria to be taken into account. Superficially it is credible that building heights are recognised as warranting careful consideration, and the criteria are consistent with established planning principles or concepts. The conjunctive "and" linking the list indicates that all of the parameters are required to be met.

In this way the proposed provisions give broad-brush direction to the matter. Hence responsible authorities, proponents and decision-makers would all be guided on how to treat building heights. The risk-factor is that merely giving "careful consideration" or "having regard to" the parameters described, and then being free to determine an outcome, lacks adequate bounds and creates uncertainty for all parties. That aside, it is noted that the proposed criteria appear slightly better-aligned with Council's LPS 3 building height control framework and provisions.

Overall, the proposed height section is written generally and with discretionary language, whereby its bearing amounts to little and is ambiguous. As the provisions are not expressed in sufficiently mandatory terms the degree of control is diminished, whereby they could be dismissed, ignored or even exploited. For example, selected wording is quoted and analysed as follows:

... development criteria ...

- *Would read better as planning criteria.*

... visual theme ...

- *This criterion could be extrapolated to justify excessive height.*

Careful consideration should be given to building heights.

- *This is a sound principle, but should would read better as is to.*
- *Also, who gives careful consideration and what exactly or how?*

Building heights ... should have regard to ...

- *Should does not require, while shall would.*

The location is part of an activity node.

- *That in itself does not merit extra height.*

... significant overshadowing ...

- This is not quantified, relying on the exercise of judgement.

Maximum height limits may be specified ... in schemes ...

- May does not require limits, so what if there are none?
- And whose desire determines the criteria?

In summary on this matter, the key point is that the existing and proposed Policy texts are questionably conceived and constructed in relation to the aspect of building height limits. Policy by nature needs to have some substance and teeth to be meaningful and practical. Otherwise it is more akin to a directional statement of planning strategy. A policy that is not clear and tangible defeats its purpose, which is why provisions in statutory instruments tend to be superior.

In this regard the proposed provisions appropriately identify planning strategies and schemes as the conventional vehicles for building height limits, which is the proper place for such controls. But it would be unfair to rely on schemes to control heights elsewhere yet allow a coastal policy to potentially usurp schemes in the coastal strip.

It is noted that consultation in the case of increased heights is no longer a Policy requirement. While this removes the complications and criticism of how the current Policy is written and meant to operate in relation to consultation, it must be emphasised that consultation is a vital component of the planning process. Presumably, the draft Policy in identifying schemes as the vehicle for building height limits is acknowledging the in-built consultation procedures of schemes and their associated elements such as structure plans and development applications to address this need.

It is also noted that the definition of height is consistent with the Model Scheme Text. This is an improvement as the present Policy inflates wall (storey) and roof heights by specifying a metre distance as well.

Finally, an undesirable consequence of any poorly-framed or weak planning control is that it can create confusion and disagreement about what is meant and required. This renders the formulation, assessment and determination development proposals difficult and prone to dispute. Community objections, lobbying, legal issues and appeals to the State Administrative Tribunal can all result. Development can be hindered and cohesive outcomes inhibited. The shortcomings of the draft building height provisions place the onus on local governments to address the ramifications, rather than the state-level Policy setting a clear and sound framework for all concerned.

LPS 3 meets regional planning policy objectives by setting appropriate building height limits in accordance with the existing SPP 2.6, and providing opportunities for tourism accommodation and facilities without detrimentally affecting the special character that underpins its attraction for tourists. Any proposal to remove maximum building heights from SPP 2.6 could therefore influence the outcome of the Scheme.

The draft SPP 2.6 still requires building heights to have regard to visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces and the draft guidelines specifically state that landscape, seascape and visual

landscape elements of coastal planning are to reflect consideration of the WAPC's manual *Visual Landscape Planning in Western Australia* (produced 2007). However, terms such as *having regard to* and *reflect consideration of* in the draft Policy can be interpreted to mean different things to different organisations and may result in proposals and development for high-rise developments, eg:



The proposal above was presented to the City of Stirling in 2004 for the Luna Maximart site in Scarborough. Of the four buildings, three of them were proposed to be 16 stories high and the fourth, 20 stories high with two levels of retail.



The new "Ce Vue" Apartments in Scarborough (above) are 8 storeys high and satisfy the WAPC's adopted policies, albeit requiring a Scheme amendment.



The 8 storey development (above) on the beachfront in Rockingham may suit its locality, but a state-wide building height policy allowing this type of development anywhere is inappropriate, including for Cottesloe.

The *Visual Landscape Planning in Western Australia* manual post-dates the existing SPP 2.6 and makes some specific references to Cottesloe. For example, it refers to a 2005 community survey conducted for the Perth Coastal Planning Strategy which identifies that: *Cottesloe was the location most frequently identified as a place that should definitely keep its character.*



The manual also states:

The height of new buildings should take account:

- *The existing streetscape, including the height of existing buildings and other visual landscape components;*
- *The type of settlement...;*
- *The height of existing and new tall trees such as Norfolk Island pines so that buildings remain below the tree canopy, to allow these trees to continue to dominate the visual landscape;*
- *Adjacent landforms, to allow landform to continue to dominate the setting;*
- *Potential visibility from nearby coastal recreation sites; and*
- *Other Town Planning Scheme guidelines in relation to height.*

The Town's LPS3 Enquiry-by-Design (EBD) took this guidance into account especially when considering the visual intrusion of building heights along Marine

Parade. It has subsequently also been incorporated in Council's Building Design Controls (BDC) and proposed LPS no. 3 which is currently under consideration by the WAPC for final determination by the Minister for Planning.

