

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 October, 2014**

CARL ASKEW
Chief Executive Officer

7 November 2014

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

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

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Mayor acknowledge the large number of people at the meeting – and requested they bear with her as she would continue with her planned Announcements.

- The Mayor referred briefly to her recent trip to India, relating that her taxi driver en route to Calcutta Airport had by way of co-incidence pointed out the Calcutta Council building and proudly advised they had 1 Mayor, 187 councillors and 37,900 employees!
- She referred to the recent amalgamation announcement. The LGAB handed down recommendations which have all been accepted by the Minister other than two, one being the City of Perth and secondly the proposed G5 City of Riversea – which was impacted by the finalisation of City of Perth boundaries and legislation. Under the terms of LG Act the Minister can only accept or reject a recommendation. The reason for non acceptance is that the State Government wants to adjust the new boundaries for the City of Perth to include the University and QE Hospital. The Mayor stated that this is frustrating as the Town still does not know where its heading or if Cottesloe residents will be given an opportunity to invoke a poll. She will have further meeting with the Minister next week plus a meeting with the other G5 Mayors and CEOs.
- Mr Geoff Trigg who has been the Town's chief engineer for last 10 years will retire as of 31 October. The Mayor thanked him on behalf of the Town of Cottesloe citing a brief history about Geoff, starting in the Shire of Mundaring in 1973, then worked at the Shires of Manjimup and Augusta Margaret River and City of Subiaco. During his time at Cottesloe, Geoff's contributed to major projects including the National Water Initiative, which involved construction of 280 individual soak wells, removal of 10 ocean pipeline water redirected to the water table, and replacing a number of existing sumps. He has also initiated 5 year capital works programs, upgrade footpaths, bike paths, conversion to land to crown land, coastal protection studies and works, storm damage, ocean groyne strengthening, main beach universal access ramp, foreshore parks, playgrounds, and relocation of depot operations, underground sump and surface car park at Station street, and commencement of Napoleon street works. The Mayor thanked him on behalf of the council.

The Mayor advised that as the large number of people in the Gallery were present for Item 10.4.4 she would go directly to that item and provided a brief introduction due to the number of 12 people who wish to speak and to ensure the community understood what has happened:

She stated that the item was advertised as a procedural matter, not as a review of a local dog law. That happened as a State Government requirement. The Mayor requested Manager Corporate and Community Services, Mr Mat Humfrey to clarify. Mr Humfrey explained that earlier this year the State Government changed the dog Act and it was now required for local governments to create dog exercise area carried by resolution. The administration advertised and recommended the status quo to remain. From that advertising limited public submissions were received

Given the interest by the public present in the gallery the Mayor then moved that item 10.4.4 be dealt with first.

Moved Mayor Dawkins, seconded Cr Downes

That Item 10.4.4 - Designated areas for Dogs - Final Adoption be brought forward and be dealt with.

Carried 9/0

4 PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

Nil

5 PUBLIC STATEMENT TIME

Mayor commented, based on interpretation as to what had occurred (as she was not at the committee meeting). At the Committee meeting there was representation from some numbers of public who were not keen the area remain as dog beach. There appeared to be a lack of balance in the debate at the committee. This may have been the reason for the Committee motion in which the Vera View Northern dog beach was removed. Some new Councillors did not understand that the Dog Local Law in Cottesloe had actually had a full review in 2011 and it had been firmly established that Vera View was to stay open, plus the time limit was removed. Subsequent to that meeting there has been an overwhelming outpouring of support for Very View Beach to remain a dog beach. Sadly, there had also been some unacceptable behaviour. There has also been petitions that the Mayor recognised in favour to leave the dog beach open. The Mayor made a personal apology that she could not reply each email as there had been so many.

The Mayor then asked each person to present their statements – and requested where possible statements be to keep to the 3 minutes – as there were so many who wished to speak.

