

# 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, 27 June, 2011

1 July 2011

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## TABLE OF CONTENTS

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ITEM	SUBJECT	PAGE NO
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	1
4	PUBLIC QUESTION TIME.....	1
5	PUBLIC STATEMENT TIME.....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE.....	3
7	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	4
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	4
8.1	SUSPENSION OF STANDING ORDER 12.1 – MEMBERS TO RISE.....	5
9	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	5
9.1	PETITION - DOGS LOCAL LAW 2011.....	5
10	REPORTS OF OFFICERS.....	9
10.1	CHIEF EXECUTIVE OFFICER.....	9
	10.1.1 POTENTIAL RELOCATION OF COUNCIL DEPOT FUNCTIONS.....	9
10.2	MANAGER CORPORATE SERVICES.....	15
	10.2.1 EMERGENCY SERVICES LEVY - ADMINISTRATION AGREEMENT.....	15
10.3	MANAGER DEVELOPMENT SERVICES.....	18
	10.3.1 LOCAL PLANNING SCHEME NO. 3 – MINISTER'S MODIFICATIONS – STATUS REPORT ON ADVERTISING PHASE, SUBMISSIONS RECEIVED AND REMAINING PROCESS.....	18

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10.3.2	LOCAL PLANNING SCHEME NO. 3 – PROPOSED 100-YEAR PLANNING & DESIGN CONCEPT STUDY FOR COTTESLOE BEACH – BY ECOTECT ARCHITECTS	26
10.3.3	LOTS 285, 501 & 504 CURTIN AVENUE, MOSMAN PARK – REQUEST FOR SUPPORT TO AN MRS AMENDMENT TO ALLOW EXPANSION OF THE BEEHIVE MONTESSORI SCHOOL	32
<b>11</b>	<b>REPORTS OF COMMITTEES .....</b>	<b>36</b>
<b>11.1</b>	<b>WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 21 JUNE 2011.....</b>	<b>36</b>
11.1.1	ADOPTION OF DOGS LOCAL LAW 2011	36
11.1.2	CARBON NEUTRAL: 2009/2010 BASELINE CARBON INVENTORY	45
11.1.3	LOCAL GOVERNMENT AMENDMENT (REGIONAL SUBSIDIARIES) BILL 2010	49
11.1.4	COTTESLOE COUNCIL NEWS - POLICY REVIEW	54
11.1.5	LEGAL PROCEEDINGS - POLICY REVIEW	56
11.1.6	REGIONAL COOPERATION - POLICY REVIEW	58
11.1.7	LITTLE MARINE PARADE - DAMAGE TO COASTAL VEGETATION	60
11.1.8	REQUEST FOR REMOVAL OF STREET TREES, 13 & 15 CONGDON ST, COTTESLOE	63
11.1.9	PROPOSAL FOR EARTHWORKS AT GRANT MARINE PARK, COTTESLOE	65
11.1.10	ADOPTION OF 2011/2012 BUDGET	68
11.1.11	STATUTORY FINANCIAL REPORTS FOR THE MONTH OF MAY 2011	74
11.1.12	SCHEDULE OF INVESTMENTS AND LOANS AS AT 31 MAY 2011	76
11.1.13	ACCOUNTS PAID FOR THE MONTH OF MAY 2011	78
11.1.14	PROPERTY AND SUNDRY DEBTORS REPORT FOR MAY 2011	80
<b>12</b>	<b>ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....</b>	<b>82</b>

12.1 NOTICE OF MOTION – POTENTIAL IMPACT OF PEAK OIL.. 82

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY  
ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING ..... 83

14 MEETING CLOSURE..... 83

**1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS**

The Mayor announced the meeting opened at 7:05pm.

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

Mayor Kevin Morgan	Presiding Member
Cr Jack Walsh	
Cr Rob Rowell	
Cr Greg Boland	
Cr Dan Cunningham	
Cr Jo Dawkins	
Cr Davina Goldthorpe	
Cr Ian Woodhill	
Cr Victor Strzina	

**Officers**

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

**Apologies**

Nil

**Officer Apologies**

Nil

**Leave of Absence (previously approved)**

Cr Patricia Carmichael  
Cr Jay Birnbrauer

**3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4 PUBLIC QUESTION TIME**

Mr Ron Wise – 17 Hamersley Street, Cottesloe

Mr Wise provided one question to Council which The Mayor read out:  
Q: Is the Council prepared to discuss replacing Peppermint trees with plants native to the Grant Marine Reserve?

A: The Mayor responded that replacing Peppermint trees with species native to Grant Marine Reserve could be considered as part of the implementation of the Natural Areas Management Plan (NAMP). The Mayor suggested Mr Wise liaise with Council officers and Coastcare to discuss replacement tree species native to the area. The Mayor further advised that Council was not adverse to looking into such details, with respect to Mr Wise's concerns regarding the trees and believed there was scope to revegetate the area.

## 5 PUBLIC STATEMENT TIME

### Mr Bernard Seeber – 33 Margaret Street, Cottesloe - Item 11.1.1 – Dogs Local Law

Mr Bernard Seeber thanked the Council for the opportunity to speak and stated that he wanted to register his views on the Vera View dog beach. Mr Seeber advised that his use and enjoyment of the beach has been adversely affected over the last 12 years, as he has witnessed children being attacked and knocked over by dogs. Mr Seeber mentioned the fact that he currently has an issue with the Council regarding an injury caused by a dog. Mr Seeber expressed his view that the stretch of beach in question is a "family beach" and dog owners are prohibiting families enjoying areas such as the Lagoon. Mr Seeber believes that there is ample evidence to support his view that dogs are not adequately controlled or policed by Council Rangers on the beach. He requested that Council consider the beach as a family beach.

### Mr Peter Goldthorpe – 239 Broome Street, Cottesloe – Item 11.1.1 – Dogs Local Law

Mr Peter Goldthorpe thanked the Council for the opportunity to speak and stated that he did not think that shifting the southern boundary should be implemented. Mr Goldthorpe advised that he had lived his whole life in Cottesloe and was more concerned with the shags and seagulls on the beach, than with the dogs. Mr Goldthorpe expressed his belief that the majority of people who walk their dogs on the beach have them reasonably controlled. Mr Goldthorpe stated his hope that the issue be "left to lie" and the use of the beach could remain as it is. Additionally, Mr Goldthorpe noted comments in the report that Council provide a new type of bin at the beach and that the bin be cleared daily.

The Mayor responded that the only way forward is compromise on both sides, if the issue is to be satisfactorily resolved.

### Ms Donna Fuller – 39 Margaret Street, Cottesloe – Item 11.1.1 – Dogs Local Law

Ms Fuller stated that she is in support of the Mayor's notion of compromise. She is as a dog lover, a beach goer and a resident who has enjoyed the Vera Beach for the last 45 years. Ms Fuller suggested that compromise could take the effect of moving the northern boundary 5 houses up. Ms Fuller mentioned that the City of Nedlands has the adjoining dog beach which provides a great amount of dog exercise area. In her opinion the beach is a family area,

especially around the lagoon. Ms Fuller asked that Council move the boundary north to 214 Marine Parade, Cottesloe.

Ms Claire Medhurst – 186 Little Marine Parade, Cottesloe – Item 11.1.1 – Dogs Local Law

Ms Medhurst noted that there aren't any uninterrupted dog exercise areas in Nedlands and questioned why residents of Cottesloe should be inconvenienced by travelling further north to Nedlands. Ms Medhurst expressed her view that the current dog exercise area is quite short already, and that moving the boundary would further reduce the beach to be only 100m in length.

As the officer report has outlined, the overwhelming majority of respondents want the beach open for dogs at all hours. The public have spoken and Council should listen to its community.

Mr Paul Jones – 186 Little Marine Parade, Cottesloe – Item 11.1.1 – Dogs Local Law

Mr Jones addressed the Council and reflected back on the original vote where 80% of the public voted to keep the current dog beach exercise area. Mr Jones stated that as a regular Grant street beach user, he views the dunes as a natural boundary. Mr Jones expressed his view that if the boundary were to be moved, it would do nothing to affect the use of the beach.

Mr Jones stated that the only time there is a conflict on the beach is Saturday mornings at 10.00am, and that if the curfew was lifted, he believed it would reduce the pressure on the beach.

Mr Simon Yeo – 27 Margaret Street, Cottesloe – Item 11.1.1 – Dogs Local Law

Mr Yeo presented his own map to the Council and distributed copies amongst the Councillors. Mr Yeo spoke of an Environmental Impact Study that has been conducted in Wollongong to highlight the damage done to the coast by dogs. Mr Yeo also suggested that compromise is the only way forward and proposed that such compromise could be reached through moving the southern boundary to 214 Marine Parade (as illustrated on his map). Mr Yeo highlighted his concerns for children and family enjoyment of the beach and made mention that dog walkers regularly congregate at the steps of Vera View. Mr Yeo believes that his proposal will work to reduce confrontation between dogs and dog attacks.

## **6 APPLICATIONS FOR LEAVE OF ABSENCE**

**Moved Cr Walsh, seconded Mayor Morgan**

**That Cr Walsh's request for leave of absence from the July Meeting of Council be granted.**

**Carried 9/0**

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**Moved Cr Rowell, seconded Mayor Morgan**

**That Cr Rowell's request for leave of absence from the July Meeting of Council be granted.**

**Carried 9/0**

**Moved Cr Boland, seconded Mayor Morgan**

**That Cr Boland's request for leave of absence from the July Meeting of Council be granted.**

**Carried 9/0**

**Moved Cr Strzina, seconded Mayor Morgan**

**That Cr Strzina's request for leave of absence from the July Meeting of Council be granted.**

**Carried 9/0**

## **7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**Moved Cr Strzina, seconded Cr Rowell**

[Minutes May 23 2011 Council.DOC](#)

**The Minutes of the Ordinary meeting of Council held on Monday, 23 May, 2011 be confirmed.**

**Carried 9/0**

## **8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

The Mayor advised that Premier Colin Barnett and Minister John Castrilli had invited all metropolitan Mayor's and CEO's to an announcement on Friday 24 June 2011 in relation to local government reform in the metropolitan area.

The Mayor stated that the previous voluntary reform process has now been abandoned and a new process has been introduced by the Minister. He has appointed a three person Review Panel to determine what will happen with regard to reducing the overall number of metropolitan Local Government's and changing the existing boundaries for all Councils. It was suggested by the Premier that the number of metropolitan Councils may be reduced to 15. The panel will be required to report back to the Minister by June 2012.

The Mayor commented that the Minister had made it clear, when asked, that there was no intention to involve the Local Government Advisory Board (as per Statute) or to include current poll provisions of the Act. The announcement did not rule out forced amalgamation in the next term of government, with the focus being on the metropolitan area, not regional areas.

The Mayor expressed concern that the community had already been stripped of its planning controls and now its right to self determination was also under threat – a right of all democracies. In making its decisions based purely on



bureaucratic or administrative efficiencies the Minister had lost sight of the value of local political institutions and their role in community building and representation.

In referring to the recent Private Members Bill introduced by the Hon. Max Trenorden ( Regional Subsidiaries Bill) the Mayor indicated that this appeared to have both sector and state support as it allowed the retention of political representation whilst creating shared services delivery with reporting back to members councils.

## **8.1 SUSPENSION OF STANDING ORDER 12.1 – MEMBERS TO RISE**

### **BACKGROUND**

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

Standing Orders 12.1 and 21.5 read as follows:

#### **Members to Rise**

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

#### **Suspension of Standing Orders**

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

### **COUNCIL RESOLUTION:**

**Moved Cr Strzina, seconded Cr Walsh**

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

**Carried 9/0**

## **9 PETITIONS/DEPUTATIONS/PRESENTATIONS**

### **9.1 PETITION - DOGS LOCAL LAW 2011**

As part of the community consultation in relation to the agenda item on the Dogs Local Law (11.1.1), a petition was submitted to the Administration. In

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accordance with Council Standing Orders (Section 9 - Petitions) there is a requirement for an Elected member to "authenticate" the petition and sign it.

*In considering this matter the Mayor at the Works and Corporate Services Committee and in accordance with Council's Standing Orders, agreed to authenticate the petition and suggested that Committee accept and deal with it as part of their consideration of the officer report and recommendation related to the adoption of the Dogs Local Law 2011 and recommend that Council does likewise.*

### **COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Strzina, seconded Cr Boland**

**That Council accept the petition in relation to the Dogs Local Law and in accordance with Standing Orders 9.4(d) and deal with the matter as part of its consideration of the report and recommendation related to the adoption of the Dogs Local Law 2011.**

**Carried 9/0**

As part of Council's acceptance of the petition the Mayor read aloud the preamble to the petition.

*"We the undersigned formally request the beach from Grant Street Cottesloe to the north of Swanbourne be available for dog walking all year, around the clock. Most of this beach is not suitable as a swimming beach due to rocks. We petition the Council to please consider this matter."*

### **CONSIDERATION OF REPORTS BY COUNCIL**

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

For the benefit of the members of public present the Mayor determined to consider item 11.1.1 "Adoption of Dogs Local Law 2011" first.

He then advised of the following withdrawn items for consideration;

#### Manager Development Services Reports

- 10.3.1 Local Planning Scheme No. 3 – Minister's Modifications – Status Report on Advertising Phase, Submissions Received and Remaining Process
- 10.3.2 Local Planning Scheme No. 3 – Proposed 100 – Year Planning & Design Concept study for Cottesloe Beach – By Ecotect Architects

The remainder of the officer reports were dealt with en bloc.

- 10.1.1 Potential Relocation of Council Depot Functions
- 10.2.1 Emergency Services Levy – Administration Agreement

- 10.3.3 Lots 285, 501 & 504 Curtin Ave, Mosman Park – Request for Support to an MRS Amendment to Allow Expansion of the Beehive Montessori School

Works and Corporate Services Committee Reports (withdrawn)

- 11.1.2 Carbon Neutral: 2009/2010 Baseline Carbon Inventory
- 11.1.5 Legal Proceedings – Policy Review
- 11.1.6 Regional Cooperation – Policy Review
- 11.1.9 Proposal for Earthworks at Grant Marine Park, Cottesloe
- 11.1.10 Adoption of 2011/2012 Budget

The remainder of the items were dealt with *en bloc*.

- 11.1.3 Local Government Amendment (Regional Subsidiaries) Bill 2010
- 11.1.4 Cottesloe Council News –Policy Review
- 11.1.7 Little Marine Parade – Damage to Coastal Vegetation
- 11.1.8 Request for Removal of Street Trees, 13 & 15 Congdon Street, Cottesloe
- 11.1.11 Statutory Financial Reports for the Month of May 2011
- 11.1.12 Schedule of Investments and Loans as at 31 May 2011
- 11.1.13 Accounts Paid for the Month of May 2011
- 11.1.14 Property and Sundry Debtors Report for May 2011

## 10 REPORTS OF OFFICERS

### 10.1 CHIEF EXECUTIVE OFFICER

#### 10.1.1 POTENTIAL RELOCATION OF COUNCIL DEPOT FUNCTIONS

<b>File No:</b>	<b>SUB/220</b>
<b>Attachments:</b>	<a href="#">CONFIDENTIAL Letter From Mosman Park Potential Depot Relocation Arrangement</a> <a href="#">CONFIDENTIAL Letter to Mosman Park Potential Depot Relocation Arrangement</a>
<b>Responsible Officer:</b>	<b>Carl Askew</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Carl Askew</b> <b>Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>27 June 2011</b>
<b>Author Disclosure of Interest</b>	<b>Nil</b>

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#### SUMMARY

This report recommends that, in addition to continuing its investigations into alternative depot sites, administration also pursue discussions with the Town of Mosman Park in relation to opportunities to jointly share the McCabe Street depot site.