CONCLUSION

The draft SPP 2.6 - Coastal Planning Policy and Guidelines are an important and useful technical instrument which, once gazetted, must be taken into consideration when adopting Local Planning Schemes and assessing subdivisions and significant development proposals in coastal areas.

The changes proposed in respect to building heights are likely to provide less certainty for Council, the community and developers than the current Policy and result in it being more difficult to control building heights on the Cottesloe foreshore. It may ultimately favour larger coastal nodes such as at Scarborough, Rockingham or Fremantle over smaller coastal tourist attractors such as Cottesloe.

Simple Majority

COMMITTEE COMMENT

Committee discussed the different approaches to height control under the current and proposed policy documents. While there was some appreciation of the proposed provisions being more flexible, there was also concern that they present a greater risk of uncertainty and unlimited height; and that both the current and proposed policy are flawed. Overall Committee recognised the appropriateness of local schemes setting height limits as a reflection of community and wider public consultation, which is what LPS3 embodies. On balance the recommendation was supported intact.

OFFICER AND COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded C Hart

THAT Council:

- 1. Notes this report regarding the draft State Planning Policy 2.6 - State Coastal Policy and State Coastal Planning Policy Guidelines;**
- 2. Advise the WAPC that the criteria pertaining to "Building height limits" (part 5.4, page 5) in the draft State Planning Policy SPP 2.6 is *not supported* in its current format as it is subjective and open to interpretation, especially with respect to local planning schemes being able to specify maximum building heights in order to achieve outcomes which respond to the desired character, built form and amenity of a locality;**
- 3. Request that the WAPC acknowledges that the maximum building heights proposed in the Town of Cottesloe's Local Planning Scheme No. 3 respond to the desired character, built form and amenity of the locality having been devised via a dedicated Enquiry-by-Design process and extensive public advertising of the proposed Building Design Controls; and**
- 4. Forward this report and Council's resolution to the Hon Premier and Member for Cottesloe and to the Hon Minister for Planning for urgent**

consideration prior to making a final determination on Local Planning Scheme No.3.

AMENDMENT

Moved Mayor Morgan, seconded Cr Strzina

1. That in item 2:
 - a. the words “is *not supported* in its current format as it is” and “especially” be deleted
 - b. the words “appear too” be added before the word “subjective”
 - c. the word “including” be added before the words “with respect”
 - d. this sentence be added after the word “locality”: “hence the capacity for schemes to prescribe maximum building height limits in the context of each particular locality and the detailed considerations therein, further to the broad-brush parameters of draft SPP2.6, needs to be unambiguously specified in that Policy”.
2. That in item 3:
 - a. the word “appropriately” be added after the word “respond”
 - b. the words “Cottesloe context of” be added before the words “the desired”

Carried 7/2

COUNCIL RESOLUTION

THAT Council:

1. Notes this report regarding the draft State Planning Policy 2.6 - State Coastal Policy and State Coastal Planning Policy Guidelines;
2. Advise the WAPC that the criteria pertaining to “Building height limits” (part 5.4, page 5) in the draft State Planning Policy SPP 2.6 appear too subjective and open to interpretation, including with respect to local planning schemes being able to specify maximum building heights in order to achieve outcomes which respond to the desired character, built form and amenity of a locality; hence the capacity for schemes to prescribe maximum building height limits in the context of each particular locality and the detailed considerations therein, further to the broad-brush parameters of draft SPP2.6, needs to be unambiguously specified in that Policy;
3. Request that the WAPC acknowledges that the maximum building heights proposed in the Town of Cottesloe’s Local Planning Scheme No. 3 respond appropriately to the Cottesloe context of the desired character, built form and amenity of the locality having been devised via a dedicated Enquiry-by-Design process and extensive public advertising of the proposed Building Design Controls; and

4. Forward this report and Council's resolution to the Hon Premier and Member for Cottesloe and to the Hon Minister for Planning for urgent consideration prior to making a final determination on Local Planning Scheme No. 3.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 7/2

11.2 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 20 MARCH 2012**11.2.1 GROVE LIBRARY MISSION STATEMENT**

File No: SUB/547
Attachments: [A Draft Library and Community Learning Centre Strategic Framework Final](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services
Proposed Meeting Date: 20 March 2012
Author Disclosure of Interest Nil

SUMMARY

The Grove Library Management committee has proposed a new mission statement for the library, which is being presented for Council's consideration.

BACKGROUND

The Town has entered into an agreement with the Town of Mosman Park and Shire of Peppermint Grove to provide a joint library service at the Grove Library. The day to day operations of the library are managed by the Library Manager, with oversight provided by the Library Management Committee.

The Library Management Committee comprises a member of each of the three participating councils. A senior staff member from each Council also attends the meeting (Manager of Corporate and Community Services from the Town) however they are non-voting. The Library Manager also attends these meetings.

At a recent Library Management Committee meeting, a strategic framework for the library was presented (see attached). In order for the document to have any authority, each Council would need to adopt it.

STRATEGIC IMPLICATIONS

This document would set the strategic direction of the Library and assist the Library Management Committee and the Library Manager in decision making.

While it affects Library operations, it would have no other impact on Council's operations.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Nil – the proposed mission statement was prepared using research that had previously been undertaken and within existing staff resources at the Grove Library.

SUSTAINABILITY IMPLICATIONS

Sustainability is listed as one of key aspects of The Groves “culture”. The library building itself has some of the most modern and environmentally sustainable systems available. While this provides for a sustainable building, the associated education and awareness programs provide further sustainability benefits.

CONSULTATION

The proposed mission statement was developed with reference to the research and community consultation undertaken during the design and construction phases of the Grove Library. This consultation was undertaken by Oakridge Communication Group. The proposed mission statement has been endorsed at a meeting of the Library Management Committee.