Ms Jasmin Lamb, 22 Senate Street, Claremont – Re. Item 10.4.4 - Designated areas for Dogs - Final Adoption

Ms Lamb stated that she was happy to see many faces she knew from the dog beach and from the community and that was what was fantastic about North Cottesloe Dog Beach as it's a fantastic place for everyone to be. It enhances our lives, wellbeing and our dogs are so important to us. She stated that a lot of Surf Life Savers, who donated a lot of hours to look after the beaches, will not be out there training and swimming keeping the beach safe if they couldn't exercise our dogs there in the morning.

Ms Lamb rejected the statement that the dog owners were not responsible on the beach, as during winter at North Cottesloe they have the orange bags at Vera View and pick up all the rubbish. She stated that the dog owners are very responsible people and she hoped that the dog beach stayed open.

Professor Ken Morgan, 50 Hawkstone Street, Cottesloe – Re. Item 10.4.4 - Designated areas for Dogs - Final Adoption

Professor Morgan stated that he and his wife are passionate about their beautiful golden retriever. He referred to the amount of people in the room as stated that the community is represented. He was upset with the procedure and process and quoted a statement from the committee discussion: *"Committee discussed the points raised during Public Statement Time at length and considered potential alternatives to the officer recommendation, in relation to the Northern Dog Beach"*. He stated that there were 7 members of the public present at the Committee and some of them were from the same family. He stated that he was shocked that majority view of Cottesloe residents has been ignored and stated how dogs are important to the community. He referred to Councillor Pyvis and queried about her not disclosing a conflict of interest as he believed that her brother live across the street from the beach.

Cr Pyvis replied that her brother and sister live across the road from the beach and she had discussed about declaring impartiality with Cr Walsh and according to her he said it was a long draw of the bow and he didn't feel there was conflict of interest.

Professor Morgan stated that the community is very angry because the Committee had gone against a lot of research by the Council officer report.

Mr Roland Stanforth, 27 Hawkstone Street, Cottesloe – Re. Item 10.4.4 - Designated areas for Dogs - Final Adoption

Mr Stanforth was surprised when he found out this issued had come up. He suggested that Council put a sign at the dog beach. He read the objections forwarded by two families. He believed that the Councillors did not make the right decision at the Committee despite of the officer recommendation at the meeting. He hoped that the dog beach remain open.

Due to unforeseen incident outside the Council Chambers outside balcony the Mayor adjourned the meeting at 7:19PM

The Mayor resumed in the meeting at the War Memorial Town Hall at 7:39PM

The Mayor advised those members of public present that a boy had fainted and fallen over the balustrade. Medical attention has been provided and ambulance had arrived.

The Mayor requested forbearance and preceded with the meeting inviting the next speaker from members of the public:

Mr Alan Bond, 4 Hawkstone Street, Cottesloe – Re. Item 10.4.4 - Designated areas for Dogs - Final Adoption

Mr Bond in addressing the concerns raised about the dog beach suggested that Council put signs at the beach requesting that “people to pick up after their dogs”. He also suggested Council put the more bins along the beach as currently there are only two to put the dog waste in and they are always full, which caused the smell. He hoped that the dog beach remain open as it has been for many years.

Mr David Simenson, 16 Princess Street, Cottesloe – Re. Item 10.4.4 - Designated areas for Dogs - Final Adoption

Mr Simenson suggested there were issues with Dog faeces and that the Council rangers ~~office~~ police the dog faeces problems at the beach .

Ms Clair Medhurst, 186 Little Marine Parade, Cottesloe – Re. Item 10.4.4 - Designated areas for Dogs - Final Adoption

Ms Medhurst directed her statement to Councillors who were not on Council in 2011. She confirmed that there was a lot of advertising, discussion, petitioning, and public comments. The overwhelming result was that a lot people use this beach for dog exercising area, so to close it, it will be a complete breach of trust for most people.

Ms Maya Kavanagh - 23 Devon Road, Swanbourne – Re. Item 10.4.4 - Designated areas for Dogs - Final Adoption

Ms Kavanagh stated that she has raised an online petition and she requested that Council change the way it advertised any potential changes, as she was not aware that this was going on, and yet in 24 hours on social media an excess of 1,200 people found out and signed for petition.