#### BACKGROUND

A number of reports to Council in relation to the relocation of its depot services have been made in the last 12 months. These reports have provided Council with updated information in relation to a number of potential options for a relocated depot service and, in more recent times, these options have included the sharing of the Town of Mosman Park McCabe St depot site, SeaView golf course and a joint arrangement with the Cities of Subiaco and Nedlands.

In July 2010, as per the resolution below, administration discontinued consideration of the SeaView location. In line with recommendation (4) funds were also referred for consideration in the 2011/12 budget to undertake remedial works at the current Nailsworth Street site. In May 2011 this matter was reconsidered by Council and a request made to prepare a report on the financial pros and cons of providing a shed for depot use on the Golf Course, including a proposal to consult the Cottesloe community as soon as practicable.

In July 2010 it was resolved: *That Council*

- 1. Note this progress report and request staff to discontinue considering this proposal in light of community reaction and recognition of the necessity to retain the golf course area as community recreational and open space.*
- 2. Request staff investigate alternative sites for further evaluation and reporting, including from those previously examined.*

3. *Reaffirm its position that the existing depot services should be relocated and the site realised for residential redevelopment.*
4. *Note that, depending upon the length of time before a relocation can take place, some remedial works at the existing depot may be required and request that the Manager Engineering Services advise accordingly.*

*Carried 7/2*

At its most recent meeting in May 2011 it was resolved;

*That Council*

1. *Rescind its motion being Item 11.2.2 dated 26 July 2010 (item 1) that no further work be permitted by Administration on assessing a depot use at the Seaview Golf Course.*
2. *Prepare a report on the financial pros and cons of providing a shed for depot use on the Golf Course including a proposal to consult the Cottesloe Community as soon as practicable.*

*Carried 7/4*

In September 2010 Council considered a report which outlined the development of potential concept plans for a relocation of the Town's depot services to either the Mosman Park site or a new shared facility with the Cities of Subiaco and Nedlands. After consideration of a final report from the preferred consultants a further report was prepared in March 2011 and Council agreed to join with the Cities of Subiaco and Nedlands to negotiate the acquisition of suitable land from the State Government for the purposes of a joint depot site.

In September 2010 it was resolved;

*That Council:*

1. *Accept and endorse requests from both the City of Nedlands and Town of Mosman Park for a contribution each to undertake feasibility and concept plans for the relocation of the Town's depot operations.*
2. *Authorise the Chief Executive Officer to incur costs up to \$20,000 including a maximum contribution of two thirds of the cost of the Mosman Park study, for the purposes of the feasibility and concept plans as outlined in item 1.*
3. *Pursuant to Section 6.8 of the Local Government Act 1995:*
  - i. *Authorise the following expenditure – Feasibility and Concept Plans for the relocation of the Town's depot operations at a cost of no more than \$20,000.*
  - ii. *Amend the 2010/2011 Adopted Budget (to accommodate the above authorised expenditure) as follows:*
    - a. *Increase the Other Property & Services Budget – Depot Building – Contractors and Consultants (Expenditure) by \$20,000.*
    - b. *Decrease the Town Planning and Regional Development Budget – Other Expenses – Contractors and Consultants – (Expenditure) by \$20,000.*

*Carried 8/0*

In March 2011 it was resolved;

*That Council join with the Cities of Subiaco and Nedlands in negotiating the acquisition of suitable land from the State Government for the purposes of a joint local government depot site.*

*Carried 10/0*

In September 2010, following Council's resolution, a letter was sent to the Chief Executive Officer at the Town of Mosman Park advising of Council's resolution and its preparedness to work with the Town to undertake a feasibility study for a potential relocation and sharing of the McCabe St depot site. In October 2010 the Chief Executive Officer at the Town of Mosman Park advised by letter as follows;

*Further to on-going discussions regarding the potential for a shared arrangement for the use of the Town's depot facility in McCabe Street, Council at its Ordinary Council Meeting on Tuesday 26 October resolved the following:*

- 1. No further action be taken to pursue a shared depot with the Town of Cottesloe; and*
- 2. The Chief Executive Officer investigate the refurbishment of Council's depot in consultation with depot staff.*

*As a result of the above resolution there is no need to progress our discussions on this issue further.*

Based upon the above advice the Town pursued alternative options including the joint proposal with the Cities of Subiaco and Nedlands.

## **STRATEGIC IMPLICATIONS**

In December 2010 Council set, as one of the Key Result Areas of the CEO to;

- 3.2 Progress the preferred solution for Council's depot services and redevelopment of the current site*

Council's Future Plan 2006-2010 states:

Objective 4 – "To Manage Development Pressures." Strategy 4.5 states "Consider undeveloped Government-Owned land for higher density development provided there is both public support and benefit for the Cottesloe Community". This could also apply to Council-owned land.

Objective 5 – "Maintain Infrastructure and Council Buildings in a sustainable way". Strategy 5.1 states "Adopt a policy position on assets that have a realisable value such as the Depot and Sumps". Strategy 5.4 states "Maximise income from non-rates sources".

## **POLICY IMPLICATIONS**

The following Council policies apply to this item:

- Community Consultation
  - Investment of Surplus Funds
  - Investments
  - Occupational Safety & Health
-

- Regional Cooperation
- Sale of Council Property
- Assets with a Realisable Value

**STATUTORY ENVIRONMENT**

A Development Application will ultimately be required by the Town of Mosman Park for any new or redeveloped structures at the McCabe St site and for any area of land reserved under the Metropolitan Region Scheme (MRS).

Redevelopment of the Town's existing depot site is governed by current TPS2 and future LPS3 in terms of zoning, land use, development control and structure planning.

**FINANCIAL IMPLICATIONS**

There are resources included in the 2011/2012 Budget for refurbishment and other remedial works at the current Nailsworth Street site. Construction of a new operations centre could be significant and there are no funds specifically set aside for such works until a preferred site has been determined however there are funds in the 2011/12 budget for the completion of feasibility studies and concept plans.

Any allocation for related depot capital works and more detailed plans and specifications, including potential tenders, will be the subject of further reports to Council and possible budget amendment. It is probable that such funds would be initially raised through a loan and based upon the future sale of the existing depot site. The potential receipt of any income from the sale of the existing depot is not included in the 2011/12 Budget.

**SUSTAINABILITY IMPLICATIONS**

In relation to the existing depot there is potential to achieve a number of sustainability improvements with this proposal. Any environmental problems with the existing site could be addressed and any new dwellings built on a redeveloped site would have to meet modern sustainability standards.

Any new depot construction should also feature the highest level of environmental and sustainability provision, regarding infrastructure and operation.

**CONSULTATION**

Consultation has previously taken place with a number of WESROC member Councils, as well as previously with a local real estate agency. These discussions are ongoing. Specifically for this report there has been ongoing discussion with the Chief Executive Officer and Manager Engineering Services from the Town of Mosman Park.

**STAFF COMMENT**

Since the Council decision in July 2010 officers have been exploring options for our depot, including re-engaging in the current planning with the Cities of Nedlands, Subiaco and Town of Claremont for a new shared depot site. Discussions with the Town of Mosman Park to share their existing depot and investigation of commercial sites have also been explored. Each of the proposed depot options is being progressed and both options appear viable and could be advantageous for Cottesloe,

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depending upon final locations, capital cost outlays, and agreement in relation to tenure and operations.

The combined Nedlands, Subiaco, Cottesloe and Claremont depot study is an update of a previous 2006 study for a joint depot which, for various reasons, did not proceed at that time. The original consultant (GHD) was subsequently engaged to update the previous report in light of recent changes and to incorporate the City of Subiaco. The proposed combined site will probably be at a *greenfields* location, will involve all new structures, facilities and buildings and will take advantage of a combined business operation that will have significant size and capacity. The Town's contribution towards the update of the previous GHD study was in the order of \$4,000.

In March 2011, after a number of informal discussions, the Chief Executive Officer wrote to the Chief Executive Officer at the Town of Mosman Park outlining further information in relation to the joint sharing concept at the McCabe Street site and requested that Council reconsider its previous position from October 2010. In response the Chief Executive Officer at the Town of Mosman Park advised that a further report would be prepared for the Ordinary Council meeting on 27 April 2011.

On the 4 May 2011 correspondence was received from the Chief Executive Officer at the Town of Mosman Park indicating a willingness to re-enter discussions with the Town. According to the Chief Executive Officer the matter was raised as a *confidential item* at the April 2011 Ordinary Council meeting. As the matter was confidential a copy of the letter has been attached but details have not been listed in this report. However the essence of the resolution indicates *in principle* support for a feasibility study of a joint depot arrangement. Also attached is a copy of a confidential reply to this letter.

Since that time the respective CEO's and Engineering Managers have met to discuss how the administration of the latest resolution by the Town of Mosman Park can be jointly implemented. Whilst the CEO at Mosman Park has recently resigned, discussions have continued, with the most recent meeting held on 23 June 2011 to agree upon the broad terms of a scope of works (consultant brief) for a feasibility study and concept plan to be prepared for the McCabe Street site. The Town is now preparing an updated list of its requirements to be included within the proposed brief. The proposed introduction of Council operations at Mosman Park should require only a partial redesign of the existing depot land and facilities however, prior to discussing matters of operational management and financial arrangements, Council will need to know if it is physically possible to jointly share the Mosman Park site and accommodate both Towns' requirements.

Once a proposal proves to be of significant benefit to the Town there will be a need for Council to commit to a capital contribution towards any proposed redevelopments/changes as well as to negotiate a long term lease or similar agreement. In order to be able to reach that position and make an informed decision it is recommended that Council support the feasibility study. Funds of \$25,000 have been provisionally set aside within the 2011/12 budget for just such a purpose.

Officers consider that there is benefit to both Towns in undertaking this study which represents a potential solution that could be realistically delivered within 12 months.

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In parallel with the feasibility study process it is also intended that the Town of Mosman Park will consult with adjoining landowners advising them of the feasibility study and the potential benefits to both Towns of such a project.

Once the initial consultations and feasibility study is completed and capital cost estimates obtained, a second report will need to be presented to both Council's confirming the feasibility and seeking endorsement to proceed. Stage two would then address the primary elements that need to be resolved and agreed including cost sharing arrangements, negotiation and preparation of a draft lease and management agreement, terms of tenure, facility management and operation, site security and access etc.

### **VOTING**

Simple Majority

### **OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Strzina**

#### **THAT Council:**

- 1. Note the information contained in this progress report, including the current *in principle* support from the Town of Mosman Park to investigate a joint arrangement at the McCabe Street depot.**
- 2. Reaffirm its position from September 2010 in support of a potential partnership with the Town of Mosman Park for a shared depot.**
- 3. Support the administration in pursuing and investigating the feasibility of a relocation of the Council depot operations to the McCabe Street depot.**
- 4. Authorise the Chief Executive Officer to incur costs in line with budget estimates for the purposes of the feasibility and concept plans as outlined in item 1.**

**Carried 9/0**

**10.2 MANAGER CORPORATE SERVICES****10.2.1 EMERGENCY SERVICES LEVY - ADMINISTRATION AGREEMENT**

**File No:** VIT/28  
**Attachments:** [Agreement FESA Emergency Services Levy Administration](#)  
**Responsible Officer:** Mat Humfrey  
Manager Corporate Services  
**Author:** Mat Humfrey  
Manager Corporate Services  
**Proposed Meeting Date:** 27 June 2011  
**Author Disclosure of Interest** Nil

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**SUMMARY**

A recommendation is made to authorise the execution of an agreement under Common Seal with the Fire and Emergency Services Authority (FESA) relating to the administration of the Emergency Services Levy (ESL).

**BACKGROUND**

Since the introduction of the ESL in July 2003, there have been two payment options for Council to forward the monies collected to FESA, who administer the funding program. These are;

**Option A** – remit the levy amounts collected to FESA on a monthly basis including any allowance for any discounts, penalties, rebates etc.

**Option B** – remit to FESA the total amount billed at the commencement of the financial year in four instalments as follows:

- 30% by 21<sup>st</sup> September
- 30% by 21<sup>st</sup> December
- 30% by 21<sup>st</sup> March, and
- 10% by 21<sup>st</sup> June.

In 2003, 2005 and 2009, Council has chosen Option B as its preferred option.

This year FESA are moving towards perpetual agreements, that have no set end date. Previously there was a need to resign the agreement every two to four years. This has created administrative problems, particularly for FESA – as the agreements with every local government expire at the same time.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

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**STATUTORY ENVIRONMENT**

The Fire and Emergency Services Act provides the following:

**36ZJ. Authority may enter into agreements with local governments**

- (1) *The Authority may, with the approval of the Minister, enter into a written agreement with a local government that provides for the local government to pay to the Authority an amount equal to the total amount of levy payable for a levy year on all leviable land in the local government's district.*
- (2) *An ESL agreement may provide for the amount that is to be paid to the Authority under the agreement to be paid by instalments.*
- (3) *If an amount (including an instalment) remains unpaid after it becomes due and payable under an ESL agreement, the Authority may recover the amount, and interest on the amount at the rate prescribed by the regulations, as well as any costs of proceedings for that recovery, in a court of competent jurisdiction.*

**FINANCIAL IMPLICATIONS**

The current administrative agreement with FESA allows Council to stagger the remittance of the levy to FESA in three equal quarterly instalments of 30% with a final quarterly instalment of 10% in June of each year.

This arrangement is particularly attractive in that the bulk of the levy is collected by the Town at the start of the financial year. By staggering the remittance of the levy to FESA, the Town is able to collect bank interest on accumulated funds in the interim.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

Option B has worked well from an administrative and financial point of view. Option A would require administration to calculate the amount of ESL revenue collected each month for remitting to FESA. This would be time consuming and given the minimal impact on cash flow, no benefit can be identified by choosing Option A.

The new agreement (copy attached) envisages Option B being exercised for an open term which removes the need to obtain Council approval every two years.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Strzina**

**THAT Council authorise the Mayor and Chief Executive Officer to execute under Common Seal the perpetual agreement selecting “option B” with the Fire and Emergency Services Authority relating to the administration of the Emergency Services Levy.**

**Carried 9/0**

### 10.3 MANAGER DEVELOPMENT SERVICES

#### 10.3.1 LOCAL PLANNING SCHEME NO. 3 – MINISTER'S MODIFICATIONS – STATUS REPORT ON ADVERTISING PHASE, SUBMISSIONS RECEIVED AND REMAINING PROCESS

**File No:** SUB/721  
**Attachments:** [Letter KeepCottLowSOS](#)  
[Petition KeepCottLow](#)  
[CONFIDENTIAL Draft Letter Jackson](#)  
[McDonnald](#)

**Attachments:**  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Andrew Jackson  
Manager Development Services

**Proposed Meeting Date:** 20 June 2011  
**Author Disclosure of Interest** Nil

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### INTRODUCTION

This report provides an overview of the following:

1. The concluded advertising phase for the proposed major modifications to Local Planning Scheme No. 3 (LPS3; Scheme) required by the Minister for Planning (Minister).
2. The submissions received, which Council is required to record, consider and recommend upon, and which will be the subject of further reporting to Council.
3. The process remaining to finalise the Scheme and the next steps involved.