STAFF COMMENT

This document was prepared with the assistance of Oakridge Communication Group who undertook the community consultation as a part of the library design and construction process. The statement seeks to address the expectations and aspirations raised during the community consultation process.

The mission statement will assist library staff when designing and evaluating new programs and when reviewing existing programs and infrastructure. This is particularly important given that the library provides services for three local government areas, each with their own strategic documents.

The Library Management Committee will continue to monitor the library’s performance, and if adopted, the proposed Mission Statement will provide a tool for assessing this performance.

If adopted, the proposed Mission Statement will also be regularly reviewed and updated as required. Any changes or updates will require a further resolution of Council in order to be adopted.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council endorse the attached Draft Mission Statement for the Grove Library and Community Learning Centre.

Carried 9/0

11.2.2 STANDING ORDERS LOCAL LAW 2012

File No: CLL/5
Attachments: [Standing Orders 2012](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services

Proposed Meeting Date: 20 March 2012
Author Disclosure of Interest Nil

SUMMARY

The draft Standing Orders Local Law 2012 is being presented for Council's consideration.

BACKGROUND

The current Standing Orders Local Law was Gazetted in 1997. An amendment to the local law was made in 1999. That version of the local law was largely carried forward from previous Standing Orders Local Laws and by-laws, some of which predated the *Local Government Act 1995*.

Since the Gazetting of the current Standing Orders Local Law, the State Government has adopted the *Local Government (Rules of Conduct) Regulations 2007*, as well as several changes to the *Local Government Act 1995* and to the *Local Government (Administration) Regulations 1996*. These changes have had an impact on the day to day operations of local governments, including Council meetings.

There has also been a change in direction in regards to the way local laws reference Acts and Regulations. Previously it has been accepted practice to reproduce sections of Acts and Regulations within local laws. However this does create a problem where an Act or Regulation is subsequently amended – as there is then an inconsistency between the Act or Regulation and the local law. Instead, it is now required that where the Act or Regulations deal with a subject, that this is stated in the local law.

Drafting practices have also been changed in recent times. Some of these changes include, but are not limited to;

- Use of non-specific descriptors, such as Presiding Member in place of Mayor and Member in place of Councillor;
- Any references to the Council or the Town of Cottesloe in general are replaced with local government; and
- The use of numbered, single point sub-clauses in place of multipoint paragraphs in the operative parts of the local law.

When Council reviews a local law, it should ensure that it adheres to the latest standards and conventions. In order to achieve this, many minor amendments to the current local law were required. While the format and form of the local law may have undergone some changes, all of the operative parts of the current local law have

been preserved; except the requirement to stand while addressing the meeting, which has been removed.

The Purpose of the local law is to provide rules and guidelines which apply to the conduct of meetings of the Council and its Committees and to meetings of electors. All meetings are to be conducted in accordance with the Act, the Regulations and the Town's Standing Orders.

The Effect of this local law is to deliver;

- (a) better decision making by the Council and Committees;
- (b) the orderly conduct of meetings dealing with Council business
- (c) better understanding of the process of conducting meetings; and
- (d) the more efficient and effective use of time at meetings.

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Section 3.5, 3.6 and 3.12 of the Local Government Act applies.

3.5 *Legislative power of local governments*

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

3.6 Places Outside the District

- (1) *If the Governor's approval has been obtained, a local government may make a local law under this Act that applies outside its district.*
- (2) *A local government cannot, under subsection (1), make a local law that applies to –*
 - (a) *a part of the State that is in the district of another local government; or*
 - (b) *a part of the State to which a local law made by another local government concerning the same subject matter applies under this subsection.*
- (3) *The Governor may revoke any approval given under subsection (1) and, after that revocation, a local law made under the approval ceases to apply to the part of the State for which the approval was given.*
- (4) *The Minister is to cause notice of any revocation under subsection (3) to be published in the Gazette.*

3.12 Procedure for making local laws

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

***Absolute majority required**

- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice –*
- (a) *stating the title of the local law;*
 - (b) *summarising the purpose and effect of the local law (specifying the date on which it comes into operation); and*
 - (c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section –*
making *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

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

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

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

- (a) *the purpose and effect of the proposed local law is including in the agenda for that meeting; and*
- (b) *the minutes of the meeting of the council include the purpose and effect of the proposed local law.*

FINANCIAL IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

The Draft Local Law is subject to extensive consultation requirements, as detailed below.

State-wide public notice

Council is required to advertise its intentions to make a local law in a state wide newspaper, as well as all of the requirements of a local public notice. This includes advertising in local papers and causing notices to be placed on all Council notice boards.

Copies of the local law will be available online, at the Council offices and Library.

Feedback will be sort by way of written submissions and notices will provide information on how these submissions can be made. The submission period cannot be less than 6 weeks.

Copy to the Minister

A copy of the draft local law will be sent to the Minister for Local Government, who will then forward it to the Department. The Department will provide comment on the local law which will address any drafting issues.

Further, the Standing Orders Local Law has been before Council once before. On that occasion no comments were received from members of the public. The changes required came about because of advice received from the Department of Local Government, suggesting drafting changes were required.

STAFF COMMENT

The primary purpose of the Standing Orders Local Law 2012 is to provide the guidelines for efficient and effective meetings of both Council and Committees.

While the format of the document may have changed, the operational parts of the old local law have been preserved, except the requirement to stand while addressing the Council meeting. This part was removed as Council has suspended this requirement at the start of every Council meeting for sometime.