Mrs Rosie Walsh, 35 Grant Street, Cottesloe – Re. Item 14.4.4 - Designated areas for Dogs - Final Adoption

Mrs Walsh stated that many of the arguments for the seven people who complaint at the Committee meeting were to do with the walking path on the Marina Parade which has nothing to do with dogs on the beach whatsoever. It

is a walking path, there will always be dogs there. She stated that their arguments such as dogs off their lead pose danger to people and people don't pick up dog waste is a total fallacy. It is a far cleaner beach than the main beach with its issues of cigarette butts and plastic waste.

Ms Rebecca King, 72 Eric Street, Cottesloe – Re. Item 10.4.4 - Designated areas for Dogs - Final Adoption

Ms King stated that dogs are part of the cultural identity of Cottesloe and its residents therefore to close the Northern dog beach is removing the cultural identity. She wished to keep the beach open for dogs.

Once the meeting had resumed the Mayor, at request of Elected Members, agreed to a number of public statement from Elected Members in relation to item 10.4.4 - Designated areas for Dogs - Final Adoption

Cr Walsh Statement

After advertising for community consideration in 2011 Cottesloe formulated its dog local law. An overwhelming majority of residents wanted the Vera View dog beach open while a handful wanted the dog beach closed. On the basis of this consultation the current dog local law was endorsed. Due to recent changes by the State Government Council is required to readopt its dog exercise areas, which is why the matter came up before us tonight. In the consultation period 4 people commented on the Vera View showing a wide spread satisfaction with the current dog policy. Staff comments verified this that there is no evidence strong enough to recommend any changes to the current arrangement. Despite this the committee voted 4/1 to effectively close the dog beach. Closure was approved in response to the complaints people attending the meeting and no thought to the community view in 2011 which is certainly evident by attendance tonight and in a number of emails that we all received. I have a number of people saying how many times do we have to respond to consultation. Every time Cottesloe visit this issue starting with referendum in the 90s the community has asked for the dog beach here and in a democracy they certainly should have one. Most of the complaints pertains to walking path and has no relevance to dogs on the beach. Restricting dogs to certain hours was a failure and the current system has been working well that it now opens at all hours. I am confident that council will use common sense in endorsing the officers recommendation to retain the use of the dog beach in its current form. We are supporting our community by voting to keep the dog beach open.

Cr Jeanes Statement

I have been in the council for 3 years. A number of Councillors were not present in 2011 when the local law was last reviewed.

At the Committee meeting we received some public feedback and did searched for a solution for half an hour to three quarters of an hour without making any progress. I got it wrong at the committee meeting and it was rectified tonight. And I am glad that the beach will remain open.

Cr Angers Statement

Following the committee meeting I found, being a new councillor, confused and I went to the meeting with a view in mind that the dog beach remain open but ended up with misguided understanding that we have to vote one way or the other or none of the dog beaches and parks will be available for people. I felt that I received a one sided information, I am aware of the previous problem on the beach. My feeling was that we weren't in the position to have the information. I'd like to see that not happening again.

Cr Pyvis Statement

Cr Pyvis disagreed with Cr Angers for not having enough information as councillors research the information to be informed on a very important role in voting for our community.

Cr Pyvis email:

I wish to speak against the committee recommendation that deletes Northern Dog Beach (or Vera View) from the town's designated dog exercise areas.

At last Tuesday's W&CS Committee Meeting a group of residents spoke in favour of banning dogs at Vera View (as is their democratic right) and 4 of the 5 Councillors present voted to delete this Beach from the Officer Recommendation.

Reasons given by these residents included

- that Nedlands already provides a dog beach to the north of Vera View
- that dog owners don't pick up after their dogs
- that it's a small beach which cannot cope with dogs as well as people
- that dogs pose a danger to people
- that restricted dog hours (as per the pre 2011 curfew of 10am - 4pm) don't work
- that 2 dogs in the past 3 years have been killed by owners allowing dogs to run across the road off lead
- that Cottesloe doesn't need 2 dog beaches (those being a southern and a northern dog beach)
- that Council should give Vera View back to families

Whilst I considered these reasons, all were anecdotal (without supporting evidence) and none convinced me to delete Vera View as a dog beach.