### BACKGROUND

Council at its meeting on 28 February 2011 considered a detailed report: *Local Planning Scheme No. 3 – Report on Modifications Required by Minister for Further Advertising*; which presented the context and actions relating to the Scheme, along with the statutory situation and advertising task. It resolved as follows:

*That Council:*

1. *Notes the updates and advice contained in this report regarding the progress of Local Planning Scheme No. 3.*
  2. *Notes the modifications proposed to the Scheme provisions as required by the Minister for Planning to be advertised for further submissions and consideration.*
  3. *Undertakes additional advertising to ensure clear dissemination of the changes contemplated, detailed understanding of their implications and wide public consultation.*
-

4. *Pursues meetings with the Department of Planning, Western Australian Planning Commission and Minister for Planning towards finalisation of the Scheme with appropriate and acceptable provisions.*
5. *Notes the interest of Save Our Suburb, Keep Cott Low and other community groups in promoting the extensive background of formulation and consultation on the Scheme, including the Enquiry by Design process as the foundation of the Building Design Controls for Special Control Area 2 and the related progress made on the Foreshore Plan.*
6. *Requests staff to investigate whether State Planning Policy (SPP) 2.6: State Coastal Planning Policy has been properly interpreted and appropriately applied by the State planning authorities in giving consideration to the preferred height regime for the Cottesloe beachfront, including the apparent disregard for the Enquiry by Design outcomes report of that intensive consultation process and detailed study, which was jointly undertaken and funded by the State planning agencies and the Town of Cottesloe, pursuant to the statutory arrangements agreed for formulation of the Scheme provisions.*
7. *Asks the Minister for Planning to clarify to what extent the proposed alternative building control diagrams for the beachfront, which are designed to facilitate development of up to eight storeys, were prepared by consultants acting for the intending major developers of beachfront sites, and if so why that occurred without further reference to the Town of Cottesloe.*

Council also considered a report: *Application by Keep Cott Low for National Heritage Listing of Cottesloe Beach Locality – Request that Council Supports*; and resolved as follows:

*That Council:*

1. *Supports the application by Keep Cott Low (Inc) for inclusion on the National Heritage List of the Cottesloe beach locality as being of national significance; as such classification would be consistent with the high heritage worth of the precinct and the objectives of Council's existing and proposed planning scheme and policies, and recognise the strong collective cultural heritage significance exhibited by the history and elements of the beachfront and surrounds.*
2. *Advises Keep Cott Low, the WA Minister for Planning and the Commonwealth authorities accordingly.*

Officers have subsequently attended to these resolutions, including as discussed in this report.

## **ADVERTISING PHASE**

The Town conducted formal advertising of the proposed major modifications for eight weeks from 1 April to 27 May 2011 – the Minister agreed to Council's request that the initial six-week period be extended by two weeks given the Easter and school holidays.

The advertising methods comprised as follows:

1. Official public notices in *The West Australian*, *Post* and *Western Suburbs Weekly* newspapers, at intervals.
2. Hard-copy displays for inspection at the Civic Centre and *The Grove Library* (serving Cottesloe, Mosman Park and Peppermint Grove).
3. A dedicated website page with full information.
4. Two rounds of mail-outs to all Cottesloe property owners and occupiers, distributing documents explaining the proposed major modifications, plus submission forms.
5. Ongoing monthly coverage in the *Cottesloe Council News* page of the *Post*.

Continual articles and letters on the matter in all of the above newspapers have supplemented the formal advertising means.

This wide consultation program significantly exceeded the minimal advertising specified by the Town Planning Regulations (Regulations) and afforded extensive exposure of the proposed major modifications and associated issues. Officers fielded numerous enquiries.

The advertising material conveyed via the displays, website and mail-outs was comprehensive and consisted of the following:

1. The official public notice.
2. A detailed document: *Guide to the Proposed Modifications Advertised for Submissions*; which contained the beachfront provisions in the Scheme as adopted by Council, the major modifications proposed by the Minister and a comparative table of the main changes.
3. An extract of the Local Planning Strategy for the Scheme: section 3. *Local Planning Framework*.
4. The Scheme Text and Map as originally advertised.
5. The *Cottesloe Enquiry by Design Report* (EbD; March 2009).
6. Two letters from the WAPC highlighting omissions and errors in the proposed major modifications, which it requested be publicised.
7. A leaflet drawing attention to extension of the advertising period; enclosing a pair of 3D indicative images of the beachfront building heights as supported by Council; and elaborating on the omissions and errors as advised by the WAPC.

In addition, the following community-instigated actions contributed to dissemination and debate regarding the proposed major modifications:

1. A public meeting was convened by the Keep Cott Low Inc (KCL) and SOS Cottesloe Inc (SOS; residents and ratepayers association) community interest groups and held at the Civic Centre on 16 March 2011 prior to the commencement of advertising. This stimulated awareness, canvassed opinions and answered questions in anticipation of the submission period. The Member for Cottesloe and Premier (Hon Colin Barnett MLA) attended and spoke to the audience. The Chairman of the WAPC (Mr Gary Prattley), accompanied by an officer of the Department of Planning (DoP), attended to observe only, declining invitations to participate in discussion. The meeting



moved to support the beachfront height controls pursuant to the EbD in the Scheme as adopted by Council and lodged for final approval, and to reject the proposed major modifications to them by the Minister. A copy of the motions is attached.

2. A petition was gathered by KCL during the Sculpture by the Sea exhibition over three weeks in March 2011 when there were many visitors to Cottesloe Beach. It contains 13,395 signatures and was presented to the Legislative Council by the Hon Giz Watson MLC on 5 April 2011. An extract copy of the petition is attached. It explains the relevant history and supports the beachfront height controls pursuant to the EbD in the Scheme as adopted by Council and lodged for final approval.

## LEGAL CONSIDERATIONS

Examination and advertising of the proposed major modifications has identified several concerns, as follows:

### Due process

As previously reported, the DoP and WAPC did not engage with the Town on their examination of the Scheme as adopted by Council and lodged for final approval, or regarding the intended major modifications. Moreover, the Minister's position was that the modifications be advertised as supplied, their contents not be open for negotiation prior to advertising, and concerns Council may have with their intent be raised when re-lodging the Scheme.

The reluctance of the State authorities to engage with the Town and Council in a constructive dialogue in order to address planning considerations and progress the Scheme can be seen as disappointing, unreasonable and counter-productive.

Officer-level professional interaction would have facilitated the process to be more effective and efficient, especially avoiding significant omissions or errors, which have emerged as significant flaws as discussed below.

Also vitally, discussion of the key planning issues could have achieved a level of agreement about the Scheme provisions, as well as reduced and streamlined the proposed major modifications. In this respect the DoP did supply some of its reports to the WAPC on the Scheme to the Town upon request; however, Freedom of Information applications by the press and community members (which ideally should be unnecessary) have revealed in greater depth the internal deliberations of the DoP, WAPC and Minister in dealing with the Scheme so far.

In this connection, Council's February resolution in point 7 asks the Minister to what extent external consultants played a role in the modifications, in particular the alternative beachfront building design controls. The Minister has responded that the DoP was assisted by *Planning Consultants Australia*, acting exclusively for the Department and not for any of the beachfront landowners or occupiers. The difficulty Council may see in this arrangement is that the consultant involved was previously the DoP Director responsible for jointly carrying-out the EbD and producing the final report with the Town, whereby the consensus reached through the EbD as a pivotal study for the Scheme review has since been abandoned by the State agencies.

**SPP2.6 & Climate Change**

Resulting from point 6 of Council's February resolution, the Town's solicitors have written to the WAPC and Minister questioning the administration of SPP2.6, plus the influence of planning for climate change, as key issues stemming from the State authorities' handling of LPS3 and the proposed major modifications. To date there has been no response and this is a crucial consideration.

**Omissions & errors**

Unfortunately a number of omissions and errors in the proposed major modifications have been discovered – notably by the Town and members of the public in the first instance rather than by the DoP or WAPC – and concern/confusion in this regard is reflected in the submissions.

The WAPC's attitude was that these be treated as merely technical corrections and simply added to the advertising midway. The Town has obliged but felt this to be statutorily unsatisfactory and has sought additional legal advice.

The attached confidential advice in essence finds that such late changes amount to substantive modifications which warrant proper adoption by the Minister and additional advertising. This has procedural and time implications for the completion of public consultation and finalisation of the Scheme. It is recommended that another letter be sent to the WAPC and Minister accordingly.

**SUBMISSIONS RECEIVED**

Council's advertising of the proposed major modifications has attracted some 2000 submissions, which is twice the total amount received when the whole of the Scheme and the Building Design Controls were advertised respectively.

The submissions are presently being collated and categorised for recording, assessment and reporting. Preliminary indications are as follows; however, it is emphasised that this must be read as a broad overview at the very beginning of their sorting and analysis, rather than taken with any degree of accuracy or certainty, and without prejudice to the findings.

1. The main focus is on the beachfront planning provisions in accordance with the advertising, although some submissions refer to other aspects of the Scheme elsewhere in the district.
2. Roughly half are local and comment in substance on the matter, tending to favour the Scheme as adopted and lodged by Council. They include a number of detailed submissions from concerned citizens and community groups and largely express strong concern that the EbD outcomes have been dismissed and departed from.
3. Roughly half are from outside Cottesloe, the majority pro-forma and apparently derived from patrons of the Ocean Beach Hotel, based on a display by the planning consultants for the owner and submission forms made available at the hotel.
4. Several detailed submissions from beachfront land owners and/or their planning consultants, which while tending to be pro-redevelopment are not entirely in support of the proposed major modifications.
5. The complexity of the proposed major modifications and confusion over the complicated provisions is a feature of the submissions.

It is noted that parallel with the submissions various persons/parties have written to the Town, Minister and Premier to register their comments about the proposed major modifications and Scheme issues.

### **REMAINING PROCESS**

The Scheme Review statutory process is governed by the Planning & Development Act 2005 (as amended) and guided by the associated Regulations.

#### **Actions by Council, WAPC & Minister**

In brief, the current phase to complete the Scheme is as follows:

1. After considering Council's deliberations on the submissions, the WAPC is to submit its recommendations on them and any modifications to the Minister.
2. If particular recommended modifications are considered by the Minister to be *substantial*, Council is to advertise them for as long as directed, then within three months to:
  - (i) Consider any submissions received.
  - (ii) Make recommendations to the WAPC in respect of each submission.
  - (iii) Forward the submissions and recommendations to the WAPC.

The WAPC is to examine the submissions and forward its recommendations to the Minister, who is to:

1. Approve the Scheme or require further modifications, whereupon within 42 days of being notified by the WAPC of the Minister's decision, Council is to comply with the modifications and/or forward three copies of the Scheme to the WAPC for the Minister's final approval; or
2. Refuse to approve the Scheme, whereupon Council is to notify each submitter of the refusal.

Lastly, the approved Scheme is to be endorsed by the WAPC and Minister then gazetted and advertised as finally approved, whereupon it commences operation and current Town Planning Scheme No. 2 (TPS2) ceases.

### **Regulations**

The present steps are stipulated in Regulation 20 as follows:

#### *20. Consideration of Scheme by Minister or authorised person*

- (1) *Where the Minister or authorised person is of the opinion that a modification to the Scheme is substantial whether the modification is recommended by the responsible authority or any other modification he shall direct the responsible authority to advertise the modification in the form of Form No. 3A in Appendix A once in a newspaper circulating in the district where the land the subject of the Scheme is situated and to display a copy of the notice in a prominent place in the offices of the responsible authority for the period set forth in the direction and may direct the responsible authority to take such other steps as he considers necessary to make public the modification and the responsible authority shall give effect to the direction.*

- (2) *A person who desires to make a submission on a modification to the Scheme that has been advertised pursuant to subregulation (1) shall make a written submission by notice in the form of Form No. 4 in Appendix A within the period specified in the direction given under subregulation (1).*
- (3) *The responsible authority shall, within 3 months of the expiry of the period specified under subregulation (1) for making submissions on the modifications or within such further period as is approved by the Minister or an authorised person —*
  - (a) *consider all submissions on the modifications to the Scheme;*
  - (b) *make a recommendation in respect of each submission to the Commission; and*
  - (c) *forward the submissions on the modifications to the Scheme and its recommendations thereon to the Commission.*
- (4) *The Commission shall examine the submissions on the modifications to the Scheme and the recommendations of the responsible authority and make its recommendations thereon to the Minister.*
- (5) *The Minister shall consider the submissions on the modifications to the Scheme made under this regulation together with the recommendations made thereon by the responsible authority and the recommendations of the Commission, and shall pursuant to section 7(2a) of the Act approve the Scheme, refuse to approve the Scheme or require the responsible authority to modify the Scheme in such manner as he may specify before approval is given.*

### **Administrative tasks**

At the current juncture this statutory process entails the following administrative tasks for the Town:

1. Prepare the official schedule of submissions.
2. Assess and recommend upon each submission.
3. Send the schedule, copies of submissions and Council's recommendations to the WAPC; supported by Council's overall case for the Scheme.
4. Liaise with relevant parties and the State authorities on the matter, including meeting with the decision-makers as resolved.

The reporting to and consideration by Council needs to cover:

1. Council's previous modifications as accepted or rejected by the Minister to date.
2. The meaning and implications of the proposed major modifications as advertised.
3. Comprehensive evaluation of the submissions in terms of their numbers, origins, validity, aspects raised and merits.
4. Possible inputs from the Town's consultants.
5. Legal advice.

As before, Council briefing sessions and special meetings may be called-for; and an extension of time pursuant to the Regulations may be needed, if there is a requirement to readvertise the omissions and errors in the proposed major modifications.

**CONCLUSION**

Council's consideration of the submissions on the proposed major modifications is a crucial activity towards finalising the Scheme. There are also important process and legal aspects to be addressed.

The large volume of submissions attests to sustained public interest in the future of Cottesloe, with the focus of concern being the beachfront development parameters and the complications associated with the changes contemplated to the Scheme provisions and building design controls.

The submissions indicate a range of issues emerging from examination of the proposed major modifications, which warrant scrutiny and most likely revision to ensure an understandable and workable Scheme consistent with community aspirations and proper planning.

This is in the context of the lengthy history of the Scheme Review, the depth of community consultation undertaken by the Town spanning several years and the advancement achieved by the EbD as the way forward.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Strzina**

**That Council:**

- 1. Note the updates and advice in this report regarding the progress of Local Planning Scheme No. 3 and the remaining process for its finalisation, including the potential need for Council briefing sessions and special meetings to consider the submissions.**
- 2. Endorse sending letters from the Town's solicitors to the Western Australian Planning Commission and the Minister for Planning regarding the omissions and errors in the proposed major modifications; with an added request to the Minister for Planning for approval to undertake additional advertising of the omissions and errors, prior to completing consideration of the submissions on all of the proposed major modifications in a collective, comprehensive and coordinated manner, for a response to the Commission on the Scheme.**
- 3. Arrange to meet with the Department of Planning, Western Australian Planning Commission and Minister for Planning towards finalisation of the Scheme with acceptable provisions and a suitable outcome for the beachfront, prior to Council's determination of all of the submissions and its overall response on the Scheme.**

**Carried 8/1**

**10.3.2 LOCAL PLANNING SCHEME NO. 3 – PROPOSED 100-YEAR PLANNING & DESIGN CONCEPT STUDY FOR COTTESLOE BEACH – BY ECOTECT ARCHITECTS**

**File No:** SUB/721  
**Attachments:** [Letter EcoTect Architect](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Andrew Jackson  
Manager Development Services

**Proposed Meeting Date:** 27 June 2011  
**Author Disclosure of Interest** Nil

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**SUMMARY**

This report refers to a proposal by Ecotect Architects to undertake additional study in relation to the completion of Local Planning Scheme No. 3 (LPS3). It presents the proposal, scopes the situation and evaluates the implications, for Council's consideration and response.

