

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 May, 2014

CARL ASKEW
Chief Executive Officer

4 June 2014

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 7:00 PM.

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

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

Nil

4.2 PUBLIC QUESTIONS

Ms Jo Stokes, 20 Deane Street, Cottesloe – Re. Item 10.4.5 Request For Verge Widening Works, 24-28 Deane Street, Cottesloe

Ms Stokes stated that there is problem with the current retaining wall for houses between 20 and 28 Deane Street, Cottesloe. She stated that there has been major housing development going in the street, which has created parking issues with workers as well as existing parking problems with 2 houses occupied by elderly residents who require that carers. She requested that something to be done and ensuring ease of access as proposed in the officer report.

5 PUBLIC STATEMENT TIME

Mr Peter Dunn, Fun's Back Surf, 120 Marine Parade Cottesloe – Re. Item 10.4.2 - Business Proposal for Cottesloe Beach

Mr Dunn stated that he is the owner of the Fun's Back Surf and confirmed that his business has been hiring out umbrellas for 13 years as well as supporting local schools and clubs and would like to continue hiring umbrella on the beach front.

Mr Nicholas Dillon, 62 Forrest Street, Cottesloe – Re. Forrest Street Dual Path

Mr Dillon referred to the ratepayers consultative paper and petition that has been circulated to all Councillors. He referred to the works on at Forrest Street which was approved by council on 23 September 2013. He advised that he was concerned with how the approval was given, Councillors role to represent the ratepayers correct decision making processes.

The information in the consultative paper contained detail in relation to the street which has been changed to dual cycle path with 15 intersections and 300 meters of the path which has replaced a perfectly good path which was in place for many years. He stated that the project has been approved by council without any statistical evidence as to why it needs to change. The only

evidence to have been used was the path has been used for a number of days in a year.

He referred to paragraph 13 to 18 of the consultative paper that its difficult to find any justification as to why council approve this works at some significant cost. He stated that there is significant issue of failure to comply with consultative process in Councils own policy. What is now sought is that the decision be rescinded and revert back to a pedestrian path.

Ms Elise Mengler, 62 Forrest Street, Cottesloe – Re. Forrest Street Dual Path

Ms Mengler referred to the section of footpath between Curtin and Broome as special within Cottesloe as it carries a lot of pedestrian traffic. Originally the path was realigned from the property line to the kerb line as it was too close to homes. Since the widening, it is now too close to the road and when viewed from Curtin Avenue the path looks like a 3 lane highway, the path is as big as the road. She noted that people have stated to park on the path which has never happened before. She stated that the material used which was made out of bitumen is different from what it was before, which made out of concrete. She believed that the aesthetically the path looks terrible. She mentioned that Forrest street section is on a hill with a steep incline which impose a safety issue in driveways and speed and cycles going down. She stated that good quality work is expected in Cottesloe. She referred to Mr Dillon's statement earlier about the lack of consultation as she did not receive any letter sent by Council. She said that this is not following policy, which makes council liable for the work being done. Also there was not enough research done as the path widening would halve the original size of the path so there is less room for pedestrians to go up and down. She request that Council very carefully consider the issues raised.

The Mayor responded that she and other councillors acknowledged the residents concerns about the footpath and advised that Council will consider the submitted papers and undertake a process of review. Most councillors will be meeting and do some inspection over the next few days so she requested for residents forbearance on this matter.

Ms Chilla Bulbeck, 8/19 Broome Street, Cottesloe – Re. Item 10.4.2 - Business Proposal for Cottesloe Beach

As a Cottesloe resident and rate payer, she hoped Council will nip in the bud the totally deplorable idea proposed in 22 May West Australian. Apparently some developers want to cordon off part of the main Cottesloe beach for a segregated paying section of banana chairs and umbrellas. This is a very bad idea as demonstrated by a photo in the West Australian of some dreary European shingle beach where such things are common. We should not have to endure such nonsense in Australia. A pay-only section of a public beach seems to be anathema to our 100 year old egalitarian traditions of beach for all. These developers have the gall to claim this will protect people from the wind and keep them at the beach longer while preventing melanoma. We were under the impression people could do all that perfectly well themselves with their own umbrellas if they wish. We are of the opinion that common sense will prevail in these matters, but the last few years have rather undermined that confidence. We hope therefore that Council will oppose this idiocy.

On another matter entirely, Sandra Bowdler would like to ask, is the Council aware that their employee who rides around on something called the "club car" has now taken to tearing along, at high speed, on the dual use, taking up the full width of said path, and scattering its legitimate users to both sides.

Mrs Yvonne Hart, 26 Mann Street, Cottesloe – Re. Item 10.4.2 - Business Proposal for Cottesloe Beach

The WA government, plus the other States and Territories and the Federal government are required to abide by a Competition Principles Agreement. This means they must apply the principles of 'competitive neutrality'. Under this agreement, local government cannot give a competitive advantage to some businesses but not to others competing in the same market. This business proposal to set up a beach beds and umbrellas on the beach, would have competitive advantage, because they would pay zero rates and negligible rent for 100m2 prime beach. Compare this advantage with the rates and rent that the local surf shop pays for its premises on Marine Parade. The Surf Shop is a local business that also offers umbrellas for hire and has been doing so for many years. If Cottesloe Council approves a commercial enterprise on the beach it will be in breach of the State Government competitive neutrality agreement and could be challenged for doing so.

As the beach beds and umbrella business on the beach wishes to operate seven days a week, the number of people involved would be more than 50 in any one day. Under the Council's Beach Policy such a commercial enterprise should be classified as a 'significant beach event'. Has the Council correctly classified this commercial venture? There are three pages (9-11) that relate to the approval of a 'significant beach event' all of which need careful consideration. For example, have statutory requirements been met? Who is responsible for OH&S issues should they arise? Has the Council cited a Risk Management Plan? Should an 'incident' occur have Councillors considered who might be liable - Council or the business enterprise? Is the Council in breach of its Beach Policy?

As the application is for a commercial undertaking, Council's list of Fees and Charges needs to be applied. Therefore for a commercial event with less than 1,000 people the fee of \$3,000 per day should apply. The \$200 weekly rental indicates Council is in breach of its Fees and Charges Schedule and has no idea of the competitive advantage it would be giving to a commercial enterprise wishing to take advantage of one of the most iconic beaches in the world . This proposal has far more to consider than whether beach beds and umbrellas are a good idea. The legal implications are far reaching and Councillors need to be aware of these before opening a Pandora's box that is difficult to put the lid back on.

Mrs Yvonne Hart, 26 Mann Street, Cottesloe – Re. Item 10.4.3 - Request for Natural Areas Management Plan - Review And Update

Cottesloe Coastcare is a significant group of residents and ratepayers in the Cottesloe community and as such is supported by the Cottesloe Residents & Ratepayers Association.

The range of improvements Coastcare has completed is significant and their experience and dedication over many years is something we can all be proud of.

With the uncertainty of Council mergers and future funding arrangements, it is critically important that Council commit to funding CoastCare for a further 5 years 2014-2019. At a quoted cost around \$27,000 to review the fund plan, this small expenditure will enable Coastcare to have a new five year plan. It will assist in securing the future of their projects as well enable them to apply for grant funding which could total in excess of \$200,000.

If the amended motion is passed it will be a win-win situation for everyone - Coastcare, Council and all those with whom we share the Cottesloe environment. I urge Councillors to take a long-term view of the situation and vote to support the amended motion.

Mrs Yvonne Hart, 26 Mann Street, Cottesloe – Re. Item 11.1 - Rescission of Motion – Community Consultation – Local Government Reform

Thank you to Councillors for agreeing to rescind the motion it passed at its previous Council meeting 5 May 2014. At that meeting you had decided to post a questionnaire and covering letter to residents to ask whether residents wished to amalgamate or not, and include as well, multiple questions relating to residents' preferred amalgamation model. You will recall that at the Special Electors Meeting held 26 March 2014, there was unanimous agreement by ratepayers that any survey should be through a referendum carried out by the Electoral Commission. Ratepayers were furious to learn they had been completely ignored by Council and that other less effective means of gathering data was to be carried out by staff. There is a major difference between a referendum and a questionnaire and I am pleased Council has reconsidered its position and agreed to discontinue the questionnaire process.

It is only right that Council will no longer pursue the matter of whether a G2 or G4 or G5 is the preferred option should amalgamation be forced. The Cottesloe Electorate is poorly informed about amalgamation issues and asking voters what they prefer is not the best way forward. No information has been provided either by Cottesloe Council or the Local Government Advisory Board. There is NO answer to any question on a preferred amalgamation model. Cottesloe Residents and Ratepayers Association supports the rescission motion on the agenda tonight and urge all councillors vote to rescind it.

Ms Columba Tierney, U14 11 – 17 Princes Street, Cottesloe – Re. Item 10.4.2 - Business Proposal for Cottesloe Beach

Ms Tierney spoke in relation to the beach chairs issue and she believed that it is un-Australian. Beach chairs and beach umbrellas reek of Southern Spain not Cottesloe, and not for what Cottesloe is famous for as a lovely beautiful beach. She requested that Council do not go down that path. If the Council does decide to try the beach chairs proposal it should put it out to tender as she believe that a \$200 rental is very low.

Ms Columba Tierney, U14 11 – 17 Princes Street, Cottesloe – Re. Item 11.1 - Rescission of Motion – Community Consultation – Local Government Reform

As an elector of Cottesloe who also attended the Electors meeting on 26 of March Ms Tierney supported the rescission of motion put to Council. She requested that Mayor and Councillors support the rescission motion in order to

stop using a questionnaire as community consultation on Council Amalgamations. Electors demanded a referendum not questionnaire/survey to obtain community opinion on the Barnett government proposed program on local government reform. She stated that a referendum is a direct vote of electors to accept or reject a particular issue, in this case whether Cottesloe should remain independent. It is a single issue vote not a multiple question survey proposed by Council in their covering letter. This is not what we asked. Questionnaires are used because they are quick, easy and cheap but are flawed and impose more problems than benefits. Questionnaires have low return rates and those doing the research never know if the respondent understood the questions being asked. The people who returned the Questionnaires respond strongly positively or negatively and people who are unbiased usually don't respond because they may think it's not worth their time. A referendum has integrity which is why the Dador Poll exist as a safeguard. Please listen to the people you swore to represent. Please do not waste money by turning a referendum into a questionnaire which is not what the ratepayers wanted. Referendum is the only definitive way to ask electors about the most important issue faced in Cottesloe, which is the very existence of our local democracy.

Ms Sue Freeth, 1 Florence Street, Cottesloe – Re. Item 10.4.3 - Request for Natural Areas Management Plan - Review And Update

Ms Freeth spoke on behalf of Cottesloe CoastCare. She stated the CoastCare requested the review of Natural Areas Management Plan (NAMP) and they are keen to go ahead for the following reasons: When responding to State and Federal Government coastal protection grants we need an up to date plan for managing the natural areas. This year's guidelines for WA coastal project clearly demonstrate the need for a local plan and strategy. Such applications, based upon latest planning, will be given higher priority for funding. Last year CCA attracted grants of over \$200,000 which built 4 major rounds and 2 miles beach, paid for fencing and rabbits and weed control and planted 35,000 plants. The NAMP is the major document that coordinates both Town of Cottesloe and Cottesloe CoastCare in natural areas of Cottesloe. The current is now out of date. The Town of Cottesloe is the land manager responsible for natural areas of Cottesloe and as such the NAMP is the Towns document not CoastCare however CoastCare work closely with the Town to make sure that their work complements the Towns. In 2012 CoastCare volunteer work 790 hours on dunes restoration and our sponsors valued this at \$30/hour, so volunteer work is worth \$23,700. There are broader economic benefits such as healthy coastal dunes and vegetation as they provide a protected buffer for our coastal assets and infrastructure. With the prospect of local government amalgamation we think it's important that Cottesloe has a robust plan for natural areas management that is informed by local opinion for the next 5 years. While Cottesloe CoastCare have significant expertise in planting we are not coastal planners. We look forward to continuing the good working relationship we have with Town of Cottesloe

6 ATTENDANCE**Present**

Mayor Jo Dawkins
Cr Peter Jeanes
Cr Jack Walsh
Cr Helen Burke
Cr Philip Angers
Cr Katrina Downes
Cr Sally Pyvis
Cr Robert Rowell

Officers Present

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

6.1 APOLOGIES

Nil

Officer Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Cr Birnbrauer

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Jeanes, seconded Mayor Dawkins

That Cr Jeanes' request for leave of absence from the June and July Council meeting be granted.

Carried 8/0

7 DECLARATION OF INTERESTS

Cr Pyvis declared an impartiality interest in item 10.3.3, due to being a friend knowing the applicant.

Cr Angers declared an impartiality interest in item 10.4.1, due to being the President of ProCott and owning a shop in the town centre.

8 CONFIRMATION OF MINUTES

Moved Cr Walsh, seconded Cr Rowell

[Minutes May 05 2014 Council.DOCX](#)

The Minutes of the Ordinary meeting of Council held on Monday, 05 May, 2014 be confirmed.