There are 2 considerations here ..

1. how well Vera View operates as a dog beach, the benefits it provides to the community and public opinion on whether it should or shouldn't be a dog beach.
2. the issue of poor governance in voting to delete Vera View as a designated dog exercise area, in other words not following due process.

In relation to 1..... I understand there are more complaints to Council re negative dog behaviour and dog waste at Southern Dog Beach than at Vera View and feedback I've received from beach users is that generally Vera View is a well managed dog beach. Cottesloe Rangers may confirm this.

The 2nd matter of good governance entails Councillors listening to both sides of an issue and seeking broader community consultation when only one side of an argument is presented as was the case at Tuesday's Committee Meeting.

Without community consultation (which is Council policy) the decision to delete Northern Dog Beach as a designated dog exercise represents policy making "on the run" and is, in my view, poor governance.

Proper process was not followed and I remind Elected Members that under Section 2.10 (a) of the Local Government Act they have sworn under oath to represent the interests of electors, ratepayers and residents of the district.

At last Tuesday's meeting, I asked the question and it was made explicitly clear by Mr Mat Humfrey (Manager Corporate & Community Services) that any designated dog exercise area included in the Officer Recommendation, if voted for at full Council tonight, could be re-advertised for public comment, as soon as tomorrow if necessary.

The Minutes of Tuesday's meeting devote only 2 sentences to what I considered was a lengthy discussion (with questions and answers) and I am only sorry that Cottesloe does not, in contrast to approximately half of the Councils in WA, audio record all meetings for purposes of transparency and accountability. But that is a separate issue.

Finally, given the overwhelming public response to the proposal to delete Vera View as a dog beach, I believe Council should document the emails, phone calls and petitions and attendance at this meeting and consider this a form of community consultation should there be future dissent.

Attending a Council meeting at 7pm Monday (when children need attention and meals are on) means people are passionate about Vera View dog beach ... They are responsible dog owners who feel a strong sense of place in enjoying Vera View with their dogs, friends and families.

I therefore ask all Councillors to vote to amend the Committee Recommendation before us now to include Vera View as a designated dog exercise area in the Town of Cottesloe.

One final comment with the imminent threat of forced Council amalgamations from our local member and Premier Colin Barnett upon us ... I value our small, accessible, financially sound local government that enables residents to walk a few blocks to a Council Meeting to see Elected Members they know in the community and to have their voices heard.

Cr Rowell Statement

Cr Rowell stated that tonight is a good example of democracy. He has lived next door to Jasper Green for over 40 years and its always full of dogs and children. There has never been conflict there and the dog owners behaved and look after everybody there. People pick up their dogs' business and make sure that their dogs don't disturb children, especially toddlers. He believed that

Vera View dog beach is not spotless, so the beach must be policed a little better to remind people with dogs to be good citizens and to maintain the area.

Cr Downes Statement

Cr Downes supports the original officer recommendation not just because all the recent emails received but in July we undertook community consultation Dogs Local Law and we did not flag that we are changing the dog exercise areas.

As a dog owner Cr Downes take her dog to parks and beach and encourage people to clean up after their dogs and put dog put on their lead as they come off the beach as its right on Marine Parade.

Mr Michael O'Connor, 46 Forrest Street, Cottesloe – Re. Item 10.4.9 Request for Sealing a Portion of Doscas Lane (Row 32)

Mr O'Connor has been in discussion about this matter for over 7 years with Councillors and Mayors and Mr Trigg (Manager Engineering Services). He referred to suggestions from Ms Elise Mengler as they seemed to be agreeing on major points that the section on Right of Way should be sealed. Ms Mengler has suggested to seal and adjust the level of road way so that it is higher than the rear block. She also said there should be a sump installed to deal with storm water. She also asked to seal with something other than bitumen. Mr O'Connor hoped that Council tonight will take the necessary action to move this forward and get the Right of Way sealed as soon as possible