Council needs to evaluate the interrelationship, merit and feasibility of the proposal having regard to LPS3, to determine any new arrangement and direct Administration accordingly.

**BACKGROUND**

Ecotect Architects is a local practice specialising in energy-efficient architecture and urban design which, led by its principal, Mr Garry Baverstock, has participated in and contributed to planning for the Cottesloe beachfront over a number of years. This commenced with Council's successful opposition to proposals for multi-storey redevelopment of the Cottesloe Beach Hotel. It continued in connection with the Scheme Review, in particular the pivotal Enquiry by Design (EbD) consultation process, and the current assessment of the major modifications to the Scheme provisions proposed by the Minister for Planning.

Mr Baverstock has architectural and scientific qualifications and expertise in solar energy and climate change, including coastal environments. These aspects are amongst the various factors feeding into LPS3, specifically regarding the development parameters for the beachfront, and Mr Baverstock has maintained a strong interest in the attainment of an appropriate solution.

Recently he has articulated his concerns and urged an alternative course of action to the Scheme Review program, necessitating further study and a longer timeframe to address the matter. This stems from an overriding perspective that climate change scenarios be adopted as a basis for land use planning, development controls and building designs; ie that the draft Scheme as adopted by Council pursuant to the EbD, it's subsequent assessment by the State authorities, and the resultant ministerial modifications have not embraced this critical element.

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**PROPOSAL**

Ecotect Architects has advocated this approach to the Town's officers and co-consultants, at Council briefing sessions and a public meeting, in the local press and a range of correspondence. While this strongly-held professional point of view is respected and acknowledged, the proposal must be evaluated in the context of the composition and progress of LPS3, plus the imperative for its finalisation.

The proposal is set out in a letter dated 17 May 2011 addressed to the Mayor (and cc the Premier), which has been circulated to Council and is headed *Proposed 100 Year Planning and Design Concept for Cottesloe Beach* – as attached. In summary, based on this letter and associated emails, it entails:

- An initiative offered by the firm to find the solution, free of charge.
- Donation of time to work with the Town, State authorities and others involved towards positive results.
- Stakeholders should take a long-term outlook for posterity, but are unlikely to formally engage the firm to prepare a different comprehensive scheme.
- Important community and environmental issues and good quality development have been overlooked.
- An enhanced vision for the beachfront and fresh design input which will facilitate public opinion in finalising the Scheme.
- Resolving contentious issues up-front in order to prepare planning and design solutions.
- Focused on criteria to define preferred 3D building envelopes to those contained in the Minister's modifications, as well as development guidelines consistent with the character of, and community aspirations for, the beachfront, whilst delivering high quality architecture.
- Advice on piecemeal work by others is frustrating and lacks the back-up of well-explored design solutions, and does not promise the best result.
- A new scheme (design concept) which is readily understood and supportable is called-for, to enable public debate and the agreement of all parties.

The study would address several unresolved aspects, including:

- Climate change impacts and ensuring an attractive beachfront over the next 100 years.
- Adapting the EbD development concepts for consensus between the Town, community, property owners, developers and State authorities on improving the beachfront.
- Creating a beachfront relevant to today and the future rather than the past.
- Taking into account vistas and view lines given accurate data.

To do the task, the Town's assistance is requested re:

- Geographic survey information, including the location of the dunes, pedestrian promenade, Marine Parade and beachfront properties.
- The Town's coastal geotechnical study.
- Current foreshore and car park designs.
- Copy of LPS3 as lodged for final approval.
- Contact details for property owners, community groups and the Department of Planning (DoP), to enable liaison.
- Open discussion at the design brief stage.

- Discussion with representative Councillors as to the design preferences and key elements from the EbD insisted upon for the beachfront.
- Open feedback as concepts are formulated.
- Consent to engage with the DoP for workable solutions to the LPS3 impasses; including possible presentation to the WAPC.

The outcome proposed is:

- Urban designs to help the public visualise the beachfront as it evolves over 100 years, appropriate to the locality.
- Addressing climate change threats to the beach in order to maintain that amenity for a long time, as predicted loss of beach and strategies to deal with that was not sufficiently covered by the EbD.
- Enhanced quality and viability of beachfront development, with certainty for developers through defined building areas and envelopes, with attention to architecture and landscapes.

Ecotect Architects have offered to act as coordinator and urban designer and to interview all willing parties. They advise they wouldn't take an anti-development stance, instead pursuing intelligent planning and the public interest. This would draw upon their earlier work, planning ahead to ensure an upgraded beachfront and protected beach amenity.

While the above work would be voluntary and therefore independent, Ecotect Architects remains available to provide paid consultancy services to the Town in relation to technical solar design and planning compliance matters.

## **DISCUSSION**

In exploring the proposal there has been dialogue between the Town, Ecotect Architects and co-consultants for the Scheme. Bearing in mind the nature, content and advanced status of LPS3, the Town has identified the following considerations:

- The procedural requirement to complete the Scheme and the statutory powers to ensure such – coordinating the official Scheme process with a parallel private initiative (subject to support).
- Whether the State authorities would be willing to collaborate.
- Whether the beachfront landowners/developers would be prepared to cooperate constructively.
- The importance of a sound design brief and whether the Town should be project manager.
- Departure from the extensive background to the Scheme and the framework of the EbD as the basis for the beachfront provisions at this late stage – revisiting the EbD could erode the consensus achieved and diminish the planning measures derived from that exercise.
- Council's Foreshore Concept Plan which originated from the EbD would also come under scrutiny and may be undone.
- In turn the substance of LPS3, ie in the Local Planning Strategy, Scheme Text and Scheme Map, could be seen to be challenged.
- The extent to which climate change is capable of being taken on-board as part of a local planning scheme or handled mainly by other means (eg State planning policy), noting that Council has already raised this with the WAPC



and Minister. While a 100-year horizon would be prudent to predict and prepare for climate change, allowance would still be necessary for shorter-term planning and development activities.

- The demands on all parties of additional study and consultation, including time, resources and costs.
- Ongoing uncertainty and potential delays for property owners, businesses, community organisations, residents and visitors.
- How a free-standing supplementary study could be incorporated into the Scheme process or the agreed outcomes otherwise implemented.
- The option of integrating the work into the Town's examination of the proposed major modifications, assessment of the submissions and overall recommendations for re-lodgement of the Scheme for final approval.

### **STRATEGIC IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

The study findings may influence changes to Council policy affecting the beachfront and foreshore, as well as have a bearing on the application of State Planning Policy for coastal matters.

### **STATUTORY ENVIRONMENT**

Planning & Development Act and Town Planning Regulations.

### **FINANCIAL IMPLICATIONS**

Although Ecotect Architects is to do the study for no fee, there would be costs to the Town by way of resource material, staff time and possibly some consultation. This would be on top of the very substantial cost to Council of conducting the Scheme Review over several years, including significant recent expenditure in advertising the major modifications and further costs for the anticipated extra advertising of the omissions and errors.

### **SUSTAINABILITY IMPLICATIONS**

The study would supplement overall coastal environmental and sustainability activities involving the Town and other stakeholders.

### **CONSULTATION**

The study process would entail informal consultation. Future formal consultation would most likely flow from its findings if taken-up by Council and/or the State authorities.

### **STAFF COMMENT**

In general, it can be difficult to reconcile any seemingly radical change or eleventh-hour proposition with a committed project or program, however plausible.

While climate change is recognised as truly important, so far it has not been required to be made a core component of the Scheme and there is no indication that the beachfront landowners/developers intend to address it; yet there may be support within the community. At the same time, climate change analysis can be expected to

promote protection of a shrinking beach from overshadowing by buildings that are poorly located, insufficiently setback or too tall, which reinforces the suite of planning reasons for lower and well-designed built form adhered to by Council.

As to the conduct of an additional study, it would be better done independently as a second opinion and parallel exercise to LPS3, rather than under the auspices of Council or tied to the statutory program. The Town could, nonetheless, without prejudice assist by way of providing public information, technical material and practical guidance. In this manner it is anticipated that Council would not wish to authorise Ecotect Architects to speak or negotiate on its behalf as part of a separate study. Effectively, the additional study would amount to a specialised submission on the Scheme for consideration of its relevance to the planning circumstances facing the Cottesloe Beachfront.

If further advertising of the omissions and errors in the major modifications is endorsed by the WAPC and Minister and affords the Town more time to assess any additional submissions, then the proposed study might be completed in time to inform Council's decisions on the Scheme for re-lodgement. If Council has to respond in a lesser timeframe than the study, then review of the study findings would have to be managed in another way.

## **VOTING**

Simple Majority

## **OFFICER RECOMMENDATION**

**Moved Mayor Morgan, seconded Cr Boland**

**THAT Council:**

- 1. Note the assessment and advice contained in this report regarding the proposal by Ecotect Architects to undertake a study focused on climate change in relation to the Cottesloe Beachfront for Local Planning Scheme No. 3.**
- 2. Support the suggested study in-principle as an independent initiative by Ecotect Architects, without prejudice to Council proceeding to complete the Scheme, on the proviso that Ecotect Architects does not act as a representative of Council in the matter.**
- 3. Agree to the Town liaising with Ecotect Architects in terms of information for the separate study, the timeframe for the study in relation to the progress of LPS3, a suitable study brief and protocols for interaction with all parties.**
- 4. Reply to the letter from Ecotect Architects in accordance with the above.**
- 5. Subject to the study going ahead, in due course inform the Department of Planning in writing accordingly.**

**AMENDMENT**

**Moved Cr Cunningham, seconded Cr Dawkins**

**That the word “study” in the Officer Recommendations be replaced with “submission”.**

**Lost 3/6**

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**THAT Council:**

- 1. Note the assessment and advice contained in this report regarding the proposal by Ecotect Architects to undertake a study focused on climate change in relation to the Cottesloe Beachfront for Local Planning Scheme No. 3.**
- 2. Support the suggested study in-principle as an independent initiative by Ecotect Architects, without prejudice to Council proceeding to complete the Scheme, on the proviso that Ecotect Architects does not act as a representative of Council in the matter.**
- 3. Agree to the Town liaising with Ecotect Architects in terms of information for the separate study, the timeframe for the study in relation to the progress of LPS3, a suitable study brief and protocols for interaction with all parties.**
- 4. Reply to the letter from Ecotect Architects in accordance with the above.**
- 5. Subject to the study going ahead, in due course inform the Department of Planning in writing accordingly.**

**THE SUBSTANTIVE MOTION WAS PUT**

**Carried 9/0**

**10.3.3 LOTS 285, 501 & 504 CURTIN AVENUE, MOSMAN PARK – REQUEST FOR SUPPORT TO AN MRS AMENDMENT TO ALLOW EXPANSION OF THE BEEHIVE MONTESSORI SCHOOL**

**File No:** SUB/346  
**Attachments:** [Beehive Attachment A.pdf](#)  
[Beehive Attachment B.pdf](#)  
[Beehive Attachment C.pdf](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Ed Drewett  
Senior Planning Officer  
**Proposed Meeting Date:** 20 June 2011  
**Author Disclosure of Interest** Nil

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**INTRODUCTION**

This report recommends that Council notes the correspondence received from the Beehive Montessori School and Leighton Action Coalition and advise that it will make further comment on the proposal during the statutory advertising period of the proposed Metropolitan Region Scheme (MRS) Amendment.

**BACKGROUND**

The Beehive Montessori School located in the Town of Mosman Park has written to the Town requesting provisional support to a Metropolitan Region Scheme Amendment to enable expansion of the school facilities. The proposal involves amending Lots 285, 501 and 504 Curtin Avenue from land reserved 'Parks and Recreation' to 'Public Purpose - Special Use'. See *Attachment A*.

A supplementary report prepared by TPG Town Planning and Urban Design on behalf of the School has also been forwarded to the Town for additional information and this forms the basis of the Amendment submission to the Western Australian Planning Commission (WAPC). See *Attachment B*.

The Beehive School is a private facility founded in 1977 and currently provides education for approximately 220 children and adolescents. Beehive are seeking to expand their operations and have prepared a master-plan for the school which provides a staged approach to the provision of additional buildings and outdoor areas, comprising 5 new classrooms, a day care centre and associated outdoor courtyards, playground and landscaping areas.

The School has been negotiating with the Public Transport Authority (PTA) and envisage having new leasing arrangements finalised shortly to enable the buildings to be constructed beyond their current lease boundary once the Scheme Amendment has been approved by the WAPC.

Additional comments provided by the applicant are summarised below:

- Beehive currently leases from the PTA and Department for Communities (DFC) an area of approximately 9231m<sup>2</sup>. The proposed additional area, the subject of an extended lease from the PTA, is approximately 6761m<sup>2</sup> and is currently undeveloped and clear of any vegetation;
- The eastern side of the proposed new lease area will be abutting the MRS 'Primary Regional Road' reserve representing the future realignment of Curtin Avenue. The Perth-Fremantle MRS 'Railway' reserve is located beyond this;
- The Beehive School land (and the McCall Centre in Cottesloe) was transferred from an 'Urban' zone to 'Public Purposes – Special Purpose' reserve in an MRS Amendment gazetted in June 2009 (Amendment 1074/33 – Leighton Beach and Environs).
- The proposed amendment is broadly consistent with the vision and objectives of Directions 2031;
- The expansion of the Beehive school will meet the needs of the local community in an efficient and consolidated manner, ensuring the school can respond to and cater for the future population growth envisaged in Perth. It will also assist in providing additional local jobs which will contribute to meeting anticipated employment targets;
- The existing community/educational facilities are well-established on this site and the additional proposed lease area only affects an area historically used for railway purposes associated with the former Leighton Marshalling Yards;
- The proposed rezoning of land currently reserved for 'Parks and Recreation' that is affected by this proposal will have a negligible impact on the total area reserved for this purpose in the broader area and given its thin configuration and location between the existing school and Primary Regional Road Reservation any form of recreational purpose would be limited. Furthermore, a landscape strip can be achieved under the School's master-plan proposal and may incorporate native trees as well as facilitate protection of existing native vegetation adjacent to the subject land; and
- There would be negligible impact on the local road networks as a result of this proposal given the relatively small scale of development that is proposed.