Carried 8/0

9 PRESENTATIONS

9.1 PETITIONS

Nil

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

10 REPORTS**10.1 REPORTS OF OFFICERS**

Nil

10.2 REPORTS OF COMMITTEES**10.3 DEVELOPMENT SERVICES COMMITTEE MINUTES - 19 MAY 2014****10.3.1 NO. 265 (LOT 55 - PROPOSED LOT A) MARMION STREET - TWO-STOREY DWELLING WITH UNDERCROFT AND POOL**

File Ref: 2886
Attachments: [Aerial Plans Submission](#)
Responsible Officer: Andrew Jackson
Manager Development Services
Author: Ed Drewett
Senior Planning Officer
Proposed Meeting Date: 19 May 2014
Author Disclosure of Interest: Nil
Property Owners: Phillip Gnech & Olivia Porteous
Applicant: Phillip Gnech
Date of Application: 17 March 2014
Zoning: Residential 20
Use: P - A use that is permitted under this Scheme
Lot Area: 636m² (proposed)
M.R.S. Reservation: Not applicable

SUMMARY

This application is seeking the following variations to Council's Scheme, Policies, Local Laws or the Residential Design Codes:

- Front setback
- Fill/retaining walls
- Visual privacy
- Front fencing

Each of these aspects is discussed in this report and refers to plans received on 5 May 2014.

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

PROPOSAL

This application is for a two-storey dwelling with an undercroft garage/store and pool on a recently approved green title lot which has its frontage to Clarendon Street rather than Marmion Street, as existing.

The proposed dwelling has a pitched Colorbond roof, rendered brickwork, a dining/living area, kitchen, lift, foyer, communal areas, bathroom, bedroom retreat and north-facing courtyard with alfresco lounge on the ground floor, and 4 bedrooms, an ensuite and two separate bathrooms, WC, a small garden and front balcony on the upper floor.

STATUTORY ENVIRONMENT

- Town Planning Scheme No 2
- Residential Design Codes
- Fencing Local Law

PROPOSED LOCAL PLANNING SCHEME NO 3

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

MUNICIPAL INVENTORY

Not applicable.

APPLICATION ASSESSMENT**Areas of non-compliance****Residential Design Codes**

Design Element	Deemed-to-comply	Proposed	Design principles
5.3 – Site planning and design	0.5m fill above NGL within 3m of the street alignment & within 1m of a lot boundary behind the street setback.	Up to 0.9m along southern & eastern boundaries.	Clause 5.3.7 – P7.1, P7.2 & P8.
5.4 – Building design	7.5m cone of vision.	5.8m cone of vision from front balconies to proposed eastern boundary.	Clause 5.4.1 – P1.1 & 1.2

COUNCIL POLICY/RESOLUTION/LOCAL LAW

	Permitted	Proposed
Streetscape	6m front setback (Council resolution 28/10/02).	3.7m - 9.8m to dwelling (average: 6.75m).
Fencing	Open-aspect above 0.9m in front setback area.	3m long solid section in front of lap pool.

ADVERTISING OF PROPOSAL

The application was advertised to two adjoining owners in accordance with TPS 2. No submissions were received during the advertising period and neighbours' signatures have been submitted by the applicant.

PLANNING COMMENT

The following comments are made with respect to the proposed development:

Front setback

In 2002 Council resolved to generally require a 6m front setback for residential development (for the preservation of streetscape, view corridors and amenity).

The proposed dwelling on the new lot has a front setback ranging from approximately 3.7m to 9.8m, measured at right angles to the front boundary. This results in 12m² projecting into Council's preferred front setback and has been requested by the applicant due to the angled frontage of the lot making it difficult to achieve the normal setback without reducing the depth of the proposed northern courtyard.

Subdivision of this lot was approved by the WAPC on 13 August 2013 to create two green-title lots on the corner of Clarendon and Marmion Streets. The existing dwelling on the lot which is orientated towards Marmion Street will be demolished to enable two new dwellings to be constructed, both with frontages to Clarendon Street. The proposed development is therefore on a lot that has its frontage to the original secondary street of the corner property and as such the *deemed-to-comply* standards of the Residential Design Codes could be applied, which allow a 2.5m front setback to the dwelling and 1.5m to a porch, verandah, balcony or the equivalent (Clause 5.1.2 C2.1 - iv).

The explanatory guidelines of the Codes pertaining to this provision advise:

In many cases streetscapes are being altered by urban redevelopment and infill, by the subdivision of corner lots, creating new frontages to side streets. Where this happens, similar considerations to those for setbacks to frontage streets will apply although there will be scope for common-sense rationalisation between existing houses which create the character of the street and infill development.

The setback area should be open but with reduced setback for practical and streetscape reasons.

At the request of the Town, the applicant has deleted a gatehouse and various high solid walls from the front setback area that were originally proposed thereby creating a more open and attractive frontage to the street. The existing solid wall along the proposed front boundary will also be removed which will further assist in ensuring

that the proposed development positively contributes to the prevailing streetscape. The proposed design/setback arrangement is therefore supported.

Fill and retaining walls

The proposed lot has a 6.21m fall from its north-west to south-east corners which makes development on the site difficult without some fill/retaining walls being necessary.

Up to 0.9m of fill is proposed above NGL for approximately 4m along the southern boundary adjoining the proposed vegetable garden and also for a small section midway along the proposed eastern boundary.

This variation may be considered under the design principles of the RDC, which state:

Development that considers and responds to the natural features of the site and requires minimal excavation/fill.

Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.

Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.

The southern boundary of the proposed lot slopes down approximately 2.6m from the western to eastern ends and the proposed front garden area will be terraced from RL: 32.414 to RL: 30.614 (a drop of 2.1m) to respond to the natural topography and to minimise the need for high retaining walls along the boundary.

The proposed fill/retaining wall midway along the proposed eastern boundary does not need to be considered under the design principles, as the adjoining proposed lot is currently under the same ownership and new titles have not been issued so it is still only one lot at present.

In both situations the proposed fill and retaining walls will assist in ensuring that the land can effectively be used the occupants of the new dwelling without having a detrimental effect on adjoining properties. They are therefore supported.

Visual privacy

The proposed upper and lower front balconies have a 5.8m cone of vision from the new eastern boundary, in lieu of 7.5m behind the front setback as required under the *deemed-to-comply* standards of the RDC. However, as mentioned above, the adjoining proposed lot on the eastern side is currently under the same ownership as new titles have not yet been issued and the owners are signatories to the application. This is therefore supported.

Fencing in front setback

A 3.227m wide x 1.6m high solid wall is proposed at the western end of the southern boundary which will appear up to 1.95m high when viewed from the street due to a

proposed retaining wall below. It will provide screening to the southern end of the proposed lap pool and replaces a similar solid wall along this part of the boundary.

Although this constitutes a variation to Council's Fencing Local Law, its length will only extend for approximately 10% of the total length of the new lot boundary with the remainder of the frontage having either low planters or open-aspect fencing. As such, it is considered that this variation may be supported as it is unlikely to have any significant adverse impact on the streetscape.

CONCLUSION

The proposed dwelling complies with TPS 2 and the RDC with the exception of the points discussed in this report. The re-orientation of the lot towards Clarendon Street, the original secondary street, creates an angled frontage to the proposed development making it difficult to achieve a 6m setback. However, the proposed design has an average front setback in excess of 6m which is greater than the existing dwelling on the lot and compliant with the RDC and it is considered that the proposed development will contribute to the prevailing streetscape.

COMMITTEE COMMENT

Committee briefly discussed the proposal including sections of solid wall in relation to front pools generally and supported the proposal overall.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Angers

That Council GRANT its approval to commence development for a two-storey dwelling and pool at 265 (Lot 55 – Proposed Lot A) Marmion Street, Cottesloe, in accordance with the plans received 5 May 2014 subject to the following conditions:

- 1. All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.**
- 2. The external profile of the development as shown on the approved plans not being changed whether' by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- 3. Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
- 4. The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.**
- 5. Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted**

shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.

6. With the exception of the 3.227m long section of solid wall in front of the proposed lap pool as shown on the approved plans, in accordance with Council's Fencing Local Law all proposed fencing in the front setback area may be solid to a maximum height of 900mm and the infill panels shall have an "open aspect" in that the palings shall be spaced to ensure the width between each paling is at least equal to the width of the paling, with a minimum space of 50mm and a minimum open aspect of 50% of the infill panel, and the piers shall not exceed 2.1m in height from Natural Ground Level.
7. The applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer. The proposed crossover shall not be closer than 1.5m from the base of the existing street trees.
8. The pool pump and filter shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
9. Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property on which the swimming pool is located and disposed of into adequate soakwells.
10. A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.
11. Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation sewer.
12. Finalisation of subdivision is required prior to occupation of the proposed dwelling.

ADVICE NOTES:

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible to apply to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.

Carried 8/0

10.3.2 NO. 265 (LOT 55 - PROPOSED LOT B) MARMION STREET - TWO-STOREY DWELLING WITH UNDERCROFT AND POOL

File Ref: 2900
Attachments: [Lot B Aerial](#)
[Lot B Plans](#)
[Lot B Submission](#)
Responsible Officer: Andrew Jackson
Manager Development Services
Author: Ed Drewett
Senior Planning Officer

Proposed Meeting Date: 19 May 2014
Author Disclosure of Interest: Nil
Property Owner: Alex & Lana Noble
Applicant: Alex Noble
Date of Application: 2 April 2014
Zoning: Residential R20
Use: P - A use that is permitted under this Scheme
Lot Area: 521m² (proposed)
M.R.S. Reservation: Not applicable.

SUMMARY

This application is seeking the following variations to Council's Scheme, Policies, Local Laws or the Residential Design Codes:

- Front setback
- Side setbacks
- Fill/retaining walls
- Visual Privacy

Each of these aspects is discussed in this report and refers to plans received on 23 April 2014.

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

PROPOSAL

This application is for a two-storey dwelling with an undercroft garage/store and pool on a recently approved green title lot which has its frontage to Clarendon Street rather than Marmion Street, as existing.

The proposed dwelling has a pitched roof, rendered brickwork, a dining/kitchen area, living room, laundry, pantry, bathroom, bedroom, ensuite and a north-facing courtyard and pool on the ground floor, and three bedrooms, an ensuite, bathroom, TV room and front balconies on the upper floor.

STATUTORY ENVIRONMENT

- Town Planning Scheme No 2
- Residential Design Codes

PROPOSED LOCAL PLANNING SCHEME NO 3

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

MUNICIPAL INVENTORY

Not applicable.

APPLICATION ASSESSMENT**Areas of non-compliance****Residential Design Codes**

Design Element	Deemed-to-comply	Proposed	Design principles
5.1 – Context	1.8m setback from upper floor & 2.5m setback from balcony to western boundary (proposed).	1.5m	Clause 5.1.3 – P3.1
5.3 – Site planning and design	0.5m fill above NGL within 3m of the street alignment & within 1m of a lot boundary behind the street setback.	Up to 0.72m along eastern boundary.	Clause 5.3.7 – P7.1, P7.2 & P8.
5.4 – Building design	4.5m cone of vision from bedroom; 7.5m cone of vision from balcony.	3.3m & 1.5m cone of vision from bedroom & front balcony respectively to proposed western boundary.	Clause 5.4.1 – P1.1 & 1.2

Council Policy/Resolution/local law

	Permitted	Proposed
Streetscape	6m front setback (Council resolution 28/10/02).	4m – 8.5m to dwelling (average 6.25m).

ADVERTISING OF PROPOSAL

The application was advertised to two adjoining owners in accordance with TPS 2. No submissions were received during the advertising period.

PLANNING COMMENT

The following comments are made with respect to the proposed development:

Front setback

In 2002 Council resolved to generally require a 6m front setback for residential development (for the preservation of streetscape, view corridors and amenity).

The proposed dwelling on the new lot has a front setback ranging from approximately 4m to 8.5m, measured at right angles to the front boundary. This results in 6.4m² projecting into Council's preferred front setback at ground floor level, and slightly less to the upper floor, and has been requested by the applicant due to the angled frontage of the lot making it difficult to achieve the normal setback without reducing the depth of the proposed northern courtyard.

Subdivision of this lot was approved by the WAPC on 13 August 2013 to create two green-title lots on the corner of Clarendon and Marmion Streets. The existing dwelling on the lot which is orientated towards Marmion Street will be demolished to enable two new dwellings to be constructed, both with frontages to Clarendon Street. The proposed development is therefore on a lot that has its frontage to the original secondary street.

The proposed front setback complies with the RDC, with the entry excluded from the building envelope, as the Codes permit residential development in an R20 zone with a minimum 3m front setback where this intrusion is compensated for by at least an equal area of open space behind the setback line.

The proposed open frontage to the street and removal of the existing retaining walls will reduce the visual impact of the proposed dwelling on the prevailing streetscape and will compliment the proposed dwelling on the western portion of the lot which is also discussed in this agenda. The proposed design/setback arrangement is therefore supported as suitable for the two new lots and street.