6 ATTENDANCE**Present**

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

Officers Present

Mr Carl Askew
Mr Mat Humfrey
Mr Geoff Trigg
Mr Andrew Jackson
Mrs Lydia Giles

Chief Executive Officer
Manager Corporate & Community Services
Manager Engineering Services
Manager Development Services
Executive Officer

6.1 APOLOGIES

Nil

Officer Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Nil

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Birnbrauer, seconded Cr Jeanes

That Cr Birnbrauer's request for leave of absence from the November Council meeting be granted.

Carried 9/0

7 DECLARATION OF INTERESTS

Cr Jeanes declared an impartiality interest in item 10.4.4, due to previously having had a dog and using Northern Dog Beach.

Cr Downes declared an impartiality interest in item 10.4.4, due to having a dog and using Northern Dog Beach.

Cr Walsh declared an impartiality interest in item 10.4.4, due to having a dog and using Northern Dog Beach.

Cr Downes declared an impartiality interest in item 10.4.6, due to having a car participating in the Celebration of the Motorcar event.

8 CONFIRMATION OF MINUTES

Moved Cr Rowell, seconded Cr Burke

[Minutes September 22 2014 Council.DOCX](#)

The Minutes of the Ordinary meeting of Council held on Monday, 22 September, 2014 be confirmed.

Carried 9/0

9 PRESENTATIONS**9.1 PETITIONS**

Cr Pyvis referred to a petition that she had received from a resident opposing the proposal to close the Northern Cottesloe Dog beach

Moved Cr Pyvis, seconded Mayor Dawkins

THAT Council accept the petition in relation to 'opposing the proposal to close the Northern Cottesloe Dog beach' and in accordance with

Standing Orders 9.4(C) “that the petition be accepted and noted by Council for consideration”.

Carried 9/0

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

For the benefit of the members of public present, the Presiding Member advised that items 10.3.2 and 10.3.3 had been withdrawn from the Development Services Committee and items 10.4.2, 10.4.4, 10.4.5, 10.4.7, 10.4.9, and 10.4.10 had been withdrawn from the Works and Corporate Services Committee. The remainder items were dealt with ‘en bloc’.

Given the interest by the public present in the gallery the mayor then moved that item 10.4.4 be dealt with first.

At 7:20PM the Mayor determined to suspend the meeting due to an incident outside the Council Chambers. The meeting was reconvene at 7:50PM in the War Memorial Town Hall to allow the members of public present to attend.

After item 10.4.4 was determined Council moved back to the Council Chambers to continue the meeting.

10 REPORTS**10.1 REPORTS OF OFFICERS**

Nil

10.2 REPORTS OF COMMITTEES**10.3 DEVELOPMENT SERVICES COMMITTEE MINUTES - 20 OCTOBER 2014****10.3.1 LOCAL PLANNING SCHEME NO. 3 - TOWN AND LOCAL CENTRES
DESIGN GUIDELINES (REVISED)**

File Ref: SUB/335
Attachments: [LPS3 Town and Local Centre Design Guidelines Revised](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services
Proposed Meeting Date: 20 October 2014
Author Disclosure of Interest: Nil

SUMMARY

This report presents revised proposed Design Guidelines under Local Planning Scheme No. 3 (LPS3) for the Town Centre and Local Centres to supplement the Scheme provisions. The Design Guidelines relate to the main Town Centre, the Eric Street Local Centre and the Railway Street Local Centre zones.

Council considered a report on the proposed Design Guidelines on 22 September 2014 and resolved: *THAT the item be deferred for a workshop of Councillors and Officers to discuss further details of the proposed Design Guidelines and report back to Council prior to initiating advertising.*

The workshop was held on 9 October 2014 and resulted in a number of agreed revisions. The revised proposed Design Guidelines are attached and the recommendation is that they now be advertised.