There are two new inclusions in the Local Law, one being the prohibition of recording meetings without the approval of the presiding member and the formalisation of public statement time. The requirement for the presiding member's approval for the recording of meetings is a reasonably standard clause in Standing Orders Local Laws, and indeed the City of Perth, City of Wanneroo and City of Albany all have very similar clauses in their local laws. It could also be argued that it is not ethical to record a meeting using electronic devices without seeking the permission of the people you intend to record.

Council has allowed public statements at the beginning of Council and Committee meetings for some time. While Council is entitled to do this, providing for it in the Standing Orders also provides for controls to be included in the local law as well. The provisions in the local law formalise the existing conventions on public statement time.

Council currently has a high standard of meeting procedure and adheres to all of the requirements of the Act and Regulations. The draft Standing Orders Local Law 2012 seeks to modernise the existing local law, as well as making some minor changes to the standing orders, that have served Council so well in recent times.

The Standing Orders Local Law was advertised in August 2011. While no public submissions were received, feedback was received from the Department of Local Government suggesting drafting and formatting changes to the local law. Under the Act, a local government is required to re-advertise a local law, if it intends to adopt a local law that is materially different to the one that was initially advertised for public comment. While the purpose and intent of the local law has not changed, the number of drafting changes mean that it could be considered materially different to the local law that was advertised for comment. Given the expense involved in Gazetting a local law, it is recommended to restart the process, including public comment to avoid

any issues when the local law is sent to the Joint Standing Committee on Delegated Legislation.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council:

- 1. Note that a review of the Standing Orders Local Law No 1, 1997 has been undertaken;**
- 2. Cause state wide public notice to be given of the proposed Standing Orders Local Law 2012; and**
- 3. Set the date for the closure of submissions on the proposed Standing Orders Local Law 2012 to close as 14 May 2012.**

Carried 9/0

11.2.3 CARBON NEUTRAL EMISSIONS INVENTORY 2010-2011

File No: sub/1161
Attachments: [Town of Cottesloe Carbon Report 2009 2010 pdf](#)
[Town of Cottesloe Carbon Inventory Report 2010 2011.pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Nikki Pursell
Sustainability Officer
Proposed Meeting Date: 20 March 2012
Author Disclosure of Interest Nil

SUMMARY

In February 2010 Council unanimously resolved to follow a four-step process to achieve carbon neutrality as soon as practical, and before 2015. On 21 June 2011, Council was presented with the baseline measurements of the Town's Carbon footprint along with a report entitled *The Town of Cottesloe's Carbon Inventory Report (June 2011)*. The document summarised the Town's greenhouse gas profile for the 2009-2010 financial year (the baseline year), concluding that the Town had a carbon footprint of 806 tonnes of carbon dioxide equivalent (CO_{2-e}). The development of this inventory marked the completion of Step 1 in the process to become Carbon Neutral.

The Town has a commitment to complete annual inventories to continually monitor its progress in reducing emissions. Annual inventories will be completed and presented to Council by May, the following year.

This report is to advise Council that an emissions inventory has been produced for the period July 2010 to June 2011 (*The Town of Cottesloe's Carbon Inventory Report 2010-2011*), and note the progress made in reducing the Town's Carbon footprint. The 2010-2011 inventory calculates the Town's emissions as 724 tonnes of CO_{2-e}, a reduction of 82 tonnes compared to the baseline year.

BACKGROUND

Carbon neutral means reducing our net greenhouse gas emissions to zero. The Town is currently following a four-step process to become a Carbon Neutral municipality, as follows:

- Step 1** Measure greenhouse gas footprint.
- Step 2** Reduce highest emission producing areas through a *Greenhouse Gas Reduction Plan*.
- Step 3** Switch to energy sources that create less greenhouse gas emissions.
- Step 4** Offset all remaining greenhouse gas emissions.

In 2011, Step 1- measurement of the Town's greenhouse gas footprint was completed with the development of an inventory for the baseline year (2009-10). Since then, emissions-related activities have been continually monitored. The Town

is currently embarking on Step 2, and it is intended that a Greenhouse Gas Reduction Plan will be completed by July 2012. This document will set short and long-term emissions targets, highlight where reductions can occur and prioritise the most cost-effective measures to reduce the Town's emissions. Further updates on Step 2 will be provided to Council in July 2012.

Discussion of the 2010-11 inventory compared to the baseline year

The 2010-2011 inventory and report has been based upon the format and methodology of the 2009-2010 documents to allow for easy comparison. The 2010-2011 inventory calculated the Town's emissions as 724 tonnes of CO_{2-e}, a reduction of 82 tonnes compared to the baseline year.

The primary emissions-generating activities remain the same for both periods, with purchased electricity from streetlights remaining the number one emissions-generating activity for the Council, contributing 45% of emissions. Scope 2 emissions, particularly the purchasing of electricity for street lighting and for lighting, heating and cooling of the administration buildings contributes almost two thirds of total emissions. This would suggest that the greatest opportunity to reduce the Town's emissions is through improvements to street lighting and energy efficiency measures at the administration buildings.

The most significant change between 2010-2011 and the baseline inventory is emissions generated from waste, namely from construction and demolition. It is important to note that this is largely related to improvements in the way these emissions are calculated. This change has resulted in emissions from construction and demolition waste dropping from the second largest contribution to the Town's emission in 2009-2010, to the fourth largest in 2010-2011.

STRATEGIC IMPLICATIONS

Infrastructure

To maintain infrastructure and Council buildings in a sustainable way.

FINANCIAL IMPLICATIONS

Resource requirements for the development of a Greenhouse Gas Reduction Plan are in accordance with existing budgetary allocation.

This document will make recommendations regarding emissions reduction measures that may require capital investment in the future.