Side setbacks

The upper floor and front balcony require a minimum 1.8m and 2.5m setback respectively to the proposed western boundary under the *deemed-to-comply* standards of the RDC. However, the adjoining proposed lot on the western side is currently under the same ownership as new titles have not yet been issued and the owners are signatories to the application. The proposed 1.5m setback is therefore supported.

Fill and retaining walls

The proposed lot has a 4.3m fall from its north-west to south-east boundaries which makes development on the site difficult without some fill/retaining walls being necessary.

Up to 0.72m of fill is proposed above NGL along the eastern (secondary street) boundary but this will only represent a short section of the boundary for a depth of 1.5m to create an attractive terraced and landscaped area in front of the proposed dwelling that will step down towards the lowest part of the lot in the south-east corner.

This variation may be considered under the design principles of the RDC, which state:

Development that considers and responds to the natural features of the site and requires minimal excavation/fill.

Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.

Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.

At the request of the Town, the applicant will remove the existing retaining walls on the lot (also a requirement of subdivision) and have no high solid walls within the front setback area and for the majority of the eastern boundary. The proposed terracing responds to the natural features of the site and will assist in ensuring that the land can be used by the occupants of the new dwelling without having a detrimental effect on the streetscape. This is therefore supported.

Visual privacy

The front balcony and north-facing bedroom 1 window have a 1.5m and 3.3m cone of vision respectively to the proposed western boundary, in lieu of 7.5m and 4.5m required under the *deemed-to-comply* standards of the RDC. However, as mentioned above, the adjoining proposed lot on the western side is currently under the same ownership as new titles have not yet been issued and the owners are signatories to the application. This is therefore supported.

CONCLUSION

The proposed dwelling complies with TPS 2 and the RDC with the exception of the points discussed in this report. The re-orientation of the lot towards Clarendon Street, the original secondary street, creates an angled frontage to the proposed development making it difficult to achieve a 6m setback. However, the proposed design has an average front setback which is compliant with the RDC and the dwelling will contribute to the prevailing streetscape following the removal of the existing high retaining walls and driveway from the site and it will compliment the proposed dwelling on the western side of the lot.

COMMITTEE COMMENT

Committee briefly discussed the proposal including the condition on both applications to ensure completion of the approved subdivision in relation to the development and supported the proposal overall.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Angers

That Council GRANT its approval to commence development for a two-storey dwelling and pool at 265 (Lot 55 – Proposed Lot B) Marmion Street, Cottesloe, in accordance with the plans received 23 April 2014 subject to the following conditions:

1. All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
2. The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
3. Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
4. The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
5. Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
6. In accordance with Council's Fencing Local Law, any proposed fencing in the front setback area may be solid to a maximum height of 900mm and the infill panels shall have an "open aspect" in that the palings shall be spaced to ensure the width between each paling is at least equal to the width of the paling, with a minimum space of 50mm and a minimum open aspect of 50% of the infill panel, and the piers shall not exceed 2.1m in height from Natural Ground Level.
7. The applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer. The proposed crossover shall not be closer than 1.5m from the base of the existing street trees.
8. The pool pump and filter shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
9. Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property on which the swimming pool is located and disposed of into adequate soakwells.

10. A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.
11. Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation sewer.
12. Finalisation of subdivision is required prior to occupation of the proposed dwelling.

ADVICE NOTES:

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible to apply to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.

Carried 8/0

Cr Pyvis declared an impartiality interest in item 10.3.3, due to being a friend knowing the applicant and stated that as a consequence there may be a perception that her impartiality may be affected and declared that she would consider this matter on its merits and vote accordingly.

**10.3.3 NO. 96-98 (LOTS 700-703) BROOME STREET (PINE COURT) -
ALTERATIONS AND ADDITIONS, INCLUDING TWO-STOREY REAR
ADDITION WITH BELOW-GROUND GARAGE AND POOL**

File Ref: 2845
Attachments: [Aerial](#)
[Plans](#)
[Property Photo](#)
Responsible Officer: Andrew Jackson
Manager Development Services
Author: Ed Drewett
Senior Planning Officer
Proposed Meeting Date: 19 May 2014
Author Disclosure of Interest: Nil
Property Owner: Adrian & Michela Fini
Applicant: Kerry Hill Architects
Date of Application: 17 January 2014
Zoning: Residential R20
Use: P - A use that is permitted under this Scheme
Lot Area: 1195m²
M.R.S. Reservation: Not applicable

SUMMARY

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

The documentation has evolved following detailed discussions between the applicant and the Town to consider whether the nature, extent and design of the works are appropriate for a property of such high heritage significance.

This application is seeking the following variations to Council's Scheme, Policies, Local Laws or the Residential Design Codes:

- Storeys
- Side setback/boundary wall
- Vehicle access

Each of these aspects is discussed in this report and refers to plans received on 29 April 2014.

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

PROPOSAL

This application is for a two-storey rear addition with a below-ground garage/store and pool on a recently approved amalgamated lot.

The proposed development has a flat roof, rendered and painted facades, a kitchen, living /dining room, a store, stairs, a lift and west and north-facing courtyards on the ground floor, and a roofed void area and stairs/lift above. A separate east-facing balcony is also proposed at the rear of the existing dwelling and below-ground parking.

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

- WAPC SPP 3.5 Historic Heritage Conservation

STATUTORY ENVIRONMENT

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

PROPOSED LOCAL PLANNING SCHEME NO. 3

No change to the existing zoning or density coding is proposed. The property is proposed on the Council's Heritage List.

HERITAGE LISTING

- State Register of Heritage Places
- Municipal Inventory (MHI) – Category 1

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

	Permitted	Proposed
Storeys	Maximum 2 storeys, except that Council may permit a third storey to be located with the roof space.	2-storeys, subject to interpretation of the proposed development having frontage to the southern ROW.

Residential Design Codes

Design Element	Deemed-to-comply	Proposed	Design Principles
5.1 - Context	1.5m from centre of adjoining ROW.	1.35m from centre of adjoining ROW.	Clause 5.1.3 – P3.1

Council Local Law/Dividing Fences Act

	Permitted	Proposed
Fencing	1.8m high	2.2m-2.98m.

CONSULTATION

The application was advertised to 4 adjoining owners in accordance with TPS 2. One submission has been received from 100 Broome Street in support of the proposal and two other adjoining respondents have verbally advised that they are also supportive.

HERITAGE CONSIDERATIONSAssessment framework

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

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

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

Western Australian Planning Commission's (WAPC) Heritage Policy

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

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

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

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

Those matters relevant to the proposed development include:

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

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

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

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

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

State Heritage Register

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

Pine Court, a two-storey brick and tile building c.1937 originally built to contain four flats, altered in late 1987 to form a duplex building, has cultural heritage significance for the following reasons:

- *the place has aesthetic value as a fine example of flats built during the inter-war period, demonstrating the judicious use of elements of the Inter War California Bungalow style to give them a residential character;*
- *the place is rare as an extant example of a substantial block of flats built in the Inter-war period, the place makes a strong contribution to the streetscape and creates a sense of place as one of a number of substantial inter-war period buildings which characterise the neighbourhood; and*
- *the place was built c.1937, during a period of social change and expanded building activity as the State's economy emerged from the Depression, and represents the increasing number of flats constructed at this time.*

Heritage Council's comment

The Heritage Development Committee advises that the proposed alterations and additions have been considered in the context of the identified cultural significance of *Pine Court* and the following advice is given:

Findings

The Statement of Significance refers to the place as a fine example of flats in the Inter-War California Bungalow style giving them a residential character, and being rare as an extant example of a substantial block of flats.

The place was converted from four flats to two dwellings in the 1980s, and elements of the original configuration were altered during these works.

The proposed works will further reduce the ability to understand the place. A scheme of interpretation would therefore help to minimise this impact.

Further efforts to retain original material as part of an interpretation scheme will allow the former use as flats to be shown while providing for the upgraded accommodation sought by the applicant.

The associated program of conservation works will be a positive outcome for the place.

Advice

The proposed development, in accordance with the plans submitted, is supported subject to the following conditions:

1. *Prior to application for a building permit the applicant is to provide, to the satisfaction of the Heritage Council, the following information:*
2. *An Interpretation Strategy that includes but is not limited to information for the public about the original configuration of four flats and their subsequent adaptation. The strategy shall also consider options for retaining more of the original fabric of the stairs and/or balustrades in situ.*
3. *A landscape plan that retains the contribution the place makes to the streetscape and sense of place. This should include the retention of the open nature of the front lawn. The additional trees are not considered to be consistent with this approach and should be deleted.*
4. *A schedule of conservation works, including further information on the system for secondary glazing and its impact on the original fabric.*

The current plans received 29 April 2014 have also been referred to the HCWA for comment as they contained various technical modifications that have been requested by the Town. A response to this referral has not been received to date but the HCWA's support is anticipated. Approval by Council will be dependent on this support.

Municipal Heritage Inventory (MHI)

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

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

The MHI description of the place is as follows:

"Pine Court", A symmetrical two storey duplex, c 1930, it was formally four flats.

The original design drew on some Mediterranean references, but detailing features domestic revival elements, such as the wall finishes, chimneys, bay windows and lead lighting.

The façade features a twin arched two storey gable with the name Pine Court in raised lettering to the spandrel at first floor.

The upper windows have three panels, all leadlighted and a sun hood protects them.

The ground floor windows are in the bay format.

The complex hipped roofs, old and new, are of green painted terracotta tiles.

The walls are rendered with face brick strings and sills.

Odden & Rodriques refurbished the building in 1989/90 and extended the building by one bay north and south in a sympathetic style.

Heritage and streetscape appreciation

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

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

All of these distinctive places have been saved, as well as undergone substantial conservation works and various additions in more recent times. The earlier tendency has been for additions copying the style of the original dwellings, while lately the trend has been for additions of contemporary design. The approach has been to extend the dwellings to the rear and side, whereby the additions are either largely concealed from view or read as logical from the street. Although there have been some upper-level additions, they have tended to be minor. There has been very little by way of forward additions to these places, or to detract from the dominance of the original dwellings to their streetscapes.

From an analysis of the design, the officer conclusion is that the siting and design of the proposed additions are essentially appropriate for the site from a heritage context and will ensure that the existing dwelling is restored to its original appearance whilst providing additional living space to the occupants who are converting the original flats into a single dwelling. From a heritage prospective, the design is therefore supported.

PLANNING ASSESSMENT

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

Storeys

The proposed development straddles four existing lots which the applicant received approval from the WAPC on 4 March 2014 to amalgamate into one lot. As such, for the purposes of determining whether the proposed development exceeds the maximum two-storeys permitted under the Scheme, it has been necessary to determine the natural ground level (NGL) at the centre of the proposed amalgamated lots. This has been calculated at RL: 32.26 using a combination of spot heights along all boundaries and around the corners of the site in accordance with Council Policy.

Clause 5.1.1. (a) of TPS 2 advises:

In exercising height control policies Council will not regard as a storey undercroft space designed and used for a lift shaft, stairway, meter room, bathroom, shower room, laundry, WC, other sanitary compartments, cellar, corridor, hallway, lobby, the parking of vehicles or any storeroom without windows or any workshop appurtenant to a car parking area where that space is not higher than 1m above the footpath level measured at the centre of the site along the boundary to which the space has frontage or where that space is below the NGL measured at the centre of the site as determined by Council.

The building height of the addition is compliant with Council requirements, being 0.5m below the maximum 7m height that can be approved by Council for flat or concealed roofs. However, technically the proposed garage space constitutes an additional storey as the proposed floor above is 0.24m higher than that required under Clause 5.1.1 assuming the NGL at the centre of the lot is taken as the reference point. Alternatively, if Council accepts that as the proposed access to the garage is from the adjoining southern ROW and it has its longest side parallel with the ROW, albeit mostly below-ground, then this may be considered as the frontage to the garage, then it would make the proposed development permitted under the Scheme.

On balance, the latter interpretation is supported taking into account the heritage significance of the dwelling which prevents the existing floor levels from being altered, the compliance of the proposed development with Council's Building Height requirements, the avoidance of requiring steps between the existing dwelling and that proposed, that the proposal provides below-ground off-street parking that will not detract from the streetscape, and having regard to the fact that the dwelling is proposed to be included on the Heritage List under LPS 3 which would give further discretion to Council to vary Scheme requirements, as was approved by Council in 2013 for an additional (below-ground) storey at 48 Forest Street.

Overall this is considered to be a reasonable and practical application of the Scheme in the circumstances, noting that the original dwelling has traditional height whilst the modern addition is contained well-within the height limits and is largely concealed from view, whereby it will not read as creating excessive height in relation to the site or surrounds.

Side setback/wall on boundary

The proposal complies with setback requirements, with the exception of the proposed 16.5m long kitchen wall along the adjoining southern ROW which is proposed with a 1.35m setback from the centre of the ROW (ie: on the boundary), whereas 1.5m is required under the deemed to comply standards of the RDC. This variation therefore requires assessment under the design principles of the Codes.