BACKGROUND

LPS3 in clause 5.9 provides for design guidelines to be created as policy as a vehicle for dealing with detail and discretion in the design aspects of development proposals:

5.9. Development requirements – Local Planning Policy Design Guidelines

- 5.9.1. *The local government may prepare and adopt Local Planning Policy Design Guidelines in accordance with the procedure outlined in clause 2.4, to augment the Scheme provisions with more detail to guide the planning and design of development proposals.*
-

- 5.9.2. *In considering an application for planning approval for land to which adopted Local Planning Policy Design Guidelines apply, the local government shall have regard to the Design Guidelines and shall use them as a basis on which to determine any variation allowed under the Scheme.*

The Scheme policy-making procedure is followed to accord design guidelines status under the Scheme. Local Planning Policy Design Guidelines have greater force and effect than design guidelines that are simply adopted by resolution or used in practice but not made officially pursuant to the Scheme:

2.2. Relationship of Local Planning Policies to Scheme

- 2.3.1. *If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.*
- 2.3.2. *A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.*

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

LPS3 in Table 2 lists specific development requirements/standards for particular zones and refers to design guidelines in a number of instances, including:

- Town Centre zone – minimum setbacks and maximum heights for the different sub-areas.
- Local Centre zone – maximum plot ratio and site cover and minimum setbacks. Although the Scheme does not mandate design guidelines here the discretion contained in these development requirements is appropriate to be addressed by such.

These typical design guidelines aspects relate to principles, standards or criteria for the design and assessment of proposed development allowing for guided flexibility and discretionary decision-making. Therefore for these zones Design Guidelines are necessary to enable development proposals to be formulated and determined.

STRATEGIC IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Scheme Local Planning Policy Design Guidelines are to be had regard to.

STATUTORY ENVIRONMENT

LPS3.

FINANCIAL IMPLICATIONS

Nil.

SUSTAINABILITY IMPLICATIONS

Nil.

CONSULTATION

The scheme policy process for the creation of design guidelines includes public advertising and consideration of submissions.

DESIGN GUIDELINES PROPOSAL

The proposed Design Guidelines were prepared by a town planning consultant based on a brief provided by staff in accordance with the framework of the Scheme aims, zone objectives and clause 10.2 matters to be considered. Preparation involved site inspections, map information and consideration of previous studies in order to appreciate the context and character of existing land use and development for each area.

The proposed Design Guidelines have been discussed by Elected Members at briefing sessions on LPS3. They have also been tested in discussing preliminary development proposals.

The Design Guidelines document explains their role and purpose, describes a broad vision for each centre and sets out the relevant development parameters for each centre in relation to the Scheme provisions.

PROCEDURE

The Scheme procedure for creating policies/design guidelines is initiated by a Council resolution, followed by advertising of the proposal inviting submissions. Advertising entails public notices in a local newspaper and a minimum 21-day period; while dissemination via the Town's website and other means may also occur. After considering any submissions, Council resolves whether to adopt the design guidelines and any modifications. Policies/design guidelines may also be amended from time-to-time, replaced, or revoked as needs evolve.

WORKSHOP CONSIDERATIONS

The Development Services Committee had discussed the proposal at some length and considered that, further to the earlier Council briefing sessions, it was desirable to hold a Council workshop on the Design Guidelines before reporting to Council and moving to advertising them. It was felt that the workshop would assist to recap on previous suggestions for improvements to the Town Centre in particular, as well as review the draft to identify current aspects of relevance for the centres to be reflected in the Design Guidelines.

The workshop gave consideration to the following aspects:

- Overall encouragement of redevelopment, with high-quality buildings, particularly in the Station Street and Brixton Street precincts where there are opportunities, including Council engaging with property owners and business to facilitate positive changes.

- Enhance reference to the potential to activate the laneways with better amenity and presentation; and protection of the north-south walkways.
- Recognise the strong presence of cafes and restaurants in the success and attraction of the Town Centre.
- Refine certain height preferences, within the Scheme limits.
- Accommodating parking by way of basements or building height.
- Identify the interrelationship with the car parking area along the railway line, including improving its urban design and infrastructure.
- Delete reference to affordable housing or single-bedroom apartments, as outside the purpose of the guidelines.