SUSTAINABILITY IMPLICATIONS

Purchasing

Buying local and supporting local produce

Throughout the process of becoming Carbon Neutral the Town employs local consultants and expertise where possible.

CONSULTATION

The development of the baseline and 2010-2011 Reports have been completed in consultation with Greensense Pty Ltd; the City of Fremantle's Sustainability Officer; and WALGA's Climate Change Coordinator.

STAFF COMMENT

The Town of Cottesloe's Carbon Inventory Report 2010-2011 demonstrates the Town's ongoing commitment to becoming a Carbon Neutral municipality. It is recommended that this report be published on the Town's website once approved for the purpose of transparency and improved community awareness.

The next step in becoming a Carbon Neutral municipality is the development of a Greenhouse Gas Reduction Plan. The Town is commissioning a consultant to assist in the development of this document, working closely with staff. It is intended that this Plan will be completed by July 2012.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council:

- 1. Note the completion of the emissions Inventory and Report for 2010-2011 and the progress made in reducing the Town's emissions;**
- 2. Publish the emissions inventory and report for 2010 – 2011 on the Town's website.**

Carried 9/0

Mayor Morgan declared a financial interest on item 11.2.4 and left the meeting at 7:45pm.

**11.2.4 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT
CANBERRA 17 - 20 JUNE 2012**

File No: SUB/97
Attachments: [Invitation 2012 ALGA NGA](#)
[2012 ALGA NGA Program](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer
Proposed Meeting Date: 20 March 2012
Author Disclosure of Interest Nil

SUMMARY

Every year a National General Assembly (NGA) is arranged by the Australian Local Government Association (ALGA). This year's NGA theme is 'National Voice, Local Choice - Infrastructure, Planning, Services'.

The NGA will be held in Canberra from 17 – 20 June 2012.

This report recommends approval to attend the NGA by Mayor Kevin Morgan.

BACKGROUND

The National General Assembly for Local Government is the premier local government event bringing together more than 700 mayors, councillors and senior officers from councils across Australia to develop local government policy ideas, meet with key federal politicians and hear from renowned experts on the key issues affecting local government in Australia.

The three elements of the 2012 theme explores the key priorities and challenges facing local government and local communities and how local government can work with other levels of government.

- 'Infrastructure' allows delegates to focus on the local and community infrastructure provided by local government and seeks to develop innovative ideas for the provision of this infrastructure now as well as into the future,
- 'Planning' recognises the important role local government plays in planning for local communities It asks delegates to consider how best to provide this critical role and the impact It has on shaping the future of communities in Australia; and
- 'Services' refers to the wide range of services provided by local government and the need to ensure the delivery of these services caters to the needs and opportunities in Australia's diverse communities

The Prime Minister, Leader of the Opposition, Minister for Health and Leader of the Greens have been invited to address the 2012 NGA along with a number of keynote speakers who will also contribute to the program (attached).

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council's Conference Policy applies.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

The estimated cost of the conference attendance is approximately \$4,000. The 2011/2012 budget includes, under Conference and Training and Members Travelling, an allowance for this amount for the Mayor to attend such conference.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The National General Assembly for local government is the premier local government conference and as such it is appropriate for the Mayor to attend and represent the Town.

VOTING

Simple Majority

Mayor Morgan left the Chambers at 7:45 PM

Deputy Mayor Jack Walsh assume the chair of the meeting

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council approve the attendance of the Mayor at the 2012 National General Assembly at the National Convention Centre – Canberra from 17 to 20 June 2012.

Carried 8/0

Mayor Morgan returned to the meeting at 7:47 PM

11.2.5 PROPOSAL FOR NEW LIGHTING, HARVEY FIELD AND COTTESLOE OVAL

File No: SUB/982
Attachments: [Cottesloe Rugby Club Submission](#)
[Email re RUFC Field Lighting](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 20 March 2012
Author Disclosure of Interest Nil

SUMMARY

The Cottesloe Rugby Club have had problems with the quality and standard of lighting covering Harvey Field and the Cottesloe Oval, for a number of years. The existing 9 light towers are situated on Council controlled land and not in good condition.

The Club have provided a submission regarding a third party – a large Telco organisation – installing four large light towers with one or more tower also being a mobile phone tower, at no cost to Council or the Club.

The recommendation is that Council:

1. Agree in principal to the proposal from the Cottesloe Rugby Club to proceed with discussions and planning to replace the lighting system on Harvey Field and the Cottesloe Oval on the basis of communications towers being installed in four locations by private companies doubling as oval lighting towers, to replace 9 existing light towers.
2. Require the Cottesloe Rugby Club to communicate with local affected residents regarding this proposal including consultation on potentially affected views and electromagnetic energy, with the results of such consultation to be provided to Council.

BACKGROUND

The existing 9 small light poles are not in good condition with one collapsing in recent years and another being replaced due to rust at the base. There is no allocation for the high level of funds needed to replace these light poles in Council's current or future budgets.

The Club has indicated that the applicable Australian Standard for this type of recreation lighting is not met by the existing lights.

With Rugby Club use and ongoing use by the Junior Football Club, there is a long term need for night lighting of these two ovals, to the required Australian standards for lighting levels and public safety.

STRATEGIC IMPLICATIONS

Council's Future Plan 2006-2010 has, as Objective 5, the aim to "Maintain infrastructure and Council buildings in a sustainable way". The oval lighting system is not sustainable for future use.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

There are no statutory or legal reasons for Council to undertake asset improvements. However, public safety and legal liability issues apply to the potential for oval lighting towers to fail due to structural degeneration.