The *design principles* of the RDC state:

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

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

The proposed addition up to the southern boundary makes effective use of space at the rear of the existing dwelling and will not have an adverse impact on the amenity of nearby properties as it will be adjoining a ROW. Also, being only single-storey with

a height ranging from 1.78m to 3.395m it will have minimal impact on direct sun to adjoining properties and will be visually similar to the screen wall approved on the opposite side of the ROW. The wall continues for an additional 10.1m ranging in height from 2.2m to 2.98m to provide screening to a small courtyard, access ramp and bin store which is in excess of the standard 1.8m height for boundary fences but will not appear out of keeping with the proposed development or other similar height fencing often associated with ROWs.

Vehicle access

The proposed vehicle entry/exit to and from the below-ground parking area is from the southern ROW at the front of the lot and has potential to conflict with other users of the ROW. However, vertical open metal fins up to 1.215m in height are proposed near the entry/exit to provide a low open barrier that will enable visibility. Nevertheless, to ensure that traffic safety is adequately addressed, the applicant has agreed to have the proposed entry/exit certified by a qualified Traffic Engineer and this has therefore been conditioned accordingly.

Heritage-wise it is vital that there is not direct vehicular access to Broome Street disrupting the original lawn and low fencing creating the open setting for the place and affording its visual symmetry, which is the position of the Town and the HCWA. Also, generally ROWs are encouraged for alternative vehicular access and there are many constrained situations in Cottesloe that function satisfactorily, while in this instance there aren't other vehicular access points opposite so movements will be relatively easy.

CONCLUSION

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

The proposed alterations and additions appear compatible with the siting, scale, architectural style and form, materials and external finishes of the place and will sit well with the original fabric rather than simply copying or mimicking it.

It is understood that the owner intends to reside at the premises once the conversion of the existing two flats into a single dwelling and the proposed additions are completed. The removal of the existing side additions that were constructed in the 1980s and the enhancement of the front façade and landscaped areas are considered to be positive attributes to the streetscape and, once completed, should complement the additions soon to commence on the adjoining southern lot.

COMMITTEE COMMENT

Committee was pleased with the thorough report and the overall proposal including the desirable conservation of the property. Committee sought some minor clarification regarding the standard drainage condition, neighbour support, vehicle access/parking and the required traffic engineer's report, and the plant compound/clerestory feature. Committee supported the opportunity to preserve and improve the heritage place and its contribution to the locality.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Jeanes, seconded Cr Downes

That, subject to support by the Heritage Council of Western Australia of the revised plans, Council GRANT its Approval to Commence Development for alterations and additions, including a two-storey rear addition with below-ground garage and pool at 96-98 Broome Street (Lots 700, 701, 702, 703) Broome Street, Cottesloe, in accordance with the plans submitted on 29 April 2014, subject to the following conditions, all to the satisfaction of the Manager Development Services:

1. Prior to application for a building permit the applicant is to provide, to the satisfaction of the Heritage Council, the following information:
 - (a) An Interpretation Strategy that includes but is not limited to information for the public about the original configuration of four flats and their subsequent adaptation. The strategy shall also consider options for retaining more of the original fabric of the stairs and/or balustrades in situ.
 - (b) A landscape plan that retains the contribution the place makes to the streetscape and sense of place. This should include the retention of the open nature of the front lawn. The additional trees are not considered to be consistent with this approach and should be deleted.
 - (c) A schedule of conservation works, including further information on the system for secondary glazing and its impact on the original fabric.
2. Prior to any demolition, whether to parts of the original building or to later additions or alterations, a full photographic and documented record, both internally and externally, of the portions thereof and features or fabric to be demolished, shall be compiled and submitted to the Town as a heritage record.
3. The external profile of the proposed development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Council and any approvals as required under the relevant heritage classifications.
4. All boundary walls facing the southern right-of-way shall be properly finished-off.
5. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.

6. Wastewater or backwash water from the swimming pool filtration system shall be contained within the property and disposed of into adequate soakwells. A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary. Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.
7. The pool pump and filter shall be located closer to the existing dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
8. Any air-conditioning plant and equipment shall be located closer to the existing dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
9. The Building Permit plans shall include details of all external plant, equipment or infrastructure, including all proposed installations to the roof, and shall demonstrate how those fixtures are to be located, housed, screened or treated to achieve visual and acoustic amenity and to respect heritage.
10. A comprehensive Demolition and Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Demolition Permit or a Building Permit, and shall address (amongst other things): maintaining lane access for residents; traffic management and safety for the streets, lane and site; worker parking, including off-site parking in consultation with and approval by the Town; and verge and tree protection.
11. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
12. All street trees (which comprise heritage-listed Norfolk Island Pine trees) shall be protected at all times from the demolition and construction activities and any stockpiled materials shall be kept clear of the trees and not built up around or leant against their trunks.
13. Any works to the existing crossover affecting the right-of-way shall be to the specification and satisfaction of the Town and prior-approved as required.
14. Any damage within the road reserve occasioned by the demolition and construction activities shall be rehabilitated to the specification and satisfaction of the Town at the cost of the owner.

15. The four lots shall be amalgamated into one lot prior to occupation of the completed development and conservation works to the property.
16. The proposed vehicle entry/exit onto the southern right of way shall be assessed by a qualified Traffic Engineer to ensure that adequate design and safety measures are undertaken to the satisfaction of the Town. Details shall be submitted at Building Permit stage.
17. The applicant shall contribute to the Town a sum of money equal to the cost of sealing and draining the full length and width of the right of way abutting the southern boundary of the property.
18. The proposed upper floor rear balcony shall be screened along its northern side to a minimum height of 1.6m.

ADVICE NOTES:

1. This approval is to the proposed demolition, development and restoration works as required only. All future proposals for the property are subject to further applications, approvals and consents as required by the Town and any heritage classifications of the property.
2. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development occurs entirely within the owner's property.

COUNCIL DISCUSSION

Cr Jeanes referred to the circulated Memo from the Manager Development Services who advised of additional information from the Heritage Council of WA related to condition 1(b) of the officer recommendation. As a consequence he moved the following amendment.

AMENDMENT

Moved Cr Jeanes, seconded Cr Downes

That the last sentence in condition 1(b) of the Committee Recommendation be deleted and replaced with "Further information regarding plant types, materials and dimensions should be included in the final plan".

Carried 8/0

COUNCIL RESOLUTION

That, subject to support by the Heritage Council of Western Australia of the revised plans, Council GRANT its Approval to Commence Development for alterations and additions, including a two-storey rear addition with below-ground garage and pool at 96-98 Broome Street (Lots 700, 701, 702, 703) Broome Street, Cottesloe, in accordance with the plans submitted on 29 April 2014, subject to the following conditions, all to the satisfaction of the Manager Development Services:

1. Prior to application for a building permit the applicant is to provide, to the satisfaction of the Heritage Council, the following information:
 - (a) An Interpretation Strategy that includes but is not limited to information for the public about the original configuration of four flats and their subsequent adaptation. The strategy shall also consider options for retaining more of the original fabric of the stairs and/or balustrades in situ.
 - (b) A landscape plan that retains the contribution the place makes to the streetscape and sense of place. This should include the retention of the open nature of the front lawn. Further information regarding plant types, materials and dimensions should be included in the final plan.
 - (c) A schedule of conservation works, including further information on the system for secondary glazing and its impact on the original fabric.
2. Prior to any demolition, whether to parts of the original building or to later additions or alterations, a full photographic and documented record, both internally and externally, of the portions thereof and features or fabric to be demolished, shall be compiled and submitted to the Town as a heritage record.
3. The external profile of the proposed development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Council and any approvals as required under the relevant heritage classifications.
4. All boundary walls facing the southern right-of-way shall be properly finished-off.
5. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.
6. Wastewater or backwash water from the swimming pool filtration system shall be contained within the property and disposed of into adequate soakwells. A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary. Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.
7. The pool pump and filter shall be located closer to the existing dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.

8. Any air-conditioning plant and equipment shall be located closer to the existing dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
9. The Building Permit plans shall include details of all external plant, equipment or infrastructure, including all proposed installations to the roof, and shall demonstrate how those fixtures are to be located, housed, screened or treated to achieve visual and acoustic amenity and to respect heritage.
10. A comprehensive Demolition and Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Demolition Permit or a Building Permit, and shall address (amongst other things): maintaining lane access for residents; traffic management and safety for the streets, lane and site; worker parking, including off-site parking in consultation with and approval by the Town; and verge and tree protection.
11. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
12. All street trees (which comprise heritage-listed Norfolk Island Pine trees) shall be protected at all times from the demolition and construction activities and any stockpiled materials shall be kept clear of the trees and not built up around or leant against their trunks.
13. Any works to the existing crossover affecting the right-of-way shall be to the specification and satisfaction of the Town and prior-approved as required.
14. Any damage within the road reserve occasioned by the demolition and construction activities shall be rehabilitated to the specification and satisfaction of the Town at the cost of the owner.
15. The four lots shall be amalgamated into one lot prior to occupation of the completed development and conservation works to the property.
16. The proposed vehicle entry/exit onto the southern right of way shall be assessed by a qualified Traffic Engineer to ensure that adequate design and safety measures are undertaken to the satisfaction of the Town. Details shall be submitted at Building Permit stage.
17. The applicant shall contribute to the Town a sum of money equal to the cost of sealing and draining the full length and width of the right of way abutting the southern boundary of the property.
18. The proposed upper floor rear balcony shall be screened along its northern side to a minimum height of 1.6m.

ADVICE NOTES:

3. This approval is to the proposed demolition, development and restoration works as required only. All future proposals for the property are subject to further applications, approvals and consents as required by the Town and any heritage classifications of the property.
4. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development occurs entirely within the owner's property.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 8/0

10.3.4 NO. 2A (LOT 103) EILEEN STREET - UPPER FLOOR ADDITION

File Ref:	2899
Attachments:	2A Eileen St Aerial 2A Eileen St Plans 2A Eileen St Property Photo
Responsible Officer:	Andrew Jackson Manager Development Services
Authors:	Ed Drewett, Senior Planning Officer & Andrew Jackson, Manager Development Services
Proposed Meeting Date:	19 May 2014
Author Disclosure of Interest:	Nil
Property Owner:	Roger Michaud & Liza Sinke
Applicant:	Roger Michaud
Date of Application	1 April 2014
Zoning:	Special Development Zone (with R50 density code for residential)
Use:	P - A use that is permitted under this Scheme
Lot Area:	180m²
M.R.S. Reservation:	Not applicable

SUMMARY

This application is seeking the following variations to Council's Scheme, Policies, Local Laws or the Residential Design Codes:

- Front setback
- Side setbacks
- Visual privacy

Each of these aspects is discussed in this report and refers to plans received on 28 April 2014.

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

PROPOSAL

It is proposed to add a fourth storey on to the existing three-storey dwelling to accommodate a master bedroom/retreat and balcony/deck. The ability under TPS2 to consider four storeys within the 12m height standard for this particular location is explained further in the report.

STATUTORY ENVIRONMENT

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

PROPOSED LOCAL PLANNING SCHEME NO 3

In proposed LPS3 the lot is designated as part of Development Zone 'A' for the Ocean Beach Hotel (OBH), which is also the subject of the Special Control Area 2 provisions, although given the residential nature of Eileen Street the three small Lots 101 to 103 along its northern side have been exempted from the OBH controls.

MUNICIPAL INVENTORY

Not applicable.

APPLICATION ASSESSMENT**Areas of non-compliance****Residential Design Codes**

Design Element	Deemed-to-comply	Proposed	Design principles
5.1 – Context	3.1m setback from east-facing window to eastern boundary; 1.6m – 3.1m setback from upper floor to northern boundary; 3m setback from deck (recess) to western boundary.	2.595m to eastern boundary; 1.5m – 2.96m to northern boundary; 1.55m to western boundary (recess only).	Clause 5.1.3 – P3.1
5.4 – Building design	7.5m cone of vision from balcony/deck.	0m & 4.6m cone of vision to western & northern boundary.	Clause 5.4.1 – P1.1 & 1.2

Council Policy/Resolution/local law

	Permitted	Proposed
Streetscape	6m front setback (Council resolution 28/10/02).	3m - 4m to dwelling (matches existing).

ADVERTISING OF PROPOSAL

In accordance with TPS2 the application was advertised to the two adjoining owners. No submissions have been received to date. Advertising closes on 19 May 2014. Any submission received will be tabled at the meeting.

PLANNING COMMENTFront setback

In 2002 Council resolved to generally require a 6m front setback for residential development (for the preservation of streetscape, view corridors and amenity).

The proposed upper floor has a front setback ranging from 3m to 4m which is consistent with the existing frontages to the two dwellings along this section of Eileen Street and is compliant with the RDC. A zero front setback is generally acceptable for

development on the Ocean Beach Hotel (OBH) site fronting Eric Street and Marine Parade (subject to number of storeys proposed), and the dwellings on the northern side of Eileen Street are within this same zone as the OBH site and were originally approved in 1999 with reduced front setbacks.

Under LPS3 it is anticipated that the land will become Residential or possibly Foreshore Centre zone, whereby the setback standards of the RDC would apply which at a medium density would support the setback as previously approved and presently proposed for the addition.