#### Comments from Leighton Action Coalition (LAC)

The LAC has also been contacted by the Beehive School in respect of this proposal and it has forwarded its comments to the Town as it is seeking support for a suggested modification to the proposal. *See Attachment C.*

The main comments raised are summarised as follows:

- LAC supports the proposal providing a small piece of land that is required to allow the relocation of Port Beach Road to the east of the Cable Station is
-

rezoned to 'Parks and Recreation and the leasehold boundaries are adjusted accordingly. This would allow the creation of a wonderful public parkland in front of the Cable Station – an opportunity that will otherwise be lost forever;

- LAC has contributed to many planning and design committees for the Leighton marshalling yards, including the Leighton Oceanside Parklands Community Stakeholder Reference Group (CSRG). This process identified the community preference for relocating Port Beach Road to the east of the Cable Station buildings and to create a high quality coastal recreational node of public buildings and parkland with a direct connection to the foreshore;
- The project consulting team were not willing to investigate this vision as their main focus was the southern node, hence the Leighton Oceanside Parklands master-plan showed the recommended design solution as having Port Beach Road remaining in its current alignment in the area in front of the Beehive school and Cable Station, effectively preventing the possibility of a northern node directly connected to the foreshore. The suggested alternative was, however, still included in an appendix to the master-plan and the documentation advised that the Steering Committee for the project should “carefully consider the feasibility of locating the northern node in the manner proposed by the CSRG”; and
- The CSRG proposal could be carried out without affecting the planned expansion to the School and in compensation for the loss of a small triangle of land in the north-west corner of Lot 225 the LAC would support additional PTA land to the south being made available to the school, either as leasehold land or as shared community parklands that are available for community use outside of school hours.

### **PLANNING COMMENT**

The proposed MRS Amendment and expansion of the Beehive Montessori School requires approval by the WAPC as it is situated on reserved land under the MRS. It is also entirely situated within the Town of Mosman Park and is therefore unlikely to have a significant impact on Cottesloe, albeit that there could be a modest increase in traffic movements along Curtin Avenue as a result of the proposed expansion.

The proposed 'Public Purpose-Special Use' reserve is consistent with the existing reserved land accommodating the Beehive school which itself was modified as part of the Leighton Beach and Environs MRS Amendment. Furthermore, the subject land appears under-utilised and is an awkwardly shaped area located between the school, Curtin Avenue road reservation and Railway Reserve and therefore may lend itself to be utilised by the school rather than trying to preserve it for parks and recreation which may be difficult to sustain in practical terms. Other suggested uses for the site such as to accommodate the Town of Cottesloe's Works depot have not been successful and it now appears that the PTA is near finalising new leasing arrangements with the school.

Notwithstanding these preliminary comments, the proposal still has to first of all be accepted in-principle by the WAPC and the Town of Mosman Park and then be formally advertised for comment. It is therefore recommended that the Beehive Montessori school and the LAC be advised that Council will give further consideration

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to and make formal comment on the proposal during the statutory advertising period; as this allow comments from the Town of Mosman Park to be taken into consideration and the issues regarding the possible realignment of Port Beach Road to be considered in more detail by the Manager Engineering Services, together with consideration of the advertised amendment justification report.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Strzina**

**That Council:**

- 1. Notes the correspondence from the Beehive Montessori School and Leighton Action Coalition in respect of the proposed MRS Amendment affecting Lots 285, 501 and 504 Curtin Avenue, Mosman Park; and**
- 2. Advises the Beehive Montessori School and Leighton Action Coalition that Council will make further comment on the proposal during the statutory advertising period having regard to comments from the Town of Mosman Park and the Manager Engineering Services, together with consideration of the advertised amendment justification report.**

**Carried 9/0**

## 11 REPORTS OF COMMITTEES

### 11.1 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 21 JUNE 2011

#### 11.1.1 ADOPTION OF DOGS LOCAL LAW 2011

<b>File No:</b>	<b>CLL/9</b>
<b>Attachments:</b>	<a href="#">28 February 2011 Council Minutes RE Dogs Local Law</a> <a href="#">Summary of Public Submissions</a> <a href="#">Draft Dogs Local Law As Amended by DLG March 2011</a> <a href="#">Petition – Dogs Local Law</a> <a href="#">Northern Dog Beach</a>
<b>Responsible Officer:</b>	<b>Carl Askew</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Mat Humfrey</b> <b>Manager Corporate Services</b>
<b>Proposed Meeting Date:</b>	<b>21 June 2011</b>
<b>Author Disclosure of Interest</b>	<b>Nil</b>

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## SUMMARY

To place before Council a summary of the public submissions received in relation to the proposed amendments to the Dogs Local Law and recommend its final adoption.

## BACKGROUND

In accordance with s3.12.z (3)(a)(b) and (3a) of the local Government Act 1995, at its meeting held on 22 February 2011, Council resolved to call for submissions from the public in relation to the amended Dogs Local Law ( a copy of the February report is attached as background information).

As required, state-wide and local public notice was given for a period commencing on 5th March 2011 and concluding on 29 April 2011 stating that:

- The Town of Cottesloe proposes to make amendments to the Dogs Local Law, and provides a summary of its purpose and effect;
- Copies of the proposed local law may be inspected at the Town's offices; and
- Submissions about the proposed local law may be made to the Town within a period of not less than 6 weeks after the notice is given.

In accordance with s3.12 (4) a copy of the proposed local law was also supplied to the Minister for Local Government.

**The Purpose** of the local law is to make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs, to prescribe areas in which dogs are prohibited and dog exercise areas.



**The Effect** of this local law is to extend the control over dogs which exist under the Dog Act 1976.

### **STRATEGIC IMPLICATIONS**

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

### **POLICY IMPLICATIONS**

Beach Policy: (Resolution No: 12.1.1, Adopted: May, 2004)

### **STATUTORY ENVIRONMENT**

- Dog Act 1976
- Section 3.5 & 3.12 of the Local Government Act applies

#### **3.5. Legislative power of local governments**

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

#### **3.12. Procedure for making local laws**

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

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

\* **Absolute majority required.**

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

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

(a) stating the title of the local law;

(b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and

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

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

8. In this section –making ~ in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

Regulation 3 of the Local Government Functions and General Regulations provides the following.

**3. Notice of purpose and effect of proposed local law - s. 3.12(2)**

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

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

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

## **FINANCIAL IMPLICATIONS**

The primary costs associated with the review of local laws are the officer's time to research and prepare reports, analyse submissions and associated state wide/local advertising costs. Changes to the operation of the existing Local Law such as increased activity or times of patrols may impact upon Ranger and Depot staff hours.

Through the comments received during advertising period for the Dogs Local Law, an issue was identified with the bins at the Northern Dog Beach. If the Dogs Local Law is adopted as advertised, there will be a cost associated with replacing these bins. It is anticipated that the replacement of the bins will resolve the issue raised.

## **SUSTAINABILITY IMPLICATIONS**

Nil

## **CONSULTATION**

A notice advertising the amended Dogs Local Law was placed in the West Australian on the 5th March 2011 and the Post on the 12th March 2011 calling for submissions by the 29th April 2011. Copies of the amended Dogs Local Law were also available at the Administration and Library, the Town's notice boards and on the website. A comment form was also provided on the web site to assist residents in making their submission.

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At the close of advertising period fifty four (54) submissions were received together with a petition containing twenty-seven (27) signatures. One respondent commented on a number of matters in addition to the dogs on beach issue. While the entire Dogs Local Law was advertised for comment, the single issue which attract most of the comments was the Northern Dog Beach at Vera View.

A detailed list of the submissions received is attached to this report with a summary of comments received below:

- One respondent commented on the exclusion of dogs from outdoor eating areas as she enjoys the opportunity to walk her dog then socialise with other dog lovers.
- A further comment was received on the increase in penalties as the respondent believed these were excessive.
- The terminology used in the proposed Local Law 'under effective control', and 'nuisance' were considered to be too subjective.
- The majority of respondents focused on the extension of available hours in line with part three of the February resolution.

*3. That Council, in relation to item 4.2 Northern Dog Beach of the Draft Dogs Local law, advertise option (3) as outlined in the attachment i.e. dogs to be allowed at all times.*

- Analysis of the 54 written responses shows 11 (20%) persons were against the northern dog beach being open to dogs at any time while 43 (80%) respondents were in favour of the northern dog beach being available to exercise their dog at all times. A 27 signature petition was also received in favour of the dog beach being open at all times.
- Comments received in relation to the position **(No)** included:
  - Dog owners could use other beaches such as Swanbourne to exercise their dogs.
  - Council should not be expending monies for two dog beaches – the northern dog beach and the southern dog beach.
  - Dog excreta has been deposited throughout the beach.
  - Overflowing bins;
  - Many dog fights on the beach
  - Dogs present a nuisance to fishermen
- Comments received in favour of the position **(Yes)** focused on:
  - The family and health benefits of being able to exercise the family pet with the family without having a 'curfew' to consider.
  - Working hours vary considerably and respondents wanted the opportunity to exercise their dog when they were not working which would be possible if dogs were permitted at all times.

- The beach is hardly used during the day and it is environmentally unfriendly for residents to get in their car and drive to another beach.
- Opening the beach 24/7 will spread dog use of the beach over the day.
- Respondents highlighted that the northern dog beach was not suitable for swimming due to the reef and rips and it made an ideal dog beach.

The amended Dogs Local Law 2011 was submitted to the Department of Local Government for consideration in accordance with s3.12(4) of the Act. The Department made some minor suggestions relating to drafting and appearance of the local law. The text boxes and notes have been retained in the attachment to this report in order to see the changes by the Department; but will not be printed on the final version sent to the Government Printing Office for Gazettal.

The above changes suggested to the amended Dogs Local Law are considered minor. As such, subject to the proposed minor amendments that are shown 'marked up' on the attachment to this report, the local law can be adopted.

### **STAFF COMMENT**

The draft Local Law has been advertised for public comment with the majority of responses (80%) in favour of the beach being open at all times.

Respondents against the proposal have made comments that the beach should not be available to dogs at any time. Other comments related to the issue of, and concern with, excreta. Whilst it is acknowledged that there may be some excreta on the beach, on the occasions that staff visited the beach during the review period no evidence was seen.

The poor condition of the litter bins raised in the respondents comments have been on some occasions overflowing through use (usually after a long weekend). Arrangements will be made for the current suite of bins to be replaced with a design that has a lid. These bins take a larger capacity of waste and have a lid to prevent birds and other animals accessing the bin.

Comment was also made relating to dog fights. The Senior Ranger responsible for administering the law commented that there has not been an official complaint in the past three years relating to a dog fight. It is noted that there can be a difference in terms of occurrence and reporting however the Council Records show that none have been reported.

Those in favour of having the beach open at all times described the family and health benefits of being able to exercise their dog at any time during the day. Those on shift work or who worked outside an 8-5 day wanted the opportunity to exercise on the beach without having to drive to another beach.

In relation to the comment on dogs being allowed in alfresco dining areas, the Food Act 2009 excludes animals from food premises where there is service of food to the table. Other options are available for consideration such as no service of food to tables in alfresco areas.

A comment was received regarding the wording “under effective control” and “nuisance” suggesting the words were subjective. These words used are the words used in the Dog Act 1976 and need to be used in the Local Law.

## **VOTING**

### **Absolute Majority**

## **OFFICER RECOMMENDATION**

Moved Mayor Morgan, seconded Cr Rowell.

### **THAT COUNCIL:**

1. Receive the submissions relating to amendments to the Dogs Local Law from members of the community made during the period of public advertising.
2. In accordance with s3.12(4) of the Local Government Act 1995, ADOPT the Dog Local Law 2011, subject to various minor amendments provided by the Department of Local Government as ‘marked up’ on the attachment to the report.
3. In accordance with s3.12(5), PUBLISH the local law in the Government Gazette and SEND a copy to the Minister for Local Government;
4. After Gazettal, in accordance with s3.12(6), GIVE local public notice:
  - a. Stating the title of the local law;
  - b. Summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
  - c. Advising that copies of the local law may be inspected or obtained from the Town Administration and website.
5. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 7 November 2005, PROVIDE a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and the Chief Executive Officer to the WA Parliamentary Joint Standing Committee on Delegated Legislation.

## **COMMITTEE DISCUSSION:**

Mayor Morgan proposed that Committee amend point (2), to reflect the creation of a part (a) and new part (b) with two additional sub points (i) and (ii) as listed below:

2. *In accordance with s.3.12 (4) of the Local Government Act 1995 ADOPT the Dog Local Law 2011 subject to;*
    - (a) various minor amendments provided by the Department of Local Government as ‘marked up’ on the attachment to the report.*
    - (b) amending clause 4.2(1) by;*
      - (i) replacing the reference to “Lot 67” with “Lot 24” (i.e. moving the southern boundary north one access path from 182 Little Marine Parade to 200 Marine Parade); and*
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*(ii) deleting the following words after the word “municipality” – “except between the hours of 10.00am and 4.00pm from 1<sup>st</sup> November to 31<sup>st</sup> March (both dates inclusive) during which time this public beach shall be a prohibited area”.*

Committee discussed two proposed amendments from the Mayor with the aide of maps provided by administration. Committee noted that the current northern boundary of the Town and dog beach backed onto the City of Nedlands dog beach area. Committee also agreed to vote on each amendment separately.

#### AMENDMENT

Moved Mayor Morgan, seconded Cr Strzina

2. (b) amending clause 4.2 (1) by;

(i) replacing the reference to Lot 67 with Lot 24 (i.e. moving the southern boundary north one access path from 182 Little Marine Parade to 200 Marine Parade).

Carried 3/2

#### AMENDMENT

Moved Mayor Morgan, seconded Cr Strzina

2. (b) amending clause 4.2 (1) by;

(ii) deleting the following words after the word “municipality” – “except between the hours of 10.00am and 4.00pm from 1<sup>st</sup> November to 31<sup>st</sup> March (both dates inclusive) during which time this public beach shall be a prohibited area”.

Carried 5/0

#### AMENDMENT

Moved Mayor Morgan, seconded \_\_\_\_\_

That a new part (6) be added to the recommendation to read;

6. That after the amended local law is gazetted, Council enforce the prohibition of people being permitted to take dogs to prohibited areas and that leashes should be used when walking dogs outside of exercise areas.

THE MOTION LAPSED FOR WANT OF A SECONDER.

#### COMMITTEE RECOMMENDATION

Moved Mayor Morgan, seconded Cr Strzina

**THAT COUNCIL:**

- 1. Receive the submissions relating to amendments to the Dogs Local Law from members of the community made during the period of public advertising.**
- 2. In accordance with s3.12(4) of the Local Government Act 1995, ADOPT the Dog Local Law 2011, subject to;**

- (a) various minor amendments provided by the Department of Local Government as 'marked up' on the attachment to the report.
  - (b) amending clause 4.2(1) by;
    - (i) replacing the reference to "Lot 67" with "Lot 24" (i.e. moving the southern boundary north one access path from 182 Little Marine Parade to 200 Marine Parade); and
    - (ii) deleting the following words after the word "municipality" – "except between the hours of 10.00am and 4.00pm from 1<sup>st</sup> November to 31<sup>st</sup> March (both dates inclusive) during which time this public beach shall be a prohibited area".
3. In accordance with s3.12(5), PUBLISH the local law in the Government Gazette and SEND a copy to the Minister for Local Government;
4. After Gazettal, in accordance with s3.12(6), GIVE local public notice:
- a. Stating the title of the local law;
  - b. Summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
  - c. Advising that copies of the local law may be inspected or obtained from the Town Administration and website.
5. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 7 November 2005, PROVIDE a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and the Chief Executive Officer to the WA Parliamentary Joint Standing Committee on Delegated Legislation.

#### AMENDMENT

Moved Cr Walsh, seconded Cr Goldthorpe

That part 2b(i) in the Committee Recommendation be deleted.