FINANCIAL IMPLICATIONS

Council has no funding allocated to replace oval lighting systems. If the proposal is approved and the replacement is funded by a communications company, there will be no cost to Council.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

The Cottesloe Rugby Club has committed to consulting and informing local residents on the proposal.

STAFF COMMENT

The existing system of lighting over both ovals is old, does not meet modern standards and is starting to structurally fail due to age, rust etc. It is therefore becoming a risk to the public and players as well as not meeting user requirements. Replacement of 9 light poles / towers with four light towers at no cost to Council or the clubs appears to be a very good solution to the problem. The issue will probably hinge on local residents comments on whether their views will be interrupted with the proposed towers and the public discussion on the impact and level of radio frequency electromagnetic energy.

One additional benefit for the Cottesloe area would be improved mobile phone coverage from this proposal. With the intention of communications companies to improve coverage in the area, regardless as to whether this proposal is taken up, the need for a location for one or more towers will require consideration in the future.

VOTING

Simple Majority

COMMITTEE COMMENT

Cr Strzina commented that the Officers report, in his opinion, did not contain sufficient information regarding the location of the proposed light poles. Cr Strzina further commented that light poles of 24m height had the potential to affect the visual amenity of the area, and as such, suggested that perhaps a diagram illustrating how the light poles would look from both coast and street views should be provided. Committee further suggested that the light poles could be installed in line with existing trees, to ensure views are not obstructed.

Vince Fitzpatrick from the Cottesloe Rugby Club addressed Committee and advised that the proposed location of the light poles was still yet to be determined and that community consultation would be undertaken.

Committee questioned whether there was commercial signage or rental fees associated with the proposal. Cr Jeanes advised that other local authorities had received revenue (some of which is returned to local sporting clubs) from similar tower structures and suggested that officers look into the potential for a similar arrangement.

OFFICER RECOMMENDATION

Moved Cr Strzina, seconded Mayor Morgan

THAT Council:

1. Agree in principle to the proposal from the Cottesloe Rugby Club to proceed with discussions and planning to replace the lighting system on Harvey Field and the Cottesloe Oval on the basis of communications towers being installed in four locations by private companies doubling as oval lighting towers, to replace 9 existing light towers.
2. Require the Cottesloe Rugby Club to communicate with local affected residents regarding this proposal including consultation on potentially affected views and electromagnetic energy, with the results of such consultation to be provided to Council.

AMENDMENT 1

Moved Cr Pyvis, seconded Cr Strzina

Amend the recommendation by adding a new part (3) that states:

3. "Require the Club to provide a site diagram and images of what the proposed towers will look like to the satisfaction of administration prior to undertaking community consultation."

Carried 5/0

AMENDMENT 2

Moved Cr Boland, seconded Cr Strzina

Amend the recommendation by adding a new part (4) that states:

4. "Receive from the Cottesloe Rugby Union Football Club advice in relation to the commercial arrangements for the installation of the lighting / communication poles."

Carried 5/0

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council:

1. **Agree in principle to the proposal from the Cottesloe Rugby Club to proceed with discussions and planning to replace the lighting system on Harvey Field and the Cottesloe Oval on the basis of communications towers being installed in four locations by private companies doubling as oval lighting towers, to replace 9 existing light towers.**
2. **Require the Cottesloe Rugby Club to communicate with local affected residents regarding this proposal including consultation on potentially affected views and electromagnetic energy, with the results of such consultation to be provided to Council.**
3. **Require the Club to provide a site diagram and images of what the proposed towers will look like to the satisfaction of administration prior to undertaking community consultation.**
4. **Receive from the Cottesloe Rugby Union Football Club advice in relation to the commercial arrangements for the installation of the lighting / communication poles.**

AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 9/0

11.2.6 BUDGET VARIATION - BUILDING LICENSE FEES

File No: SUB/1058
Attachments: [Attachment 1](#)
[Attachment 2](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services
Proposed Meeting Date: 20 March 2012
Author Disclosure of Interest Nil

SUMMARY

Council is being asked to consider a new building license fee structure and levies on building permits, as a part of the implementation of the Building Act 2011.

BACKGROUND

On April 2, 2012, the *Building Act 2011* and its associated regulations will come into effect. This legislation changes many parts of the process for approving building licenses. One part that has been changed is the fee structure.

The fee structure that was adopted during the annual budget process will not comply with the new Building Act and its Regulations. In order to continue to issue building license and other construction permits as required, this will need to be updated.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT**Subdivision 2 — Fees and charges****6.16. Imposition of fees and charges**

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.
* *Absolute majority required.*
 - (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
-

- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
- (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.
- * *Absolute majority required.*

6.18. Effect of other written laws

- (1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —
- (a) determine an amount that is inconsistent with the amount determined under the other written law; or
 - (b) charge a fee or charge in addition to the amount determined by or under the other written law.
- (2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

FINANCIAL IMPLICATIONS

The changes, if adopted, will affect the revenue raised from building licenses and other permits. As the fee differences will be subject to the value of the building that the permit refers to. To date, fees and charges for building permits have been lower than expected, some of which could be attributed to people waiting to submit their application until the new regime is in place.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The *Building Act 2011* and the associated Regulations have been proposed for implementation on three different occasions. On the previous occasions, the implementation date has been delayed due to the various forms, fees and charges and staff have not been in place for implementation to occur.

There are many changes to the way building licenses and other construction permits can be issued. There is a separation of the issuing of permits and building certification, which has cleared the way for private certifiers to begin approving buildings.

One of the impacts of these changes is a change to the fee structure associated with the issuing of permits and building certification. This will require Council to reconsider the fee structure it adopted in the budget process for the 2011 and 2012 budget.