Side setbacks

The proposed side and rear setbacks comply with the RDC with the exception of the setback from the proposed front east-facing window to the eastern boundary which has a 2.595m setback, in lieu of 3.1m; the setback from the proposed master retreat and the balcony/deck to the northern boundary which has a 1.5m and 2.96m setback respectively, in lieu of 1.6m and 3.1m; and the zero – 1.55m setback of the balcony/deck from the western boundary.

These variations may be considered under the design principles of the RDC, which state:

Buildings set back from lot boundaries so as to:

- *reduce impacts of building bulk on adjoining properties;*
- *provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

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

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

The northern and eastern boundaries are adjoining the OBH and therefore not abutting a residential property. Furthermore, the reduced setbacks are all supported as they satisfy the relevant design principles. On two elevations recessed sections have been incorporated into the design of the upper floor which will assist in reducing building bulk, it will not impact on direct sun and ventilation to the dwelling or adjoining properties, and 1.65m high screening along the northern elevation of the proposed balcony/deck will prevent direct overlooking into the existing hotel accommodation. The proposed reduced setback to the western boundary will be adjoining the roof of the neighbouring property and be an extension of an existing parapet wall on the common boundary. It makes effective use of space without

compromising design principles or having an adverse impact on the adjoining property which is also proposing a similar upper floor addition.

Visual privacy

The proposed balcony/deck, whilst being screened along its northern side, will only have a 1.2m high glass balustrade above its floor level along its western elevation.

This variation may be considered under the design principles of the RDC, which state:

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

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

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

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

The proposed balcony/deck will be located next to the roof of the adjoining dwelling and will avoid any active habitable spaces and outdoor living areas due to the proximity of the existing parapet wall along the common boundary. The adjoining western owner is also proposing a similar upper floor on their dwelling and has raised no objection to this proposal.

Special Development Zone

Clause 3.4.9 of TPS 2 sets out specific requirements for the Special Development Zone. This encourages the upgrading of existing premises as well as allowing redevelopment in an appropriate form, providing a wide range of land opportunities.

The proposed upper floor addition complies with the Scheme requirements including satisfying the maximum building height provisions which permits a height of 12m measured between any point adjacent to the area occupied by the building and the top most vertical point, excluding minor vertical projections such as chimneys and vent pipes (Clause 3.4.9 b-iii). There is no reference to 'storeys' in this zone in TPS 2 and the proposed additional storey is supported.

Under LPS3 a similar height regime is proposed. This comprises of a 12m (albeit three-storey) height standard for the Marine Parade, Eric Street and Eileen Street

frontages, with zero setbacks, plus a six to eight storey (maximum 32m) building envelope at greater setbacks from the streets. Assuming that future redevelopment of the OBH site takes advantage of such height, it would form a significantly taller and more massive backdrop to the subject dwelling as existing and proposed.

CONCLUSION

The proposed addition complies with the TPS2 height limit and seeks some permissible variation under the RDC as discussed in this report.

Although Council's general policy for development within the district favours low rise development of no more than two-storeys to maintain privacy, views and general amenity, the specific Clause in the Scheme that refers to the Special Development Zone prevails in this case.

It is assessed that the increased height will not appear visually intrusive in the streetscape as it will remain lower than the existing OBH motel building immediately behind and the building heights proposed under LPS3.

COMMITTEE COMMENT

Committee considered that the proposal was appropriate in the context of the zoning and adjacent development having regard to the existing building envelope in compliance with the Scheme height limit provision.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Angers

That Council GRANT its approval to commence development for an upper floor addition at 2A (Lot 103) Eileen Street, Cottesloe, in accordance with the plans received 28 April 2014 subject to the following conditions:

- 1. The maximum height of the dwelling shall not exceed 12m measured between any point adjacent to the area occupied by the building and the top most vertical point, excluding minor vertical projections such as chimneys and vent pipes. Details shall be submitted at Building Permit stage.**
- 2. All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.**
- 3. The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- 4. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.**

5. The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
6. Air-conditioning plant and equipment shall be located closer to the existing dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.

ADVICE NOTES:

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible to apply to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.

Carried 8/0

**10.3.5 PLANNING INSTITUTE OF AUSTRALIA 2014 NATIONAL CONGRESS -
UPDATE**

File Ref: SUB/38
Responsible Officer: Andrew Jackson
Manager Development Services
Author: Ed Drewett
Senior Planning Officer

Proposed Meeting Date: 19 May 2014
Author Disclosure of Interest: Subject relates to conference attended by author

SUMMARY

On 16 December 2013 Council resolved to:

APPROVE the attendance of the Senior Planning Officer at the Planning Institute of Australia 2014 National Congress in Sydney from 16-19 March 2014, and request that a report on the congress be provided within two months of attending the event.

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

BACKGROUND

The PIA is recognised nationally and internationally as the peak professional body representing town planners in Australia.

This conference was the major annual local government planners' event and it attracted a variety of overseas representatives and speakers.

The program included such topics as:

- The role of the public and private sector in delivering successful local town centres;
- The role of visionary planning and place-making;
- Optimum building coverage in coastal areas to respond to changing sea levels;
- Policy transference and design interplay – connecting people and ideas;
- Citizen-led decision-making online;
- The influence of mega councils on urban planning outcomes;
- Community engagement practices;
- The economic value of good planning in sustaining communities; and
- The planning profession and the challenges of the 21st Century.

COMMENT

Key presentations are summarised as follows:

Dr Alfonso Vegara, President Fundacion Metropoli (Spain)

This presentation considered the future of planning and development towards a sustainable environment and indicated that a new 'scale of thinking' was necessary for cities of the future. He based his comments on research that had been undertaken which showed that clusters of cities, or mega-city regions, will be the future drivers of the global economy. Examples discussed where mega-city regions are evolving included in Europe and Asia where high speed rail networks were being used to connect large cities effectively making them into single super cities, eg: Lisbon, Marseille and Milan; Singapore and Kuala Lumpur.

Jane Henley, CEO, World Green Building Council

This was an interesting presentation on the future of 'green' buildings and emphasised the importance that everybody lives, learns and works in a healthy environment. She reviewed the term 'Eco-Cities' and emphasised the importance of looking not at single buildings but at cities as that is where the real opportunities lie: to manage the transport, energy generation, liveability and public infrastructure.

Bob Perry, Director, Place Leaders Association

This speaker discussed 'place-making' and considered urban design and the forces that shape cities and neighbourhoods. In particular, he gave examples where public interaction can now be sought easily using social media such as You Tube, Vimeo and Splash Adelaide, the latter which 'partners and co-creates with the community to bring streets and public spaces to life through a series of attractions, events and projects. Splash Adelaide takes a lighter, cheaper approach to trial new ideas and see what works in the cities spaces'.

Alan Hart, Founding Principal, VIA (USA)

Via Architecture has offices in Vancouver, Seattle and San Francisco. The firm provides on-going resources to many transit and government agencies and offers the viewpoint of the urban designer and planner that comes from the detailed synthesis of a community's needs with the demands of large infrastructure work such as the development of light rail transit systems.

Andy Inch, Lecturer, Dept. of Town and Regional Planning, University of Sheffield, UK

This presentation suggested that planners in the UK needed a 'culture change' to accompany the many reform initiatives taking place. He questioned whether knowledge and practices were matched with social relations and made reference to three systems which describe planning process:

- *The Efficient System* – not much public involvement in decision-making.
- *The Inclusive System* – involving the community in decision-making.
- *The Integrative System* – one that looks at 'place-shaping'.

Trudi Elliott, CEO, Royal Town Planning Institute (RTPI), UK

This presentation celebrated 100 years of the RTPI. It also considered the significant population growth that we are experiencing globally and gave the example of population growth in the UK being equivalent of one new London suburb being created every 5 years, and also the massive population growth expected in China by 2050. This growth must be managed by better health and public transport as well as sustainable and equitable growth.

Bill Anderson, President, American Planning Association

This was an interesting presentation that highlighted the need for the planning system to respond to climate change, water use, improved transportation, etc, and made comment of a Climate Action Plan that had been developed in California. He also advised that more analysis was required on sea level changes and suggested that cities should be considered as 'green generators' with healthier solutions being implemented.

Sarah Reilly and Meg Wray, Cred Community Planning

In this presentation the speakers explored the economic benefits and risks of planning, or not planning, for people. It emphasised the importance of carrying out cost-benefit analysis when making policies to determine whether the benefits of social planning are a good investment. The speakers also discussed giving more scope for communities to contribute to the 'greening' of their City without relying on government assistance and they emphasised the need for planning for children eg: better childcare = good returns, better social skills and generally better education. Libraries, parks and cycleways are also a big cost-benefit and should be encouraged in the community. Short term costs often results in long term benefits.

In addition to the key speakers, there were various discussion groups which further contributed to the theme of the conference as well as a guided walk through the City Centre which highlighted many recent innovative developments and identified various cultural and heritage issues from Chinatown to the Rocks.

CONCLUSION

The Senior Planner thanks Council for the opportunity of attending this conference which provided a high level of training and exposure to new ideas and concepts relevant to better planning in our community.

COMMITTEE COMMENT

Committee noted the report on this officer's professional development event.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Angers

THAT Council receive this report on the 2014 Planning Institute of Australia National Congress.

Carried 8/0

10.4 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 20 MAY 2014

Cr Angers declared an impartiality interest in item 10.4.1, due to being the President of ProCott and owning a shop in the town centre and stated that as a consequence there may be a perception that his impartiality may be affected and declared that he would consider this matter on its merits and vote accordingly.

10.4.1 ADVERTISING OF PROPOSED BUSINESS PLAN – LOTS 2, 4, 6 AND 8 STATION STREET COTTESLOE

File Ref: SUB/1812
Attachments: [Business Plan](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate & Community Services
Proposed Meeting Date: 20 May 2014
Author Disclosure of Interest: Nil

SUMMARY

The Town has received some interest from land developers to purchase and develop the land located at the corner of Railway and Station Streets, Cottesloe. However, before Council can consider selling or disposing of the land in any way, it must prepare and adopt a business plan for the transaction (s3.59 of the Local Government Act 1995).

BACKGROUND

The site in question consists of four lots (2, 4, 6 and 8 Station Street) which are currently used as a carpark. The lots appear to have been acquired by the Town in the 1950's although the purpose for which they were acquired is not clear. The carpark currently situated there has been in place for a considerable period of time and is currently well used by people visiting the Town Centre, as well as people who work within the Town Centre.

The Town has considered developing this site on many occasions. Development concept plans have typically consisted of a mixed use development, consisting of residential and commercial spaces. While there has been a will to develop the site in recent times, the cost of developing the site to the standard required has prevented the Town from proceeding. It was envisaged that a portion of the proceeds from the sale of the former depot site could be allocated to this development and in turn the profits from the development then used to better the Town's financial position. A straight sale of the property may represent a better return for the Town's residents and ratepayers, due to a much lower level of risk, and a much shorter project timeframe.

STRATEGIC IMPLICATIONS

This transaction that would result from the business plan would allow Council to proceed with several strategies and projects that are contained within the Town's Strategic Community Plan.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

The sale of local government assets are covered by sections 3.58 and 3.59 of the Local Government Act 1995, which are reproduced below for reference.

3.58. DISPOSING OF PROPERTY

- (1) *In this section —*
- dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;
- property** includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to —*
- (a) *the highest bidder at public auction; or*
- (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
- (i) *describing the property concerned; and*
- (ii) *giving details of the proposed disposition; and*
- (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
- and*
- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
- (b) *the consideration to be received by the local government for the disposition; and*
- (c) *the market value of the disposition —*
- (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
-

- (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

3.59. COMMERCIAL ENTERPRISES BY LOCAL GOVERNMENTS

- (1) *In this section —*
- acquire** *has a meaning that accords with the meaning of* **dispose***;*
- dispose** *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*
- land transaction** *means an agreement, or several agreements for a common purpose, under which a local government is to —*
- (a) *acquire or dispose of an interest in land; or*
 - (b) *develop land;*
- major land transaction** *means a land transaction other than an exempt land transaction if the total value of —*
- (a) *the consideration under the transaction; and*
 - (b) *anything done by the local government for achieving the purpose of the transaction,*
- is more, or is worth more, than the amount prescribed for the purposes of this definition;*
- major trading undertaking** *means a trading undertaking that —*
- (a) *in the last completed financial year, involved; or*
 - (b) *in the current financial year or the financial year after the current financial year, is likely to involve,*
- expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;*
- trading undertaking** *means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of* **land transaction***.*
- (2) *Before it —*
- (a) *commences a major trading undertaking; or*
-

- (b) *enters into a major land transaction; or*
- (c) *enters into a land transaction that is preparatory to entry into a major land transaction,*

a local government is to prepare a business plan.