Carried 5/4

#### COUNCIL RESOLUTION

##### THAT COUNCIL:

1. Receive the submissions relating to amendments to the Dogs Local Law from members of the community made during the period of public advertising.
2. In accordance with s3.12(4) of the Local Government Act 1995, ADOPT the Dog Local Law 2011, subject to;
  - (a) various minor amendments provided by the Department of Local Government as 'marked up' on the attachment to the report.
  - (b) amending clause 4.2(1) by deleting the following words after the word "municipality" – "except between the hours of 10.00am and

4.00pm from 1<sup>st</sup> November to 31<sup>st</sup> March (both dates inclusive) during which time this public beach shall be a prohibited area”.

3. In accordance with s3.12(5), PUBLISH the local law in the Government Gazette and SEND a copy to the Minister for Local Government;
4. After Gazettal, in accordance with s3.12(6), GIVE local public notice:
  - a. Stating the title of the local law;
  - b. Summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
  - c. Advising that copies of the local law may be inspected or obtained from the Town Administration and website.
5. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 7 November 2005, PROVIDE a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and the Chief Executive Officer to the WA Parliamentary Joint Standing Committee on Delegated Legislation.

**AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 8/1**



**11.1.2 CARBON NEUTRAL: 2009/2010 BASELINE CARBON INVENTORY**

**File No:** SUB/988  
**Attachments:** [Town of Cottesloe Carbon Inventory Report June 2011](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Elizabeth Lowrey  
Sustainability Officer  
**Proposed Meeting Date:** 21 June 2011  
**Author Disclosure of Interest** Nil

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**SUMMARY**

In February 2010 Council unanimously resolved to follow a four-step process to achieve carbon neutrality as soon as practicable, and before 2015. This report is to advise Council that a baseline inventory has been completed for the Town for the period between 1 July 2009 and 30 June 2010. Attached is the Town of Cottesloe's Carbon Inventory Report (June 2011).

This report recommends that Council note the completion of the baseline carbon inventory as a commitment towards becoming carbon neutral and achieving Step 1 of the carbon neutral process.

**BACKGROUND**

Carbon neutral means reducing net greenhouse gas emissions to zero. The terms carbon and carbon emissions have been used in the media as a shorthand way of referring to all greenhouse emissions that are contributing to the enhanced global warming or climate change process. Greenhouse emissions are made up of a number of greenhouse gases in addition to carbon dioxide, each adding different levels of warming to the atmosphere. For example, the greenhouse warming contribution of a tonne of methane is equivalent to approximately 21 tonnes of carbon dioxide. The main greenhouse gases are: Carbon dioxide, Methane, Nitrous dioxide and Fluorocarbons.

To capture the effects of all of these greenhouse gases on global warming a carbon dioxide equivalence (CO<sub>2</sub>-e) is used as a standard measure that takes account of the different global warming potentials of greenhouse gases and expresses the cumulative effect in a common unit (Department of Climate Change 2010). Hence the term "carbon neutral" applies when all of the measured cumulative greenhouse gases from an organisation are avoided, reduced or offset to a point where the net emissions are equal to zero. The four step process to achieve carbon neutrality for the Town include the following:

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

## STRATEGIC IMPLICATIONS

### Objective 5: Infrastructure

*To maintain infrastructure and Council buildings in a sustainable way.*

The Carbon Neutral project may have implications for Council infrastructure. These changes are likely to fit with the Town's strategic sustainability objectives under Section 4 of the *Future Plan*. The Plan promotes the use of renewable energy over energy produced from traditional coal burning methods, which reduces greenhouse gas emissions and the contribution to global warming.

## STATUTORY ENVIRONMENT

None known.

## FINANCIAL IMPLICATIONS

Resource requirements for beginning Step 2 and producing a Carbon Reduction Strategy or Action Plan are within the existing budgetary and staffing allocations.

After a Carbon Reduction Plan has been developed capital investment to implement projects may be required in future years. The Sustainability Officer will actively seek any external grants available to help implement carbon reduction activities.

## SUSTAINABILITY IMPLICATIONS

Local Governments face the challenge of adapting to climatic change and protecting their infrastructure, whilst keeping communities safe. As such, the Town of Cottesloe aims to show leadership by striving to reduce greenhouse gas emissions while continuing to provide essential services and operations.

## PURCHASING

### **1. *Buying local and supporting local produce.***

*The Town support local produce and the carbon neutral project has been implemented by using local consultants and expertise where possible.*

### **2. *Buying from organisations that have an environmental accreditation.***

*Only accredited products will be used to implement the carbon neutral project, unless there is a justified reason that would be transparently reported through Council.*

## CONSULTATION

External consultation has occurred between the Sustainability Officer and Greensense Pty Ltd; the City of Fremantle's Sustainability Officer; and WALGA's Climate Change Coordinator to complete the baseline inventory. The Sustainability Officer has also completed a Carbon Accounting Course through Swinburne University for professional development to complete the inventory report.

Internal consultation occurred between senior staff and the Sustainability Officer in a workshop that was facilitated by Greensense Pty Ltd to determine appropriate boundaries for the Town's carbon inventory.

### **STAFF COMMENT**

The Town is progressing towards becoming carbon neutral as a result of completing this baseline inventory. The recommendations provided within the attached report, and shown below, outline how the Town must prepare to address Step 2 of the carbon neutral process. Step 2 will involve considering the carbon reduction options available and determining what will best suit the lifestyle and culture in Cottesloe.

Below are the recommendations from the Carbon Inventory Report (June 2011):

1. The carbon inventory report will be submitted to Council by July 2011.
2. The carbon inventory report will be published on the Town's website by August 2011 as a commitment towards becoming carbon neutral and achieving Step 1 of the carbon neutral process.
3. A workshop will be held for elected members and senior staff by August 2011 to set carbon reduction targets and discuss options to proceed with Step 2 of the agreed carbon neutral process.
4. Following from the workshop a Carbon Reduction Strategy will be developed for the Town to achieve reduction targets, including carbon neutrality as soon as practicable, and before 2015. The Carbon Reduction Strategy or Action Plan will be finalized by December 2011.
5. Future annual inventories will be prepared each year by May and will be published on the Town's website by August of the same year.
6. Bi-annual verification will be sought for inventories after carbon neutrality has been claimed, in accordance with the recommendations set out in National Carbon Offset Standard (NCOS) (2010).

### **VOTING**

Simple Majority

### **OFFICER & COMMITTEE RECOMMENDATION**

**Moved Mayor Morgan, seconded Cr Strzina.**

**THAT Council note the completion of the baseline carbon inventory as a commitment towards becoming carbon neutral and achieving Step 1 of the carbon neutral process.**

### **AMENDMENT**

**Moved Cr Rowell, seconded Cr Cunningham**

**That the words "and achieving Step 1 of the carbon neutral process" after the words "carbon neutral" be deleted.**

**Lost 1/8**

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**THAT Council note the completion of the baseline carbon inventory as a commitment towards becoming carbon neutral and achieving Step 1 of the carbon neutral process.**

**THE SUBSTANTIVE MOTION WAS PUT**

**Carried 8/1**

**11.1.3 LOCAL GOVERNMENT AMENDMENT (REGIONAL SUBSIDIARIES) BILL  
2010**

**File No:** SUB/793-02  
**Attachments:** [Letter to Mayor from Hon Max Trenorden MLC](#)  
[Letter to CEO from Hon Max Trenorden MLC](#)  
[Letter to CEO from Ricky Burgess CEO WALGA](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer  
**Proposed Meeting Date:** 21 June 2011  
**Author Disclosure of Interest** Nil

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**SUMMARY**

Correspondence addressed to both the Mayor and CEO from the Hon Max Trenorden MLC, Member for the Agricultural Region, has been received advising of the introduction of his private members bill. A copy of the bill and second reading speech is attached to the letter to the CEO. Subsequent correspondence from the CEO of WALGA in relation to this matter has also been received. According to Mr Trenorden the intent of the Bill is to bring flexibility to the Local Government Act in order to provide a mechanism for further debate to continue local government reform.

This report recommends that Council support the Local Government (Regional Subsidiaries) Bill 2010 and advise both the Minister for Local Government and Member for Cottesloe accordingly.

**BACKGROUND**

Local Government reform was formally placed on the agenda by the Minister for Local Government in February 2009 and Council's position has been made clear with its most recent report and resolution being in August 2010.

A number of consultant reports previously considered by Council include and acknowledge the possibility and benefit of the Regional Subsidiaries model. According to Anne Banks McAllister in her report "A Model for Regional Cooperation and Resource Sharing in the Western Suburbs" she states;

***South Australian Regional Subsidiary Model***

*While Dollery evaluated several models for regional cooperation (ad hoc, regional organisations, area-integration or joint board, virtual, agency and amalgamated) he did not consider the Regional Subsidiary Model available under the South Australian Local Government Act 1999. Both Douglas and Gilfellon have reviewed this model and recommend it as an option for Western Australia, subject to legislative change.*

*Due to the interest in this model in Western Australia it is useful to provide more detail here about its structure and operation. However, it must be*

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*pointed out that this model is not currently available in Western Australia but could be something that WESROC further considers advocating for.*

*According to Douglas, the benefits of the regional subsidiary model are:*

- 1. Regulatory and compliance burdens are light, especially compared to those imposed on local governments in Western Australia.*
- 2. Much of the regulation is left to individual charters. This means that charters do not require legislative intervention and regional subsidiaries can be flexible in their approaches depending on their needs.*
- 3. There is a focus on reporting and accountability by the regional subsidiary to its constituent councils, rather than to the Department or the Minister.*
- 4. The entity is subject to the joint direction and control of its constituent members.*
- 5. The entity is enabled by a Charter to deal with the proceedings as a Board of Management, rather than the general proceedings required of a council under the Act.*

*Douglas concludes by noting that WA local government legislation needs to be changed to enable regional subsidiaries, which he doesn't believe can be achieved by amendments to the regulations of the Act.*

*Under the South Australian legislation (Appendix A), two or more councils may establish a regional subsidiary –*

- (a) To provide a specified service or services to carry out a specified activity or activities;*
- (b) To perform a function of the councils under this or another Act*

*The establishment of a regional subsidy is subject to Ministerial approval but does not remove any powers from a constituent council. Under Schedule 2 of the Act a regional subsidiary:*

- Is a body corporate*
- Has the name assigned to it by its Charter (Constitution)*
- Has the powers, functions and duties specified in its charter*
- Holds its property on behalf of the constituent councils*

*The Southern and Hills Local Government Association (S&HLGA) was established in 2003 and consists of six regional local government associations in non-metropolitan South Australia and was constituted under the Regional Subsidiary provisions of the Act. The constituent councils are the Adelaide Hills Council, Alexandrina Council, the Barossa Council, Kangaroo Island Council, District Council of Mt. Barker, Rural City of Murray Bridge, City of Victor Harbour and the District Council of Yankalilla. The Association's Charter aims to:*

- 1. Provide leadership and advocacy on regional issues*
- 2. Encourage and promote the interests of an autonomous and democratic system of Local Government*

3. *Plan at a regional level when determining the needs of communities*
4. *Promote cooperation to achieve efficient and effective delivery of services which meet the needs of communities*
5. *Support and develop financial and economic well being of the community which is sustainable*

*Collectively the eight councils have a population of 140, 668 (2003).*

*S&HLGA is governed by an Executive Committee which meets bi-monthly and delegates are generally the Mayor and Chief Executive Officer of each Council. Meetings are rotated between councils and provide a regional forum for speakers on topical issues. The Association has the following technical working parties/committees, members drawn from the technical staff of each constituent council:*

- Roads Working Party*
- Natural Resource Management Committee*
- CEO's Forum (informal, bi-monthly on alternate months to the Executive Committee)*

*Under the Association's Charter, subscriptions are paid by constituent councils on an equal amount. The Association engages the services of an Executive Officer under a contract services agreement.*

*The Association has a Strategic Plan and Business Plan which focuses on the following objectives:*

- 1. To achieve a high level of cooperation between member councils within the region*
- 2. To promote the Southern & Hills Local Government Association*
- 3. To be an advocate on regional issues for member councils*
- 4. To support sustainable regional economic development*
- 5. To improve transport infrastructure*
- 6. To access funds as a region*

*The Murray and Mallee Local Government Association was also established as a regional subsidiary under the provisions of the SA Local Government Act 1999. The Association is comprised of eight local government authorities (Berri Barmera, Coorong, Karoonda East Murray, Loxton Waikerie, Mid Murray, Murray Bridge, Renmark Paringa and Southern Mallee). A copy of the Association's Charter is attached as an example at Appendix B.*

Correspondence recently received from the Chief Executive Officer of the Western Australian Local Government Association (WALGA) states;

*"the Association has supported the concept encapsulated in this Bill for a number of years and is therefore advocating for these and other amendments to the Act. The Association's formal policy position is to support a range of reforms and amendments to the Act to allow Local Governments to enter into a broad range of regional service delivery and collaboration options, on of which is the regional subsidiary model proposed by this Bill.*

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*The Association is also strongly advocating for Local Governments to be able to establish Local Government Enterprises (arms length corporate subsidiaries) and for compliance requirements and bureaucracy to be reduced for Formal Regional Councils.”*

## **STRATEGIC IMPLICATIONS**

Objective 1: To Protect and enhance the lifestyle of residents and visitors

Objective 4: To manage development pressures

Objective 7: To effectively manage Council’s resources and work processes

The potential strategic implications of local government reform are significant. Whilst Council has a Future Plan for the period 2006 – 2010 and has endorsed action plans through the budget process to achieve its goals, any future strategic planning and subsequent actions will need to address the issue of structural reform.

The announcement by the Minister for Local Government in relation to reform strategies has brought into sharp focus the need for the Town to consider its position. Any significant change to existing boundaries or an amalgamation will require a complete review of all strategic and financial plans and priorities and this could be achieved, in part, through a combination of joint business plans and agreements or using a regional subsidiary model to deliver services.

## **POLICY IMPLICATIONS**

None Known

## **STATUTORY ENVIRONMENT**

The proposed amendments to the Local Government Act 1995 (refer to attached Bill) include Section 1.4, Section 3.60, Part 3 Division 4 heading, Section 3.68 and a new proposed Section 3.69:

*3.60. No capacity to form or acquire control of body corporate*

A local government cannot form or take part in forming, or acquire an interest giving it the control of, an incorporated company or any other body corporate except a regional local government unless it is permitted to do so by regulations.

## **FINANCIAL IMPLICATIONS**

None Known

## **SUSTAINABILITY IMPLICATIONS**

None Known



**CONSULTATION**

In June 2011 the Hon Max Trenorden MLC, Member for the Agricultural Region, was invited to meet with the Mayors of Cottesloe, Claremont, and Mosman Park and Shire President of Peppermint Grove, together with the respective Chief Executive Officers in relation to his proposed Bill.

**STAFF COMMENT**

A number of officer reports have been prepared and received by Council since the Minister's announcement in February 2009. In addition a number of consultant reports have also been provided including:

- Western Australian Local Government Association (WALGA) "Systemic Sustainability Study: In Your Hands - Shaping the Future of Local Government in Western Australia" and Draft Report *The Journey: Sustainability into the Future*
- Dollery Report "Rising to the Challenge: Reform Options for the Western Suburbs"
- Anne Banks McAllister report "A Model for Regional Cooperation and Resource Sharing in the Western Suburbs"
- Price Waterhouse Coopers (PWC) report "Western Suburbs Structural Reform Options".