Under the Local Government Act 1995 (6.18) it states that a local government can not determine to charge an amount that is different from the fee prescribed for that service in another written law and that a local government can not charge a fee in addition to a fee or charge prescribed in another written law. What section 6.18 does not provide is a mechanism to automatically adjust a fee or charge if the law that the fee or charge comes from changes. That is, our fees for building services do not automatically change when the Building Act 2011 commences, but that we also shouldn't charge a fee that is inconsistent with the new law.

Council is easily able to change its fees and charges during the year. All that is required is that Council needs to resolve by absolute majority to adopt the change, and then it is required to advertise the change and the date at which the new fee will apply. The notice required is local public notice which requires advertising in a newspaper that generally circulates within the district, a notice on the local governments notice boards and on notice boards at all of the local governments libraries. The notice period is 7 days.

VOTING

Absolute Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council:

- 1. Adopt the fees as described in Schedule 2 of the Building Regulations 2012, as noted in attachment 1, effective 02 April 2012;**
- 2. Adopt the levies for the Building Commission, effective 02 April 2012, as in attachment 2;**
- 3. Authorise the CEO to give local public notice of the new fees and charges.**

Carried 9/0

11.2.7 BUDGET VARIATION – IMPROVEMENTS OF PUBLIC TOILETS AT INDIANAS TEA HOUSE

File No: SUB/992
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate Services

Proposed Meeting Date: 20 March 2012
Author Disclosure of Interest Nil

SUMMARY

Council is being asked to consider a budget variation, to provide for further improvements at Indiana's Tea House.

BACKGROUND

The Town of Cottesloe has been working with the management of Indiana's Tea House to improve the public toilets at this location for some time. While ITH have control of the toilets, the condition of the toilets reflects on the Town as most people consider public toilets a local government responsibility.

The Town of Cottesloe and ITH have spent \$80,000 already in the last two years to improve these facilities. Despite this, both the Town and ITH still receive complaints regarding the condition of the toilets. The majority of these complaints occur on weekends, particularly over summer, which is when demand for the facilities is at its highest.

One of the main sources of complaints regards odour caused by blocked toilets. During discussions with Council Officers, ITH management have suggested that there are plumbers attending these toilets on a daily basis over summer to unblock the toilets. This is putting considerable strain on ITH management, and is also resulting in complaints to both ITH and the Town.

ITH management have approached the Town for support with a solution that is designed to prevent the toilets blocking as often. The estimated cost of implementing the changes is \$12,000, of which Council is being asked to consider contributing 50% or \$6,000.

STRATEGIC IMPLICATIONS

Council is committed to improving the facilities at Cottesloe Beach.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government;
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

FINANCIAL IMPLICATIONS

The requested expenditure is not budgeted in the 2011/2012 financial year and will require a budget amendment.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The toilets at ITH have been the subject of many complaints and subsequent reports over many years. Recent works have gone some way to addressing the issues there, but more work needs to be done. When there is a significant event at the beach, such as Sculptures by the Sea, or a hot summer's day, any public convenience is going to be challenged by the sheer number of people using the facilities.

What these works seek to do is to stop the toilets blocking as often, by allowing faster flushing and faster effluent flows. This should alleviate some of the build up of toilet paper and other rubbish that can create blockages.

While this is a positive step, officers are also working on other more permanent solutions to the toilet situation at Cottesloe Beach. This includes the proposal for additional toilets as outlined in the Foreshore Plan and providing temporary toilets during events such as those provided as part of Sculpture by the Sea. However these will take some time and will not resolve the day to day issues in the short term. The works that are being proposed can be implemented immediately and will reduce current problems until more permanent solutions can be in place.

VOTING

Absolute Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Cr Strzina

THAT Council

- 1. Authorise the expenditure of \$6,000 for the upgrading of the toilets at Indiana Tea House, being 50% of the cost of this upgrade; and**
- 2. Authorise a transfer from the property reserve of \$6,000.**

COUNCIL DISCUSSION

The report and recommendation attracted significant discussion by elected members with the majority acknowledging the continued problem of cleanliness of the toilets. Despite regular cleaning by Indiana and checking by the Town the toilets continue to draw complaint. Councillors are aware of the Lease conditions and timeframes and acknowledged that any legal challenge to the Lease will require significant financial resources and staff time. The legacy of a Lease made many years ago is one that Council has inherited and the long term solution is the increase number and quality of facilities at the beachfront as per the Council's Foreshore Plan, and to have them managed and controlled by Council. There was also discussion in relation to related operational issues of rubbish bins near the female toilets, car parking on site and storage on the verandas. Council acknowledged the responsibility of Indiana's to undertake all cleaning and maintenance and the current request for assistance with a capital upgrade to the facilities. Overall there was some reluctance to endorse the request from Indiana and as a consequence Cr Boland proposed some additional amendments to the recommendation with a request that the CEO meet with Indiana management to discuss the ongoing concerns of Council.