- (3) *The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —*
 - (a) *its expected effect on the provision of facilities and services by the local government; and*
 - (b) *its expected effect on other persons providing facilities and services in the district; and*
 - (c) *its expected financial effect on the local government; and*
 - (d) *its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and*
 - (e) *the ability of the local government to manage the undertaking or the performance of the transaction; and*
 - (f) *any other matter prescribed for the purposes of this subsection.*
 - (4) *The local government is to —*
 - (a) *give Statewide public notice stating that —*
 - (i) *the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and*
 - (ii) *a copy of the business plan may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed undertaking or transaction 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;*
 - and*
 - (b) *make a copy of the business plan available for public inspection in accordance with the notice.*
 - (5) *After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*
- * Absolute majority required.*
- (5a) *A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.*
 - (6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*

-
- (7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*
- (8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
- (9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*
- (10) *For the purposes of this section, regulations may —*
- (a) prescribe any land transaction to be an exempt land transaction;*
 - (b) prescribe any trading undertaking to be an exempt trading undertaking.*

The amount prescribed for the purposes of s3.59 is set out in Regulation 8A of the Local Government (Functions and General) Regulations 1996 – which is reproduced below.

8A. AMOUNT PRESCRIBED FOR MAJOR LAND TRANSACTIONS; EXEMPT LAND TRANSACTIONS PRESCRIBED (ACT S. 3.59)

- (1) *The amount prescribed for the purposes of the definition of **major land transaction** in section 3.59(1) of the Act is —*
- (a) if the land transaction is entered into by a local government the district of which is in the metropolitan area or a major regional centre, the amount that is the lesser of —*
 - (i) \$10 000 000; or*
 - (ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year;*
- or*
- (b) if the land transaction is entered into by any other local government, the amount that is the lesser of —*
 - (i) \$2 000 000; or*
 - (ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year.*
- (2) *A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if —*
- (a) the total value of —*
-

- (i) *the consideration under the transaction; and*
 - (ii) *anything done by the local government for achieving the purpose of the transaction,*
- is more, or is worth more, than the amount prescribed under subregulation (1); and*
- (b) *the Minister has, in writing, declared the transaction to be an exempt transaction because the Minister is satisfied that the amount by which the total value exceeds the amount prescribed under subregulation (1) is not significant taking into account —*
 - (i) *the total value of the transaction; or*
 - (ii) *variations throughout the State in the value of land.*

The net impact of these sections and regulations is that if the Town wishes to sell a piece of land which is worth more than approximately \$1,400,000 – there are two stages that must be completed. The first is that a business plan must be developed and advertised for the required period of time (six weeks). Following the consideration of any feedback received, the Town would then need to comply with the requirements of section 3.58 of the Act for the sale of the assets concerned.

It is important to note that s3.59 is quite specific in that the local government must prepare the business plan BEFORE it enters into a major land transaction. As such, it is not possible to even consider an offer or to advertise for tenders (or advertise the sale in anyway) before the steps required to prepare a business plan have been completed.

FINANCIAL IMPLICATIONS

The costs associated with the preparation and advertising of the business plan can be met within the adopted budget for the 2013/2014 financial year.

If a sale were to proceed as outlined, there would be a significant windfall gain for the Town of Cottesloe.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

If the site were to be sold there would be less parking within the Town Centre and potentially less parking available for people using Cottesloe Train Station. While this cannot be addressed by the advertising of the business plan itself, it may be that the Town would consider allocating a portion of the funds received from the sale of this asset to the construction of additional carparking on nearby land under the control of the Town.

CONSULTATION

One of the requirements of s3.59 is that the business plan must be advertised for a period not less than six weeks. At the closing of the advertising period, Council must consider any submissions received before it adopts the business plan – with or without modification.

While the Town has not undertaken any formal advertising or consultation at this stage to gauge interest in purchasing the lot, it has received formal and informal approaches from potential purchasers of the site – which suggests there is interest in purchasing and developing the property.

STAFF COMMENT

The site in its current form does not represent the best possible use of the land in question. A high quality mixed use development would boost the Town Centre and bring further vitality to the area. The Town has considered developing the site itself previously, however there is a significant upfront cost in developing such a site and previous investigations have found that the cost was beyond the reach of the Town at that time.

There has been discussion in recent times about the possibility of the Town developing the site, using a portion of the funds it would receive from the impending sale of the depot. However this strategy has its own issues – not the least of which is the risk embodied in such a development. While the Town is financially able to undertake the development (albeit at the expense of undertaking other infrastructure improvements) any complex building project has risks associated to it, as does the resulting sales and commercial transactions to dispose of the property to realise any profits.

A development of the kind previously envisaged for this site would be of a scale such that the Town would be unable to undertake any further projects at the same time, simply due to the workloads involved and the number of decisions that would need to be made. It would mean that other projects, such as the revitalization of the Town Centre and Beach Front would most likely go on hold as staff focused their efforts on making sure the project proceeded as required.

While the Town is not able to do anything that could be construed as “entering into a land transaction” during the development phase of the business plan, the reality is that merely advertising the business plan will likely generate interest and potentially offers to purchase the site. There is also nothing to prevent officers doing background research, such as obtaining valuations and collating information such as planning requirements.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Cr Rowell expressed disappointment at the possible sale of the land, stating that the land used to be the site of the post master general’s depot. Cr Rowell added that the land was bought by the Town using landowners’ funds to provide parking.

Cr Angers put forward an amendment advocating that the Town undertake consultation with ProCott and other local businesses during the advertising of the business plan. Cr Angers expressed concern that the loss of car parking spaces would adversely affect the number of shoppers in the town centre. Cr Angers acknowledged that an alternative site could be found for a car park but stated that in his experience, shoppers are reluctant to walk very far. Cr Angers also queried where

shop owners and workers would park. Committee discussed potential sites for a new car park and the need for the Town to think long term.

Cr Jeanes concurred with the sentiments of Crs Rowell and Angers but stated that the Town should advertise the business plan to see what the results of the process are. Cr Jeanes reminded Committee that advertising the business plan does not commit the Town to selling the land.

OFFICER RECOMMENDATION

Moved Cr Angers, seconded Cr Rowell

THAT Council authorise the Chief Executive Officer to advertise the business plan for the sale of lots 2, 4, 6 and 8 Station Street Cottesloe as attached.

AMENDMENT

Moved Cr Angers, seconded Cr Rowell

That Council authorise staff, during the advertising of the business plan to hold meetings with ProCott and the town's businesses to discuss the impact and implications of the business plan on the town centre's businesses with consideration given to locating suitable/acceptable, new or improved existing parking stations within the town centre and other relevant issues.

Carried 4/1

AMENDMENT

Moved Cr Jeanes, seconded Mayor Dawkins

That the words "possible development and/or" be added to the recommendation after the words "business plan for the" and before the words "sale of lots".

Carried 5/0

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Jeanes

THAT Council:

- 1. Authorise the Chief Executive Officer to advertise the business plan for the possible development and/or sale of lots 2, 4, 6 and 8 Station Street Cottesloe as attached.**
- 2. Authorise staff, during the advertising of the business plan to hold meetings with ProCott and the town's businesses to discuss the impact and implications of the business plan on the town centre's businesses with consideration given to locating suitable/acceptable, new or improved existing parking stations within the town centre and other relevant issues.**

Carried 8/0

10.4.2 BUSINESS PROPOSAL FOR COTTESLOE BEACH

File Ref: SUB/207-02
Attachments: [Proposal From Perth Outdoor Events Pty Ltd](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate & Community Services
Proposed Meeting Date: 20 May 2014
Author Disclosure of Interest: Nil

SUMMARY

A proposal has been received by the Town for a business to operate from Cottesloe Beach – with the primary activity of the business being the hire of beach beds. As the proposal is outside of the normal prescriptions of the Beach Policy it is being presented for Council’s consideration.

BACKGROUND

Cottesloe Beach is an iconic tourist destination and as such, it attracts many visitors every year. As a result the Town receives many requests from business proprietors to setup all kinds of operations at the beach front. The overwhelming majority of these applications are declined in the first instance as they do not comply with the Town’s Beach Policy.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

The Town’s Beach Policy states:

“In general, commercial activity on the beach is permitted only at the fixed facilities. Any other commercial activity may only be undertaken with the approval of the Town.”

In applying this policy, the administration has declined most applications for commercial activity, especially any that would involve competition with traders that do operate from fixed facilities in the area. The reason for this is that the operators from fixed facilities, either directly or indirectly contribute to the rates income of the Town that is then used to maintain the beaches. If competitors were allowed to operate at the peak times, without contributing to the upkeep of the area, this would place the permanent businesses at a very distinct disadvantage.

STATUTORY ENVIRONMENT

Town of Cottesloe’s Beaches and Beach Reserves Local Law 2012.

FINANCIAL IMPLICATIONS

While a small amount of revenue would arise from this proposal, the amount is largely immaterial.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The current proposal is different to the majority of applications received in that it in no way seeks to compete with the businesses that operate from the permanent facilities. The supply of beach beds and shelters on a portion of the beach will only provide for people in that immediate area, it will not prevent people seeking to purchase goods or services at the nearby businesses.

That being said, if this group are permitted to establish this business, they will be seeking to “rope off” a section of the beach for their exclusive use. This will prevent other beach goers from using this area, which could create problems at peak times. It is also worth considering whether or not a similar approach from another business would also be permitted or whether this will be the only business of this kind allowed.

The fees being offered by the group are relatively small, but at present no income is received from the use of the area in question. There is also no anticipated additional cost from the venture as the group would be required to leave the area exactly as they found it.

While the group have requested some storage, this is simply not an option as there is no available storage in that area. Vehicle access will also cause issues, with other permanent businesses already being told that they cannot access the beach reserve to load or unload goods.

While the officer recommendation is to decline the request, as this best aligns with the Beach Policy, if Council were to approve the request it would be best if conditions were attached. The recommended conditions would be as follows:

1. The approval be for a trial period from September 2014 to March 2015;
2. That the trial period would not include the period during which Sculpture by the Sea operates;
3. That all signage be approved in advance by the Chief Executive Officer;
4. Permission is not extended for the sale of any items;
5. The area shall not be moved or extended for any reason; and
6. That a weekly rental of \$200 be applied to the space requested.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Committee discussed the operational aspects of the proposal at length, citing concerns that a section of the beach would be "roped off" to exclude other users, the effect of the plan on large events held on the beach and that the proposal could set a precedent for other proposals.

Committee concluded that the proposal could provide a useful service for beach goers by increasing their levels of comfort and expressed a preference for the business to commence on a trial basis.

OFFICER RECOMMENDATION

THAT the proposal received for the provision of beach beds at Cottesloe Beach be declined.

Lapsed due to lack of a mover or seconder

ALTERNATE MOTION

Moved Cr Jeanes, seconded Cr Rowell

THAT Council conditionally approve the proposal with the following conditions:

1. The approval be for a trial period from September 2014 to March 2015;
2. That the trial period would not include the period during which Sculpture by the Sea operates;
3. That all signage be approved in advance by the Chief Executive Officer;
4. Permission is not extended for the sale of any items;
5. The area shall not be moved or extended for any reason; and
6. That a weekly rental of \$200 be applied to the space requested.

AMENDMENT TO THE ALTERNATE MOTION

Moved Mayor Dawkins, seconded Cr Angers

1. That the words "and the Rottnest Channel Swim" be added to point 2 after "Sculpture by the Sea" and before "operates".
2. That the words "be approved in advance by the Chief Executive Officer and" be added to point 5 after "the area" and before "not be moved."

Carried 4/1

COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Cr Jeanes

THAT Council conditionally approve the proposal with the following conditions:

- 1. The approval be for a trial period from September 2014 to March 2015;**
- 2. That the trial period would not include the period during which Sculpture by the Sea and the Rottnest Channel Swim operates;**
- 3. That all signage be approved in advance by the Chief Executive Officer;**
- 4. Permission is not extended for the sale of any items;**

5. The area shall be approved in advance by the Chief Executive Officer and not be moved or extended for any reason; and
6. That a weekly rental of \$200 be applied to the space requested.

COUNCIL DISCUSSION

Council discussed the report and comments from the residents present, with a number of elected members voicing different opinions and others requesting more information. At the Mayor's request the CEO clarified the difference between a deferral and a refusal of the proposal with a deferral allowing for the item to be re-presented with additional information next month. Concerns were expressed by members about the area to be cordoned off, the impact on local businesses and the precedent set by the conditional approval.

MOTION TO DEFER

Moved Cr Jeanes, seconded Mayor Dawkins

That the item be deferred for administration to seek further information.

Lost 2/6

COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded _____

THAT Council conditionally approve the proposal with the following conditions:

1. The approval be for a trial period from September 2014 to March 2015;
2. That the trial period would not include the period during which Sculpture by the Sea and the Rottneest Channel Swim operates;
3. That all signage be approved in advance by the Chief Executive Officer;
4. Permission is not extended for the sale of any items;
5. The area shall be approved in advance by the Chief Executive Officer and not be moved or extended for any reason; and
6. That a weekly rental of \$200 be applied to the space requested.

THE MOTION LAPSED FOR WANT OF A SECONDER

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Walsh

THAT the proposal received for the provision of beach beds at Cottesloe Beach be declined.