The proposed amendments to the Local Government Act have the support of WALGA and provides for an increased suite of options for each local government in terms of reform. The proposed amendments appear to have no negative impacts upon the operation of the current Act and may create additional opportunities for Council and its partners to explore an alternative model for regional shared services whilst preserving the integrity of Council as an established representative local government authority.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Strzina**

**THAT Council**

- 1. Support the Local Government Amendment (Regional Subsidiaries) Bill 2010.**
- 2. Advise both the Minister for Local Government and Member for Cottesloe of that support.**

**Carried 9/0**

**11.1.4 COTTESLOE COUNCIL NEWS - POLICY REVIEW**

**File No:** POL/6  
**Attachments:** [Policy\\_Cottesloe Council News](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer

**Proposed Meeting Date:** 21 June 2011  
**Author Disclosure of Interest** Nil

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**SUMMARY**

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

**BACKGROUND**

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

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Minor wording changes to an existing policy.

**STATUTORY ENVIRONMENT**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

This policy has been reviewed to ensure it is relevant to the Town of Cottesloe's current working environment. Minor changes are recommended to be made to this policy at this time, as per the attachment.

**VOTING**

Simple Majority

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**OFFICER RECOMMENDATION**

THAT Council adopt the updated Policy on Cottesloe Council News as per attached.

**COMMITTEE DISCUSSION**

Committee discussed the report and officer recommendation and noted that the attached amended policy did not highlight the changes made by officers and determined to refer the matter direct to Council with the CEO to include a “marked up” version of the proposed policy with the Council agenda.

**COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Strzina**

**THAT Council adopt the updated Policy on Cottesloe Council News as per attached.**

**Carried 9/0**

**11.1.5 LEGAL PROCEEDINGS - POLICY REVIEW**

**File No:** POL/12  
**Attachments:** [Policy Legal Proceedings](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer

**Proposed Meeting Date:** 21 June 2011  
**Author Disclosure of Interest** Nil

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**SUMMARY**

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

**BACKGROUND**

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

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

No change

**STATUTORY ENVIRONMENT**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

This policy has been reviewed to ensure it is relevant to the Town of Cottesloe's current working environment. Minor changes are recommended to be made to this policy at this time, as per the attachment.

**VOTING**

Simple Majority

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**OFFICER RECOMMENDATION**

THAT Council adopt the updated Policy on Legal Proceedings as per attached.

**COMMITTEE DISCUSSION**

Committee discussed the report and officer recommendation and noted that the attached amended policy did not highlight the changes made by officers and determined to refer the matter direct to Council with the CEO to include a “marked up” version of the proposed policy with the Council agenda.

An Amendment to Motion from Cr Boland in relation to item 11.1.5 was circulated to all members and tabled at the meeting. Cr Boland made a number of proposed changes to the policy.

**AMENDMENT**

**Moved Cr Boland, seconded \_\_\_\_\_**

**That Council note and endorse the additional changes to the policy as per the attached document.**

**THE MOTION LAPSED FOR WANT OF A SECONDER**

**COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Woodhill**

**That the matter be referred back to administration for Committee consideration at the July Meeting.**

**Carried 9/0**

**11.1.6 REGIONAL COOPERATION - POLICY REVIEW**

**File No:** POL/3  
**Attachments:** [Policy Regional Cooperation](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer

**Proposed Meeting Date:** 21 June 2011  
**Author Disclosure of Interest** Nil

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**SUMMARY**

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

**BACKGROUND**

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

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

No change

**STATUTORY ENVIRONMENT**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

This policy has been reviewed to ensure it is relevant to the Town of Cottesloe's current working environment. Minor changes are recommended to be made to this policy at this time, as per the attachment.

**VOTING**

Simple Majority

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**OFFICER RECOMMENDATION**

THAT Council adopt the updated Policy on Regional Cooperation as per attached.

**COMMITTEE DISCUSSION**

Committee discussed the report and officer recommendation and noted that the attached amended policy did not highlight the changes made by officers and determined to refer the matter direct to Council with the CEO to include a “marked up” version of the proposed policy with the Council agenda.

**COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Strzina**

**That the matter be referred back to administration for Committee consideration at the July Meeting.**

**Carried 9/0**

**11.1.7 LITTLE MARINE PARADE - DAMAGE TO COASTAL VEGETATION**

**File No:** SUB/472  
**Attachments:** [Letter and photos of damaged vegetation](#)  
[Plan of site vegetation damage](#)  
[Street tree policy](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
**Proposed Meeting Date:** 21 June 2011  
**Author Disclosure of Interest** NIL

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**SUMMARY**

A complaint has been received from a resident in Little Marine Parade regarding damage done by unknown persons, to a clump of Rottnest Island Tee trees at the mouth end of Little Marine Parade. The request is for a sign to be installed and new trees planted, plus the 'culprits' be prosecuted for vandalism.

The recommendation is that Council:

- Arrange the planting of several semi mature Rottnest Island Tee trees in front of the vandalised Tee trees on the road verge between Little Marine Parade and Marine Parade adjacent to 190 Little Marine Parade, with all damaged existing trees to remain until the new trees have replaced the vegetation killed by recent vandalism.
- Inform the applicant of Council's decision on this matter.
- Send letters to adjacent or affected properties to request that they monitor the new plantings and inform Council staff of any damage.

**BACKGROUND**

These trees grow on the Marine Parade road reserve, and have grown there for many years. The photo's supplied show saw cuts on several branches. There is no definite evidence that poison has been applied. Not all of the tree group have been damaged or killed but the damage is concentrated on the mouth side of the group.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Council Street Tree policy applies.

**STATUTORY ENVIRONMENT**

Legal action is possible if proof was available regarding the people who caused the damage. No proof is currently available.

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**FINANCIAL IMPLICATIONS**

If Council resolves to plant more trees the cost will be less than \$500. If a sign is to be erected the cost could be substantial, depending on the sign and the wind bracing required in this exposed location.

**SUSTAINABILITY IMPLICATIONS**

This clump of vegetation occupies a very obvious location on Marine Parade and should be protected. Any removal or death by vandalism should be prevented and replacement undertaken if required.

**CONSULTATION**

Nil

**STAFF COMMENT**

The trees have certainly been damaged, however who damaged them is unknown and no proof has been provided or found on site. Similar types of vandalism have occurred in various locations of Cottesloe over the years. The suggested sign could be installed but would have to be solid, with good wind bracing. It would not be aesthetic in nature and could also suffer graffiti or vandalism. An alternative would be to plant semi mature Rottnest Island Tee trees in front of the damage clump, with the dead material only being removed when the new trees have covered the same view area. These new trees could be given more protection than normal street trees.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

Moved Mayor Morgan, seconded Cr Strzina

**THAT COUNCIL:**

1. Arrange the planting of several semi mature Rottnest Island Tea trees in front of the vandalised Tea trees on the road verge between Little Marine Parade and Marine Parade adjacent to 190 Little Marine Parade, with all damaged existing trees to remain until the new trees have replaced the vegetation killed by recent vandalism.
2. Inform the applicant of Council's decision on this matter.
3. Send letters to adjacent or affected properties to request that they monitor the new plantings and inform Council staff of any damage.

**AMENDMENT**

Moved Cr Boland, seconded \_\_\_\_\_

That a new part (4) be added to state;

4. Arrange installation of a sign on site until re-growth occurs and the new trees have replaced the vegetation killed by recent vandalism.

The motion lapsed for want of a seconder.

AMMENDMENT

Moved Mayor Morgan, seconded Cr Strzina

That Committee amend point (3) to include the following words after the word “damage”- “noting that if the problem persists, consideration may be given to erecting a sign on site until vegetation re-grows”.

Carried 5/0

**COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

**THAT COUNCIL:**

- 1. Arrange the planting of several semi mature Rottnest Island Tea trees in front of the vandalised Tea trees on the road verge between Little Marine Parade and Marine Parade adjacent to 190 Little Marine Parade, with all damaged existing trees to remain until the new trees have replaced the vegetation killed by recent vandalism.**
- 2. Inform the applicant of Council’s decision on this matter.**
- 3. Send letters to adjacent or affected properties to request that they monitor the new plantings and inform Council staff of any damage, noting that if the problem persists, consideration may be given to erecting a sign on site until vegetation re-grows.**

Carried 9/0

**11.1.8 REQUEST FOR REMOVAL OF STREET TREES, 13 & 15 CONGDON ST,  
COTTESLOE**

**File No:** PRO/786  
**Attachments:** [Copy of letter requesting removal](#)  
[Plan of site 13 and 15 Congdon Street Cottesloe](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
**Proposed Meeting Date:** 21 June 2011  
**Author Disclosure of Interest** Nil

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**SUMMARY**

A request has been received from the owners of 13 Congdon Street on their own behalf and that of their neighbours at 15 Congdon Street. The request is for a total of three large old Sheoak street trees to be removed due to the root invasion and damage being done by roots in their property(s) and on the public footpath.

The recommendation is that Council:

- Agrees to remove three large Sheoak trees fronting 13 and 15 Congdon Street and replace them with WA Peppermint trees.
- Inform the applicant of the decision made in regards to this matter.

**BACKGROUND**

The three large Sheoaks have been pruned many times. There is evidence of root damage to adjacent kerbs and road surfacing. Depot staff have reset concrete slabs at regular intervals on the footpath beside the trees. In 2010, an overseas visitor was hospitalised due to injuries caused by slabs being lifted by root growth causing a trip problem. From the footpath, there is evidence of root damage within the private property, as covered in the applicant's letter.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Councils' Street Tree Policy applies.

**STATUTORY ENVIRONMENT**

Nil

**FINANCIAL IMPLICATIONS**

Normal street tree removals and replacement are covered within Council's annual allocation for all costs relating to street tree maintenance.

**SUSTAINABILITY IMPLICATIONS**

Council owns several thousand street trees, a number of which are removed each year for various reasons. These removed trees are normally replaced with new young trees chosen for their applicability as street trees. Therefore there is an ongoing sustainability issue regarding Council stock of street trees.

**CONSULTATION**

Nil

**STAFF COMMENT**

The trees have reached a condition and stage where they are causing a variety of problems that can only get worse as they age. Removal is recommended and replacement with an alternative species such as Peppermints.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

Moved Mayor Morgan, seconded Cr Rowell

THAT COUNCIL:

1. Agree to remove three large Sheoak trees fronting 13 and 15 Congdon Street and replace them with WA Peppermint trees.
2. Inform the applicant of the decision made in regards to this matter.

**AMMENDMENT**

Moved Cr Cunningham, seconded Mayor Morgan

That the first 3 words of item (1) be replaced with the following words "Defer consideration of the removal of the" and that part (2) be re-numbered part (3), with a new part (2) stating "Obtain a report from an Arborculturalist as to the alleged problems the trees are causing and provide an independent recommendation on potential solutions including whether the trees should be removed".

Carried 4/1

**COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

THAT COUNCIL:

1. **Defer consideration of the removal of the three large Sheoak trees fronting 13 and 15 Congdon Street and replace them with WA Peppermint trees.**
2. **Obtain a report from an Arborculturalist as to the alleged problems the trees are causing and provide an independent recommendation on potential solutions including whether the trees should be removed.**
3. **Inform the applicant of the decision made in regards to this matter.**

Carried 9/0

**11.1.9 PROPOSAL FOR EARTHWORKS AT GRANT MARINE PARK,  
COTTESLOE**

**File No:** SUB/232  
**Attachments:** [Copy of letter requesting changes](#)  
[Plan of site Grant Marine Park](#)  
[Copy of letter from Cottesloe Coastcare](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Geoff Trigg  
Manager Engineering Services  
**Proposed Meeting Date:** 21 June 2011  
**Author Disclosure of Interest** NIL

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**SUMMARY**

A request has been received from a Hamersley Street resident for a high point within the Grant Marine Park (originally created from demolition rubble) to be removed and the lowered area replanted. This work could be done in conjunction with remedial works required on the north side of 166 Marine Parade.

The recommendation is that Council:

- Take no action on the proposal to undertake earthworks on Grant Marine Park to remove a high point for improvement of views.
- Inform the applicant of Council decision on this matter.
- Thank Cottesloe Coastcare for their comments relating to this issue and inform that organisation of Council's decision on the matter.

**BACKGROUND**

The applicant and his neighbour own 17 and 19 Hamersley Street. Buildings being built on 164 and 166 Marine Parade immediately in front of the Hamersley Street properties, will have a negative impact on westerly views from Hamersley Street.

Trees growing on the elevated positions on the south side of Grant Marine Park are now high enough to also block views to the north west.

Apparently levels were changed on Grant Marine Park many years ago by the use of demolition rubble then sand cover prior to the current replanting of the park with native vegetation.

Reinstatement works will take place on the north side of 166 Marine Parade in the next few months by the builder to repair the damaged edge of the park caused by early house earthworks. The proposal is suggested that the manmade high point could be removed at the same time.

**STRATEGIC IMPLICATIONS**

In Council Future Plan 2006-2010, Objective 3 is "Enhance beach access and the foreshore". Under this heading, two major strategies are "3.1 – Develop the

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'Foreshore Vision and Master Plan' in consultation with the community", plus "3.2 - Improve beach access and dune conservation outside the central foreshore zone".

These strategies could apply to Grant Marine Park.

### **POLICY IMPLICATIONS**

There are no specific policies that apply to this area, however Council has adopted a Natural Area Management Plan for all of its natural vegetation reserves, including Grant Marine Park. This plan places a high value on the native species section of the park and does not include any proposal for major earthworks changes.

### **STATUTORY ENVIRONMENT**

Nil

### **FINANCIAL IMPLICATIONS**

Substantial unbudgeted costs would apply to any large scale earthworks on Grant Marine Park, for the actual removal of material, reshaping and replanting. A cost of over \$100,000 is estimated.

### **SUSTAINABILITY IMPLICATIONS**

The protection of existing native vegetation in Cottesloe has important environmental and sustainability priorities. Rare species protection, removal of weed species and the replanting or enhancement of remnant vegetation has been a Council commitment for many years.

### **CONSULTATION**

Nil, apart from requesting a comment from Cottesloe Coastcare. Grant Marine Park is well known in Cottesloe and any proposal to reshape part of the park should be advertised for public comment, if such works are to be realistically considered.

### **STAFF COMMENT**

The existing shape of Grant Marine Park, including native vegetation and high points, has been in place for many years. Any substantial change involving earthworks and reshaping would be seen as a major event which required public advertising and Community comment. In recent years, Cottesloe Coastcare has invested heavily in this site to bring it up to the current condition. Coastcare's letter of comment is included in the attachments, and is totally against any reshaping works.

There is an issue regarding 166 Marine Parade, where additional clearing and earthworks took place during house construction. Discussions with the builder have taken place, with a commitment that all required reinstatement of a narrow strip of Grant Marine Park opposite that building site will take place, at the builders cost, to Council requirements.

### **VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

Moved Mayor Morgan, seconded Cr Boland  
THAT COUNCIL:

1. Take no action on the proposal to undertake earthworks on Grant Marine Park to remove a high point for improvement of views.
2. Inform the applicant of Council decision on this matter.
3. Thank Cottesloe Coastcare for their comments relating to this issue and inform that organisation of Council's decision on the matter.