AMENDMENT

Moved Cr Boland, seconded Cr Rowell

That new items 3 and 4 be added to read:

- 3. Advise the Indiana Tea House that the level of cleanliness and upkeep of the toilet facilities in not acceptable to the community and the cleaning regime is to be upgraded to an appropriate standard.**
- 4. Have administration report back to the next Council meeting.**

Carried 7/2

COUNCIL RESOLUTION

THAT Council

- 1. Authorise the expenditure of \$6,000 for the upgrading of the toilets at Indiana Tea House, being 50% of the cost of this upgrade; and**
 - 2. Authorise a transfer from the property reserve of \$6,000.**
-

- 3. Advise the Indiana Tea House that the level of cleanliness and upkeep of the toilet facilities in not acceptable to the community and the cleaning regime is to be upgraded to an appropriate standard.**
- 4. Have administration report back to the next Council meeting.**

Carried 6/3

**11.2.8 STATUTORY FINANCIAL REPORTS FOR THE PERIOD 1 JULY 2011 TO
29 FEBRUARY 2012**

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

Proposed Meeting Date: 20 March 2012
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present to Council the Statement of Financial Activity, the Operating Statements by Program and by Nature and Type, the Statement of Financial Position, and supporting financial information for the period 1st July 2011 to 29th February 2012 as included in the attached Financial Statements.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Statement of Financial Activity on page 1 of the Financial Statements shows a shortfall of operating revenue of \$45,468 as compared with year to date budget. The main factors contributing towards this shortfall are reduced revenues from parking and also from building and development as outlined on the variances report on pages 7 to 9 in the attached Financial Statements. Operating expenditure is \$112,384 or 2% less than year to date budget due mainly to timing differences.

The Capital Works Programme is itemised on pages 23 to 27 of the attached Financial Statements. Overall expenditure is \$366,719 or 30% less than anticipated at this time of year. There are certain capital works projects that are contingent on other developments, for example, the depot upgrade is contingent on the outcome of a possible shared depot site with a neighbouring Council. And the Disability and Irrigation budgets are contingent on the outcome of a grant application to upgrade the foreshore.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council receive the Statement of Financial Activity, the Operating Statements by Program and by Nature and Type, the Statement of Financial Position, and other supporting financial information as included in the attached Financial Statements for the period 1 July 2011 to 29 February 2012, and as submitted to the 20 March 2012 meeting of the Works and Corporate Services Committee.

Carried 9/0

11.2.9 LIST OF ACCOUNTS PAID FOR THE MONTH OF FEBRUARY 2012

File No: SUB/137
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 20 March 2012
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the list of accounts paid for the month of February 2012, as included in the attached Financial Statements, to Council.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The list of accounts paid in February 2012 is included in the report on pages 10 to 16 of the attached Financial Statements. The following significant payments are brought to Council's attention;

- \$31,071.59 to WA Local Government Superannuation Plan for staff superannuation contributions.
 - \$21,444.87 to Cobblestone Concrete for footpath installation at various locations.
 - \$18,619.00 to Fines Enforcement Registry being fees for unpaid infringements sent for recovery.
 - \$12,408.85 to Synergy for street lighting charges.
-

- \$10,065.00 to Nu-Trac Rural Contracting for beach cleaning services.
- \$20,472.59, \$14,890.55 & \$10,194.56 to WMRC for waste disposal services
- \$38,544.00 to Claremont Asphalt for laneway construction.
- \$48,044.90 to Transpacific Cleanaway for waste collection/disposal services.
- \$11,047.50 to Adams Coachlines for the Cottesloe Cat bus service.
- \$25,789.35 to Surf Life Saving WA for the monthly surf life saving contract.
- \$26,829.26 to TAPSS Community care being Council's half yearly contribution to the TAPSS service.
- \$75,727.19, \$73,192.51 & \$74,066.16 for fortnightly payroll to Council staff.
- \$30,000.00 as a transfer to the Town's investment account.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council receive the List of Accounts Paid for February 2012 as included in the attached Financial Statements, as submitted to the 29 February 2012 meeting of the Works and Corporate Services Committee.

Carried 9/0

**11.2.10 SCHEDULE OF INVESTMENTS AND LOANS AS AT 29 FEBRUARY
2012**

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

Proposed Meeting Date: 20 March 2012
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Schedule of Investments and the Schedule of Loans as at 29th February 2012, as included in the attached Financial Statements, to Council.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on page 19 of the attached Financial Statements shows that \$3,889,369.47 was invested as at 29 February 2012. Approximately 36% of the funds are invested with the Westpac Bank, 23% with the Commonwealth Bank of Australia, 21% with Bankwest, with the remaining 20% invested with the National Australia Bank.

The Schedule of Loans on page 20 of the attached Financial Statements shows a balance of \$6,369,750.98 as at 29 February 2012. Included in the balance is \$401,392.76 that's relates to self supporting loans for community organisations.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council receive the Schedule of Investments and the Schedule of Loans as at 29 February 2012. These schedules are included in the attached Financial Statements as submitted to the 29 February 2012 meeting of the Works and Corporate Services Committee.

Carried 9/0

**11.2.11 PROPERTY AND SUNDRY DEBTORS REPORT AS AT 29
FEBRUARY 2012**

File No: SUB/145
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 20 March 2012
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports as at 29 February 2012, as included in the attached Financial Statements, to Council.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report on page 21 of the attached Financial Statements shows a balance of \$24,748.48 of which \$21,103.16 relates to the current month. These figures are understated by an amount of \$14,213.34 which relates to pensioner rebates received without a debtor i.e. an unallocated receipt.

Property Debtors are shown in the Rates and Charges Analysis on page 22 of the attached Financial Statements and shows a balance of \$1,054,760.57. Of this \$194,193.50 and \$384,906.40 are deferred rates and outstanding emergency services levies respectively. As can be seen on the Statement of Financial Position

on pages 4 & 5 of the attached Financial Statements, rates as a current asset are \$1,071,580 as compared to \$921,842 this time last year.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council receive the Property and Sundry Debtors Reports as at 29 February 2012, as included in the attached Financial Statements, at the meeting of the Works and Corporate Services Committee on 20 March 2012.

Carried 9/0

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

Nil

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING

Nil

14 MEETING CLOSURE

The Mayor announced the closure of the meeting at 8:07 PM

CONFIRMED MINUTES OF 26 March 2012 PAGES 1 – 70 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

DATE: / /