Carried 8/0

10.4.3 REQUEST FOR NATURAL AREAS MANAGEMENT PLAN - REVIEW AND UPDATE

File Ref: SUB/707
Attachments: [Submission from Coastcare](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 20 May 2014
Author Disclosure of Interest: Nil

SUMMARY

A Cottesloe Coastcare Submission has been received requesting a review and update of the existing Natural Areas Management Plan (NAMP) which was designed to run for the period 2008 – 2013. The submission also requested the upgrading of several beach access pathways and an audit of all foreshore fencing.

The recommendation is the Council:

1. Consider the funding of a new/updated Natural Areas Management Plan for Cottesloe in the 2014/2015 budget.
2. Consider a project to improve pedestrian access routes to the beach from the foreshore dual use path in 2014/2015.

BACKGROUND

A consultant was employed by Council in 2008, to develop a management plan for all natural/bush areas in Cottesloe. The majority of that plan applied to the Cottesloe foreshore but also included other areas with remnant native vegetation. This plan was developed with considerable involvement from Cottesloe Coastcare members and Council staff.

A large range of improvements to Cottesloe's natural areas have been completed since 2008. Another five year extension of the plan is requested as are infrastructure improvements to beach access pathways and fencing.

STRATEGIC IMPLICATIONS

The NAMP is listed as a strategic document on Council's webpage. Council's Strategic Community Plan 2013 to 2023, under Priority Area Three (Enhancing beach access and the foreshore), includes the Major Strategy: 3.3 Improve dune conservation outside the central foreshore zone (implement NAMP).

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

The request is for funding for the Plan review/update in 2014/2015 at a quoted cost of \$26,770 plus GST for the new NAMP, plus funds for beach access path upgrading and fencing improvements.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

The NAMP sets a scale of effort and expected level of funding to be applied to Cottesloe's natural vegetation areas in the future and this will have a significant impact of the local natural environment.

CONSULTATION

The original NAMP was advertised for public consultation and the results were considered for inclusion in the plan. It is assumed that the same public consultation effort would apply if Council resolves to update the plan.

STAFF COMMENT

Cottesloe Coastcare has carried out a large range of improvements to the foreshore area and other sites nearby in the last five years of the first NAMP. With those works undertaken and new issues arising in relation to the protection and improvements of Cottesloe's remaining natural areas a new or updated NAMP is supported.

The comments regarding, particularly, the need for improvements to pedestrian access routes from the existing concrete dual use path to the beach are also supported. One of the projects that could be arranged from funding generated from the depot sale is the installation of new timber ramps or sets of steps at the pedestrian accesses to the beach most impacted on by sand erosion in the summer months.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Committee queried the quoted cost of the NAMP review and update. The Manager Engineering Services (MES) advised that if the review and update of the Plan were approved, three quotes would be obtained, as per Council policy.

Cr Jeanes commented that there were still many items in the 2008-2013 NAMP that have not been addressed and suggested funds would be better spent implementing the remaining items in the current Plan rather than creating a new NAMP. MES advised that with the potential for Council amalgamations pending, Coastcare is keen to have a new Plan in place to assist in securing the future of their projects, as well as using the Plan to apply for grant funding.

OFFICER RECOMMENDATION

Moved Mayor Dawkins, seconded Cr Rowell

THAT Council:

1. Consider the funding of a new/updated Natural Areas Management Plan for Cottesloe in the 2014/2015 budget.
2. Consider a project to improve pedestrian access routes to the beach from the foreshore dual use path in 2014/2015.

AMENDMENT

Moved Cr Jeanes, seconded Cr Rowell

That point 1 of the recommendation be removed and the following points added:

1. Request staff, in conjunction with Coastcare, to conduct an audit of the NAMP 2008-2013.
2. Request Officers bring to Council's attention work considered necessary in the 2014/2015 financial year.
3. Consider an allocation of funds in the 2014/2015 budget to carry out necessary works.

Carried 5/0

COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Cr Downes

THAT Council:

1. Request staff, in conjunction with Coastcare, to conduct an audit of the NAMP 2008-2013.
2. Request Officers bring to Council's attention work considered necessary in the 2014/2015 financial year.
3. Consider an allocation of funds in the 2014/2015 budget to carry out necessary works.
4. Consider a project to improve pedestrian access routes to the beach from the foreshore dual use path in 2014/2015.

COUNCIL DISCUSSION

Cr Pyvis spoke to the officer report and referred to the public statements, emphasising the importance of a new 5 year NAMP for future planning and grant applications. She referred to her circuated amendment to part 1 of the Committee recommendation.

AMENDMENT

Moved Cr Pyvis, seconded Mayor Dawkins

That item 1 of the Committee Recommendation be replaced with the following:
"Fund a review and update of the 2008-2013 Natural Areas Management Plan (NAMP) to cover the period 2014-2019 in the 2014/2015 budget and request staff seek competitive quotes for this".

Carried 8/0

COUNCIL RESOLUTION

THAT Council:

- 1. Fund a review and update of the 2008-2013 Natural Areas Management Plan (NAMP) to cover the period 2014-2019 in the 2014/2015 budget and request staff seek competitive quotes for this.**
- 2. Request Officers bring to Council's attention work considered necessary in the 2014/2015 financial year.**
- 3. Consider an allocation of funds in the 2014/2015 budget to carry out necessary works.**
- 4. Consider a project to improve pedestrian access routes to the beach from the foreshore dual use path in 2014/2015.**

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 8/0

10.4.4 PROPOSAL - COLOURED TILE AND GLASS INSERTS IN NEW CONCRETE FOOTPATHS

File Ref: SUB/1779
Attachments: [Photos of Most Recent Examples](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 20 May 2014
Author Disclosure of Interest: Nil

SUMMARY

A proposal has been received for the installation of small coloured art inserts using glass and tile pieces into new concrete footpaths in Cottesloe. Some examples already exist on the public footpath fronting the Cottesloe Surf Life Saving Club building on Marine Parade. A formal written proposal has been requested but was not received at the time of agenda finalisation.

The inserts would not be in every panel of all paths but would be scattered in intervals.

The recommendation is that Council:

1. Consider the inclusion of an allocation in the 2014/2015 budget to fund the installation of coloured inserts in new in-situ concrete footpaths being installed to replace old concrete slab footpaths.
2. Inform the proponent of this decision.

BACKGROUND

Council replaces up to 1.9km of slab footpath a year with in-situ concrete paths. In regards to the 12-15 coloured inserts installed on the west side footpath of Marine Parade past the Cottesloe Surf Life Saving Building, no negative comments have been received since the inserts were installed approximately three years ago.

The inserts are less than 200mm in size. They are normally pushed into the concrete path while the concrete is still soft.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

\$50 is the quoted price, per insert figure. If Council undertakes the normal 1.9km of footpath replacement in 2014/2015, and an insert is installed every 10m, 190 inserts at \$50 each would cost an additional \$9,500 for the total footpath works list.

This is not included in the Five Year Footpath Replacement program adopted by Council.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

No consultation has taken place regarding this item.

STAFF COMMENT

Of the 1885m of paths proposed for replacement in 2014/2015, 276m is in Marine Parade. The rest are residential streets, including Broome and Marmion Streets.

If Council considers that these inserts as proposed are to be undertaken in 2014/2015, an extra allocation of funds would be required, depending on the spacing of the inserts and whether they should go on every footpath being replaced. There are approximately 11.4km of slab footpaths still to be replaced.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Mayor Dawkins advised that she had received numerous calls from residents requesting the installation of coloured inserts in the footpaths near their homes. Committee discussed the cost of installing the artwork and considered whether the inserts should only be installed in high traffic areas. Mayor Dawkins advised that the calls she had received were from residents in relatively quiet streets.

COUNCIL DISCUSSION

Council discussed the report and recommendation. The Mayor spoke to the proposal and indicated that she had received requests from residents in relation to the use of such tiles on their footpaths, similar to those previously completed in Cottesloe.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Mayor Dawkins

THAT Council:

- 1. Consider the inclusion of an allocation in the 2014/2015 budget to fund the installation of coloured inserts in new in-situ concrete footpaths being installed to replace old concrete slab footpaths.**
- 2. Inform the proponent of this decision.**

Carried 6/2

**10.4.5 REQUEST FOR VERGE WIDENING WORKS, 24-28 DEANE STREET,
COTTESLOE**

File Ref: PR54289 & SUB/442
Attachments: [Plan of Site](#)
[Site Photos](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 20 May 2014
Author Disclosure of Interest: Nil

SUMMARY

A short section of Deane Street east of the Avonmore Terrace intersection is through a cutting, which has created steep side slopes down to a short distance behind the street kerb lines. On the north side, fronting 24-28 Deane Street, the slope slowly crumbles and this material plus soil and small rocks fall to create a build up behind the kerb line which stops vehicle wheels being placed behind the kerb line to allow better street access.

A small amount of debris removal work was undertaken in 2010 by staff after resident complaints. Since that time, there have been statements of objection to that work plus requests for improvement works to that section of Deane Street.

In February 2013, Council considered a request for a new 1.2m wide concrete 'pad' level with the top of the kerb, fronting 24, 26 and 28 Deane Street plus a retaining wall approximately 1.0m high to ensure this widening doesn't collect further debris and become unusable.

Council resolved:

THAT Council request staff to arrange for a design to be completed for a concrete slab 1.2m wide and a vertical retaining wall up to 1.0m high on the north side of Deane Street, fronting 24, 26 and 28 Deane Street, with quotations to be sought for this work and the total cost to be considered by Council for inclusion in the 2013/2014 budget.

The design was not available for funding allocation in the 2013/2014 budget. No works have been done on site in 2013/2014.

The recommendation is:

That Council consider the inclusion of an allocation of \$20,000 to construct a low retaining wall 1.2m back from the kerb line fronting 24, 26 and 28 Deane Street, plus a concrete pad for car parking for the 1.2m width, in the 2014/2015 budget.

BACKGROUND

This section of Deane Street is unique in Cottesloe in regards to a lack of verge width to at least get a portion of a car width off the street sealed width. The north side

embankment is in a much worse condition to the south side. It is also higher and eroding to a greater extent.

There is a narrow asphalt pedestrian ramp running diagonally up the slope on the west side of No24. There appears to have been a variety of attempts to stabilise the slope by local residents, with only partial success.

Cars parked on the kerb line on both sides of Deane Street through the cutting can easily obstruct traffic flow along the street.

Recent building and subdivision approvals for properties adjacent to this site will result in substantial extra parking needs during the construction phase.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

If Council resolves to build the concrete slab plus retaining wall requested, the estimated cost would be \$20,000.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Only with the applicants and residents who have made comments in the past three years.

STAFF COMMENT

The following is taken from the February 2013 report to Council:

The properties on the north side of Deane Street between Broome Street and Avonmore Terrace have a rear access to garages via Fig Tree Lane. A sealed footpath exists fronting these properties at the higher level, on top of the embankment. The loose material slowly building up behind and sometimes over the kerb line on the north side is a mixture of sand, small rocks, old portions of bricks and debris from the degenerating limestone cutting wall.

When Council considered this matter, in November 2010, in regards to minor works undertaken at the same site, the resolution was to undertake no further works but to monitor the site for potential future works if this is considered necessary.

The embankment on the north side is higher, steeper and in worse condition than the south side. Over many years it appears to have been patched up by a variety of methods, mainly to stop a land slide or collapse of the loose surface. The material used includes small rocks and bricks.

Deane Street through this cutting is narrow, and with the odd car trying to park on the kerb, the useful width becomes restricted.

The probability is high that there will be some form of collapse on this embankment, due to the weak nature of the natural limestone plus the accumulation of attempts to build retaining structures on the steep slope.

A retaining wall in reinforced concrete with a narrow concrete slab behind the kerb line at the same level to allow vehicles to place side wheels behind the kerb would be of benefit to road users and residents and reduce the risk of this steep limestone wall.

This structure would require a structural design prior to construction quotations being sought.

The majority of existing vegetation would be unaffected.

The design for the short retaining wall and narrow widening behind the kerb line arrived too late for budget consideration for the 2013/2014 budget. It also appears to be heavily over-designed by the consulting engineer group hence the cost would be much greater than the original estimate. A \$20,000 allocation in the budget would cover the cost of a more practical design.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Mayor Dawkins queried whether the south side of Deane Street would be a safer and more practical location for the works. Cr Pyvis concurred with the sentiments of Mayor Dawkins, adding that the stretch of limestone in question provides character to the street.

Committee discussed potential alternatives to the suggested works and concluded that further consultation with the residents of Deane Street is required.

OFFICER RECOMMENDATION

Moved Cr Dawkins, seconded Cr Rowell

THAT Council consider the inclusion of an allocation of \$20,000 to construct a low retaining wall 1.2m back from the kerb line fronting 24, 26 and 28 Deane Street, plus a concrete pad for car parking for the 1.2m width, in the 2014/2015 budget.

AMENDMENT

Moved Mayor Dawkins, seconded Cr Rowell

That a second point be added to the recommendation, which reads "Liaise with the residents of Deane Street about remedial works on either/both sides of the street to develop a preferred solution."