**COMMITTEE DISCUSSION**

Committee discussed the report at length and commented on the history of the site, its current state and the need for further rehabilitation. There was recognition of the site's topography and ground condition, as well as the good work of Coastcare over a number of years to re-plant. There was also acknowledgement of the offered contribution by Mr Wise to assist in its rehabilitation, including the removal of non-native plants. Comments were also made in relation to earthworks not being considered and acceptance that if the NAMP is not definitive in the site's rehabilitation, that a plan be created, inclusive of the need to use local native flora. The plan should also make clear the cost of any proposed works as Council currently has no funds set aside for this purpose in the next 12 months.

**AMMENDMENT**

Moved Mayor Morgan, seconded Cr Cunningham

That a new part (4) be added to the recommendation as follows;

4. Welcome any private funding contributions to facilitate the implementation of the Natural Areas Management Plan (NAMP) in this locality and reaffirm that any work, including clearing, at this site can only be carried out by Council and / or Coastcare.

Carried 4/1

**COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

THAT COUNCIL:

1. Take no action on the proposal to undertake earthworks on Grant Marine Park to remove a high point for improvement of views.
2. Inform the applicant of Council decision on this matter.
3. Thank Cottesloe Coastcare for their comments relating to this issue and inform that organisation of Council's decision on the matter.
4. Welcome any private funding contributions to facilitate the implementation of the Natural Areas Plan (NAMP) in this locality and reaffirm that any work, including clearing, at this site can only be carried out by Council and / or Coastcare.

Carried 9/0

**11.1.10 ADOPTION OF 2011/2012 BUDGET**

**File No:** SUB/140  
**Attachments:** [Town of Cottesloe Budget 2011 2012](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Mathew Humfrey  
Manager of Corporate and Community Services

**Proposed Meeting Date:** 21 June 2011  
**Author Disclosure of Interest** Nil

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**SUMMARY**

A recommendation is made to adopt the draft 2011/12 budget.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

Section 6.2 of the Local Government Act 1995 provides the following:-

**6.2. LOCAL GOVERNMENT TO PREPARE ANNUAL BUDGET**

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

*\* Absolute majority required.*

- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
    - (a) the expenditure by the local government;
    - (b) the revenue and income, independent of general rates, of the local government; and
    - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
  - (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.
  - (4) The annual budget is to incorporate —
-



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

### **FINANCIAL IMPLICATIONS**

The budget sets the direction for the next financial year.

### **SUSTAINABILITY IMPLICATIONS**

Nil

### **CONSULTATION**

In accordance with the Local Government Act 1995, the intention to raise Differential Rates was advertised in the West Australian, the Post and Cottesloe News (June Edition) as well as on the Council's website. This notice contained the level of rating as well as the characteristics that would be used to determine the differential rate. No public submissions were received.

Submissions were also called for from community groups wishing to receive a donation from Council in the 2011/2012 financial year. A summary of the requests can be seen in the table on page 35 of the Budget (attached).

There have been three workshops with Elected Members in which the information provided from senior staff and public submissions have been considered. Through this process the Budget has been prepared and is now presented for consideration.

**STAFF COMMENT**

The 2011 / 2012 Budget has been prepared in consultation with Council and with input from senior staff. Allowances have been made in the budget to;

- Ensure that infrastructure is being maintained to a high standard
- Infrastructure replacement programs continue as planned
- Plant and equipment is replaced at the optimal time.

The Local Government sector is still experiencing significant increases in cost, with the Local Government Cost Index (LGCI) forecast to be as high as 4.5% in the 2011/2012 financial year. This includes increases in utilities, expected increases in staff costs as well as the materials and consumables used in every day operations. The 2011/2012 budget contains an overall rate increase of 4.95%. Given the expected increase in the LGCI of up to 4.5%, on top of cost increases already experienced, this is considered a modest rate increase.

This year also sees the introduction of differential rating. From the advertising conducted in accordance with the requirements for differential rating, no public submissions have been received. This means that a separate item in differential rating is no longer required, and the differential rates can be adopted with the remainder of the budget.

Since the final budget workshop, a minor change to the budget has been made administratively, being the inclusion of two requests for donations that appear to have been accidentally omitted during the initial application process. These are from the Cottesloe Community Childcare Centre and the Cottesloe Playgroup. Both requests are supported by Administration for approval of Council. The donations total \$5,500 and details can be found on page 35 of the budget document. This increases the total of donations to \$39,052.

The 2011/2012 financial year is also a revaluation year for Cottesloe. This means the Valuer General's Office (VGO) has revalued all of our gross rental value properties (GRV), which is a process that is repeated every 3 to 5 years. In effect this means that if the rate in the dollar was left as it was last year, rates would rise by more than 18%. In order to avoid this and to ensure only the required rate rise is achieved, a change to the rate in the dollar has been required.

The revaluation has another impact in that the rate rise people experience individually may not be 4.95%. Some people will experience slightly larger increases, some slightly smaller increases and others may experience a decrease. The difference will be caused by the amount that their property has been revalued by the VGO. In cases where people feel their revaluation is unfair, there is an appeal process through the VGO and information on this process will be supplied to residents upon request. It is important to note that the Council itself has no control over or input into the valuation process however staff can assist people with their appeals by providing information (such as assessment number and historical valuations) but Council is required to accept and use the valuations provided.

**VOTING**

Absolute Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

THAT Council

**(1) ADOPT THE 2011 / 2012 BUDGET**

- (a) for the financial year ending 30 June 2012;**
- (b) Adopt the Statement of Cash Flows for the financial year ending 30 June 2012;**
- (c) Endorse the Rate Setting Statement for the financial year ending 30 June 2012; and**
- (d) Endorse the Statement of Comprehensive Income (by nature and type) showing expenditure of \$10,441,420 and revenue of \$10,054,464 for the financial year ending 30 June 2012.**

**(2) ADOPTION OF RATE – SECTION 6.32 LOCAL GOVERNMENT ACT, 1995**

**(a) Differential General Rates**

Impose rates in the dollar on the gross rental value of all the rateable property within the Town of Cottesloe for the financial year ending 30 June 2012 as follows;-

- GRV – Residential Improved (RI) – 5.8929 cents in the dollar
- GRV – Residential Vacant (RV) – 5.8929 cents in the dollar
- GRV – Commercial Improved (CI) – 5.8929 cents in the dollar
- GRV – Commercial Town (CT) – 6.9654 cents in the dollar
- GRV – Industrial (II) – 5.8929 cents in the dollar

**(b) Minimum Rate**

Impose a minimum rate of \$890.00 for the financial year ending 30 June 2012.

**(c) Refuse Collection**

Include in the rate charge for residential properties:

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

Apply the following charges to residential properties for additional services:

- General rubbish – each additional service per week – 120 litre MGB - \$325.00 per annum (inclusive of GST),
- Recycling – each additional service per fortnight – 240 litre MGB – nil.

Apply the following charges to commercial properties:

General rubbish – one service per week – 240 litre MGB - \$325.00 per annum (inclusive of GST),

- Recycling – one service per fortnight – 240 litre MGB - \$135.00 per annum (inclusive of GST),
- Recycling – one service per week – 240 litre MGB - \$270.00 per annum (inclusive of GST).

(d) Administration Charge – Section 6.45(3) Local Government Act, 1995

Impose an administration charge of \$54.00 where payment of a rate or service charge is made by instalments, except that eligible pensioners will be excluded from paying the charge.

(e) Interest – Section 6.51 Local Government Act, 1995

Apply an interest rate of 11% per annum to rates and service charges levied in the 2011/12 financial year which remain unpaid after they become due and payable and where no election has been made to pay the rate or service charge by instalments.

(f) Rates Instalment Payment Option

Adopt the following rates instalment options:

Option 1

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

OR

Option 2

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

- First instalment due by 8<sup>th</sup> September, 2011
- Second instalment due by 17<sup>th</sup> November, 2011
- Third instalment due by 19<sup>th</sup> January, 2012

- Fourth instalment due by 22<sup>nd</sup> March, 2012.

**(3) INTEREST ON MONEY OWING – SECTION 6.13 LOCAL GOVERNMENT ACT, 1995**

That Council apply an interest rate of 11% per annum to any amount not paid within 35 days of the date of the issue of the account.

**(4) MEMBERS MEETING ATTENDANCE FEES – SECTION 5.99 LOCAL GOVERNMENT ACT, 1995**

That Council set an annual meeting attendance fee of \$5,000 for Council Members and \$10,000 for the Mayor.

**(5) MAYOR AND DEPUTY MAYORAL ALLOWANCE – SECTION 5.98 AND 5.98A LOCAL GOVERNMENT ACT, 1995**

That Council set a mayoral allowance of \$7,500 and set a deputy mayoral allowance of \$1,250.

**(6) TELECOMMUNICATIONS ALLOWANCE – SECTION 5.99A LOCAL GOVERNMENT ACT, 1995**

That Council set a telecommunication allowance of \$1,600 for elected members.

Carried 9/0

**11.1.11 STATUTORY FINANCIAL REPORTS FOR THE MONTH OF MAY 2011**

**File No:** SUB/137  
**Attachments:** [Financial Statements for the Period 1 July 2010 to 31 May 2011](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 21 June 2011  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the Statement of Financial Activity, the Operating Statements by Program and by Nature and Type, the Statement of Financial Position, and supporting financial information for the period ending 31 May 2011.

**BACKGROUND**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Statement of Financial Activity on page 1 of the Financial Statements shows favourable operating revenue of \$1,536,660. Of this amount, \$766,071 relates to grant funding for the new joint library building, \$261,542 relates to grant funding for the Civic Centre roof, and \$255,000 relates to developer contributions for cash in lieu of parking. Operating expenditure is \$206,084 or 2% less than budgeted year to date forecast.

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Capital expenditure on Furniture and Equipment is \$66,645 less than year to date budget due to some IT projects that have been deferred until 2011-2012. Capital expenditure on Land and Buildings is \$165,150 less than YTD budget, with the new Depot Facility project being placed on hold as possible future sites are investigated. The new joint library building is currently \$790,345 over budget however this is matched with corresponding grant funding as noted above.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Strzina**

**THAT Council receive the Statement of Financial Activity, Operating Statements by Program and by Nature and Type, Statement of Financial Position and other supporting financial information for the period ending 31 May 2011, as per the attached Financial Statements, as submitted to the 21 June 2011 meeting of the Works and Corporate Services Committee.**

**Carried 9/0**

**11.1.12 SCHEDULE OF INVESTMENTS AND LOANS AS AT 31 MAY 2011**

**File No:** SUB/150 & SUB/151  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 21 June 2011  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the Schedule of Investments and the Schedule of Loans for the period ending 31 May 2011, as per attachments, to Council

**BACKGROUND**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Schedule of Investments on page 17 of the Financial Statements shows that \$1,783,820.78 was invested as at 31 May 2011.

Reserve Funds make up \$730,549.65 of the total invested and are restricted funds. Approximately 42% of the funds are invested with the National Australia Bank, 29% with Westpac bank, 19% with Bankwest and 10% with Commonwealth Bank.



The Schedule of Loans on page 18 shows a balance of \$6,526,652.09 as at 31 May 2011. There is \$421,433.90 included in this balance that relates to self supporting loans.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Morgan, seconded Cr Strzina**

**THAT Council receive the Schedule of Investments and Schedule of Loans for the periods ending 31 May 2011. These schedules are included in the attached Financial Statements, as submitted to the 21 June 2011 meeting of the Works and Corporate Services Committee.**

**Carried 9/0**

**11.1.13 ACCOUNTS PAID FOR THE MONTH OF MAY 2011**

**File No:** SUB/137  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 21 June 2011  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the list of accounts paid for the period ending 31 May 2011 to Council, as per 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 commencing on page 9 of the Financial Statements has the following significant payments that are brought to your attention:

- \$15,593.48 & \$15,344.76 to WA Local Government Superannuation plan for superannuation contributions.
  - \$12,845.87 to BCITF for March 2011 deductions.
  - \$15,563.03 to the Australian Taxation Office for the April 2011 BAS.
  - \$207,187.42 & \$32,793.89 to the KMC Group for progress claims relating to works on the roof at the Civic Centre.
-

- \$14,212.00 & \$14,212.00 to Breac Pty Ltd consultancy services in the Corporate Services department.
- \$22,928.04 to Snap Printing for printing works relating to a mail out for LPS3.
- \$11,517.00 to Civica Pty Ltd for the annual software licence fees.
- \$16,684.60 to WMRC for station tipping fees.
- \$64,757.52 & \$64,838.94 for staff payroll.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Strzina**

**THAT Council receive the List of Accounts for the period ending 31 May 2011, as per the attached Financial Statements, as submitted to the 21 June 2011 meeting of the Works and Corporate Services Committee.**

**Carried 9/0**

**11.1.14 PROPERTY AND SUNDRY DEBTORS REPORT FOR MAY 2011**

**File No:** SUB/145  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 21 June 2011  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the Property and Sundry Debtors Report for the period ending 31 May 2011 to Council.

**BACKGROUND**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Sundry Debtors report on page 19 of the Financial Statements shows a balance of \$148,452.04 of which \$10,153.35 relates to the current month. The balance of aged debtors stood at \$138,298.69. Included in this amount is an outstanding lease payment of \$70,470.86, with payment being received for this debt on 10-06-2011.

Property Debtors are shown in the Rates and Charges analysis on page 20 of the Financial Statements and shows a balance of \$253,757.60. Of this amount \$188,918.33 and \$26,446.47 are deferred rates and outstanding ESL respectively. As can be seen on the Balance Sheet on page 4 of the Financial Statements, rates as a current asset are \$64,753 as compared to \$58,420 this time last year.

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**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Morgan, seconded Cr Strzina**

**THAT Council receive the Property and Sundry Debtors Report for the period ending 31 May 2011 at the meeting of the Works and Corporate Services Committee on 21 June 2011.**

**Carried 9/0**

**12 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****12.1 NOTICE OF MOTION – POTENTIAL IMPACT OF PEAK OIL**

(as attached to the Agenda)

The attached Notice of Motion has been received from Cr Birnbrauer. In accordance with Standing Orders 10. Notice of Motion: This has been included in the Council Agenda. As Cr Birnbrauer is an apology for the meeting, in accordance with Standing Orders 10.5 Motion to Lapse, Cr Birnbrauer has arranged for Cr Boland to move the recommendation below, on his behalf.

**NOTICE OF MOTION**

**Moved Cr Boland, seconded Cr Cunningham**

**That Council**

- 1. Request a report be prepared to examine the potential impacts of Peak Oil on (1) The Cottesloe Town Council, (2) Cottesloe Businesses, and (3) The Cottesloe community;**
- 2. That the report examine policies and practices of leading councils in addressing peak oil and report on their potential to be used for the benefit of the Town of Cottesloe.**
- 3. That staff report back to Council in September 2011.**

**Carried 7/2**

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

**14 MEETING CLOSURE**

At the closure of the meeting the Mayor acknowledged Mat Humfrey (Manager Corporate & Community Services) and Christy Watterson (Administration and Governance Officer) to their first Council meeting.

The Mayor announced the closure of the meeting at 9:05 PM

CONFIRMED MINUTES OF 27 JUNE 2011. PAGES 1 – 83 INCLUSIVE.

PRESIDING MEMBER: KEVIN MORGAN  
POSITION: MAYOR

.....  
DATE: ..... / ..... / .....