Carried 5/0

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Jeanes

THAT Council:

- 1. Consider the inclusion of an allocation of \$20,000 to construct a low retaining wall 1.2m back from the kerb line fronting 24, 26 and 28 Deane Street, plus a concrete pad for car parking for the 1.2m width, in the 2014/2015 budget.**
- 2. Liaise with the residents of Deane Street about remedial works on either/both sides of the street to develop a preferred solution.**

Carried 8/0

10.4.6 DIFFERENTIAL RATES

File Ref: POL/5
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate & Community Services
Proposed Meeting Date: 20 May 2014
Author Disclosure of Interest: Nil

SUMMARY

Council is being asked to consider adopting a differential rating structure to allow for Local Public Notice to be given of its intention to raise a differential rate.

BACKGROUND

Council has historically funded the group known as ProCott, through the imposition of a differential rate on commercial properties is the Cottesloe Town Centre. ProCott, through an agreement with the Town are required to submit plans on how these funds will be used in the development and promotion of commercial activity within the Town Centre. To date, no other differential rate has been charged.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT**6.33. Differential general rates**

- (1) *A local government may impose differential general rates according to any, or a combination, of the following characteristics —*
 - (a) *the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005;*
or
 - (b) *a purpose for which the land is held or used as determined by the local government;*
or
 - (c) *whether or not the land is vacant land;*
or
 - (d) *any other characteristic or combination of characteristics prescribed.*
- (2) *Regulations may —*
 - (a) *specify the characteristics under subsection (1) which a local government is to use; or*
 - (b) *limit the characteristics under subsection (1) which a local government is permitted to use.*

- (3) *In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.*
- (4) *If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.*

Section 6.36 of the Local Government Act 1995 provides for the requirement to advertise the intention to raise a differential rate.

6.36. Local Government to Give Notice of Certain Rates

- (1) *Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35 (6) (c) a local government is to give local public notice of its intention to do so.*
- (2) *A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2 (1).
[Section 6.2(1) requires a local government to adopt its budget by 31 August each year]*
- (3) *A notice referred to in subsection (1) —*
 - (a) *may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;*
 - (b) *is to contain —*
 - (i) *details of each rate or minimum payment the local government intends to impose;*
 - (ii) *an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and*
 - (iii) *any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed; and*
 - (c) *is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*
- (4) *The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.*

6.35. Minimum payment

- (1) *Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- (2) *A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*

- (3) *In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —*
- (a) *50% of the total number of separately rated properties in the district; or*
 - (b) *50% of the number of properties in each category referred to in subsection (6),*
on which a minimum payment is imposed.
- (4) *A minimum payment is not to be imposed on more than the prescribed percentage of —*
- (a) *the number of separately rated properties in the district; or*
 - (b) *the number of properties in each category referred to in subsection (6),*
unless the general minimum does not exceed the prescribed amount.
- (5) *If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.*
- (6) *For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —*
- (a) *to land rated on gross rental value; and*
 - (b) *to land rated on unimproved value; and*
 - (c) *to each differential rating category where a differential general rate is imposed*

The Local Government (Financial Management Regulations) at Regulation 52A state;

52A. Characteristics prescribed for differential general rates (Act s. 6.33)

- (1) *In this regulation —*
- commencement day** *means the day on which the Local Government (Financial Management) Amendment Regulations (No. 2) 2012 regulation 5 comes into operation 1;*
- relevant district** *means a district that —*
- (a) *is declared to be a district by an order made under section 2.1(1)(a) on or after commencement day; or*
 - (b) *has its boundaries changed by an order made under section 2.1(1)(b) on or after commencement day.*
- (2) *For the purposes of section 6.33(1)(d), the following characteristics are prescribed in relation to land in a relevant district, where not more than 5 years has elapsed since the district last became a relevant district —*
- (a) *whether or not the land is situated in a townsite as defined in the Land Administration Act 1997 section 3(1);*
 - (b) *whether or not the land is situated in a particular part of the district of the local government.*

[Regulation 52A inserted in Gazette 29 Jun 2012 p. 2953.]

FINANCIAL IMPLICATIONS

The adoption of the indicative differential rate for advertising is a part of adopting the 2014 and 2015 budget, which has significant financial implications for the Town.

The rate in the dollar recommended for advertising indicates a 4.1% increase in rates. While Council is able to adopt the differential rate with modifications, it is generally accepted practice that the differential rate imposed should not be materially different from that which was advertised.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

A series of workshops will be held as a part of developing the 2014/2015 budget with staff and Councillors. These workshops will provide feedback that will allow for the development of the budget, although no decisions can be made at these workshops.

STAFF COMMENT**Increase in State Government Fees and Charges**

As a part of the State Budget, the land fill levy was increased from \$28.00 per tonne to \$55.00 per tonne for the 2014/2015 financial year. This will cost the Town \$75,600 per annum, which equates to a 0.9% rate increase before any other consideration is made. The State Budget also contained increases in electricity which have been incorporated in the Town's operating budget.

Revaluation year

Every three years, the Valuer General's Office undertakes a suburb wide revaluation as a part of their normal practices. This has occurred in Cottesloe and will be applied to the 2014/2015 operating year. There is no net effect for the Town as we will adjust the rate in the dollar to account for the change, and to ensure we receive the rate increase that Council has set down. As such the rate in the dollar this year falls from 6.357 cents in the dollar to 5.263 cents in the dollar. However, on average, rate payers will experience an increase of 4.1% in what they actually pay to the Town in rates.

While on average ratepayers will experience a 4.1% increase, the actual increase for each individual rate payer will be determined by their re-valuation. Some ratepayers will experience a greater increase, some a lesser increase, as their valuation adjusts. While the Town does not have any control over the valuation, anyone experiencing a significant increase will likely contact the Town (and Councillors) in the first instance. Administration will provide affected ratepayers with information and support, however, we have no authority to vary their valuation.

General Differential Rate

This is in effect the rate that applies to most of the rateable properties in the Town of Cottesloe. The advertised rate in the dollar represents a 4.1% increase from the 2014/2015 financial year and continues a long run of modest, but sustainable rate increases.

Commercial Properties – Town Centre

This category comprises all rateable land in the Cottesloe Town Centre, that is zoned Commercial in the Town of Cottesloe Town Planning Scheme. This rate in the dollar represents the general rate, plus the rate that is levied on behalf of ProCott – who use the funds in agreement with the Town – to promote and improve commercial activity within the Town Centre.

The differential rate is levied under the provisions of 6.33(1)(a).

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Jeanes

THAT Council advertise its intention to raise the following differential general rates and minimum rates for the 2014 and 2015 financial year;

Differential Rate Category	Rate in the \$
Differential General Rate (GRV)	0.05263
Differential Rate – Town Centre Commercial (GRV)	0.06086

With the minimum rate for both categories being \$1,008.

Carried 8/0

10.4.7 MATERIAL VARIANCES FOR STATEMENTS OF FINANCIAL ACTIVITY

File Ref: SUB/1578
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate & Community Services
Proposed Meeting Date: 20 May 2014
Author Disclosure of Interest: Nil

SUMMARY

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

BACKGROUND

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

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

Council is being asked to consider its level of materiality for the preparation of the 2013/2014 Statements of Financial Activity.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

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

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

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

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Jeanes

THAT Council in accordance with the *Local Government (Financial Management) Regulations 1996* set the level of material variance for the 2013 / 2014 financial year at 15%.

Carried 8/0

**10.4.8 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2013
TO 30 APRIL 2014**

File Ref: SUB/1720
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 20 May 2014
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present the Statutory Financial Statements and other supporting financial information to Council for the period 1 July 2013 to 30 April 2014.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Statement of Financial Activity on page 1 of the attached Financial Statements shows favourable operating revenue of \$339,551 or 14% more than year to date budget. All material variances are detailed in the Variance Analysis Report on pages 7 to 11 of the attached Financial Statements. Operating expenditure is \$244,387 or 3% less than year to date budget and capital expenditure, which is detailed on pages 29 to 33, is \$130,694 or 7% less than year to date budget.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Jeanes

THAT Council receive the Statutory Financial Statements including other supporting financial information as submitted to the 20 May 2014 meeting of the Works and Corporate Services Committee.

Carried 8/0

10.4.9 SCHEDULE OF INVESTMENTS AND LOANS AS AT 30 APRIL 2014

File Ref: SUB/1720
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 20 May 2014
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this loan is to present to Council the Schedule of Investments and the Schedule of Loans as at 30 April 2014, as included in the attached Financial Statements. The purpose of this loan is to present to Council the Schedule of Investments and the Schedule of Loans as at 30 April 2014, 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 Schedule of Investments on page 23 of the attached Financial Statements shows that \$3,766,283.79 was invested at 30 April 2014. Approximately 28% of the funds are invested with Bankwest, 27% with Westpac Bank, 24% with National Australia Bank, and 21% with the Commonwealth Bank of Australia.

The Schedule of Loans on page 24 of the attached Financial Statements shows a balance of \$5,513,130.24 s at 30 April 2014. Included in this balance is \$291,856.83 that relates to self supporting loans.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Jeanes

THAT Council receive the Schedule of Investments and the Schedule of Loans as at 30 April 2014. These schedules are included in the attached Financial Statements as submitted to the meeting of the Works and Corporate Services Committee.

Carried 8/0

10.4.10 LIST OF ACCOUNTS FOR THE MONTH OF APRIL 2014

File Ref: SUB/1720
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 20 May 2014
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present to Council the list of accounts paid for the month of April 2014, 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 list of accounts paid for the month of April 2014 is included in pages 12 to 20 of the attached Financial Statements. The following significant payments are brought to Council's attention:-

- \$36,415.93 to BCITF for the building and construction industry training fund levies collected by Council on their behalf
 - \$48,789.02 to the Australian Taxation Office for the monthly Business Activity Statement
 - \$104,305.51 to WA Treasury for a loan repayment
 - \$31,020.00 to B & B Waste for waste collection/disposal charges
 - \$158,120.86 to the Shire of Peppermint Grove for our quarterly contribution towards the library
-

- \$65,418.27 to Perthwaste Green Recycling for waste collection/disposal charges
- \$29,181.43 to Surf Life Saving WA for the lifeguard contract for April 2014
- \$300,000.00 & \$240,000.00 to Council's Business Investment account with National Australia Bank
- \$80,565.38 & \$84,551.13 to Town of Cottesloe staff for fortnightly payroll

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Jeanes

THAT Council receive the list of accounts paid for the month of April 2014 as included in the attached Financial Statements, as submitted to the 20 May 2014 meeting of the Works and Corporate Services Committee.

Carried 8/0

10.4.11 RATES AND SUNDRY DEBTORS REPORTS AS AT 30 APRIL 2014

File Ref: SUB/1720
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 20 May 2014
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present to Council the Rates and Sundry Debtors Reports 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 Sundry Debtors Report on pages 25 to 27 of the attached Financial Statements shows a total balance outstanding of \$98,523.43 as at 30 April 2014. Of this amount, \$85,783.77 relates to debt less than sixty days old, with the balance of aged debtors totalling \$12,739.66.

The Rates and Charges Analysis on page 28 of the attached Financial Statements shows a total balance outstanding of \$339,961.70 of which \$177,114.03 and \$51,897.93 relates to deferred rates and outstanding emergency services levies respectively. The Statement of Financial Position on page 4 of the attached Financial Statements shows total rates outstanding as a current asset of \$205,428 as compared to \$245,621 at the comparable time last year.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Jeanes

THAT Council receive the rates and Charges Analysis Report and the Sundry Debtors Report as at 30 April 2014 as submitted to the 20 May 2014 meeting of the Works and Corporate Services Committee.

Carried 8/0

11 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 RESCISSION OF MOTION – COMMUNITY CONSULTATION – LOCAL GOVERNMENT REFORM**

(As attached to the agenda)

Moved Pyvis, Seconded by Councillors Walsh and Angers

COUNCIL DISCUSSION

Council discussed the rescission motion at length with references to the proposed community consultation as endorsed by Council on 5 May, the Dadour Poll provisions, the Premier and Minister's quoted statements with regard to no forced amalgamations and the State Government's recent decision to fund the reform process via loans. Cr Pyvis confirmed that the proposed rescission motion had the support of SOS. Other elected members indicated support for the motion for different reasons, including the need to ask more than one question of the community to gauge their opinions on current proposals before the Local Government Advisory Board, the timing of the process given the imminent report of the LGAB to the Minister, the ability to invoke the Poll Provisions if required and the cost to ratepayers of the consultation process.

VOTING

Absolute Majority

That the Council Resolution of 5 May 2014 (10.4.2) re. Community Consultation - Local Government Reform be rescinded.

Carried 8/0

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

Nil

12.2 OFFICERS

Nil

13 MEETING CLOSED TO PUBLIC**13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil

13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

Nil

14 MEETING CLOSURE

The Mayor announced the closure of the meeting at 8:28 PM.

CONFIRMED MINUTES OF 26 May 2014 PAGES 1 – 85 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

DATE: / /