As a result a number of revisions have been made to the proposed Design Guidelines, to edit the document, address specific measures and refer to related initiatives, as shown in the revised version attached.

CONCLUSION

The Design Guidelines are required by the Scheme and will assist with development proposals in the Town Centre and Local Centres. Advertising of the revised proposed Design Guidelines and consideration of any submissions will enable Council to refine and finalise them as a Local Planning Policy instrument under the Scheme.

COMMITTEE COMMENT

Committee confirmed its satisfaction with the revised proposed Design Guidelines as reflecting the aspects discussed at the recent workshop and supported their advertising.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Walsh

THAT Council note the revised proposed Design Guidelines for the Town Centre and Local Centres and undertake public consultation in accordance with the Local Planning Policy provisions of the Scheme, for the consideration of any submissions and further reporting to Council.

Carried 9/0

10.3.2 LOCAL PLANNING SCHEME NO. 3 – PROPOSED PARKING MATTERS POLICY

File Ref: SUB/335
Attachments: [LPS3 Parking Matters Policy](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services

Proposed Meeting Date: 20 October 2014
Author Disclosure of Interest: Nil

SUMMARY

This report presents a proposed Local Planning Policy regarding parking matters under Local Planning Scheme No. 3 (LPS3) to supplement the Scheme provisions.

The Scheme contains some particular parking provisions that involve discretion and require a policy to become operative, which the Policy addresses. Several other provisions entail discretion regarding parking, but are self-contained with their prescriptions guiding determination.

The proposed Policy is attached and the recommendation is that it be advertised.

BACKGROUND

LPS3 in Part 2 provides for policy as a vehicle for dealing with discretion and detail in aspects of development proposals. The Scheme policy-making procedure accords Local Planning Policy status under the Scheme with a degree of force and effect:

2.3. Relationship of Local Planning Policies to Scheme

- 2.3.1. If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.*
- 2.3.3. A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.*

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

REQUIREMENTS FOR POLICY

LPS3 in clause 5.8.3 specifies two particular discretions to be guided by policy:

Second paragraph – parking credit:

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

The concept of a parking credit is that if an existing approved tourism use/development has managed with its present parking supply, the difference between what it would have to provide now under LPS3 and what the proposal for the site is required to provide under LPS3 may be waived as an incentive. Although the above provision indicates crediting the full deficiency, the assessment criteria connote that a partial credit may be determined. This credit capacity is confined to the nominated uses. The provision may apply to successive proposals for a site during the life of LPS3.

5.8.3(c) – cash in lieu:

Lead-in paragraph: *In the Town Centre, Foreshore Centre, Restricted Foreshore Centre, Hotel, Development and Residential Office zones, the local government may approve development without the required number of parking spaces being provided on the land, subject to the applicant making arrangements satisfactory to the local government enabling the local government to provide public off-street parking in the vicinity, equivalent to the deficiency in parking spaces; and in this regard the local government may accept cash in lieu of parking spaces on the land, subject to the following —*

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

This means that there has to be a policy framework in place to facilitate consideration of accepting cash in lieu for allocation to planned parking provision over time.

Further to the above two matters, LPS3 in Schedule 13, Variations to site and development standards and requirements, provides as follows:

Parking reductions:

Parking (clause 5.8, Table 3 Vehicle Parking Requirements):

Subject to the following, the parking requirements set out in Table 3 may be varied, so as to reduce the number of parking spaces required in respect of a particular development by up to 20% of the number of parking spaces that would otherwise be required by the application of the provisions of Table 3, subject to the provision of a traffic impact assessment, to the satisfaction of the Council, addressing the matters referred to in clause 5.5.4(c).

Clause 5.5.4(c) reads:

...if the local government is satisfied that the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

To sum up, the Policy responds to the details of these three aspects outlined above where guidance is required in the exercise of discretion.

POLICY PROPOSAL

The proposed Policy was prepared in accordance with the framework of the Scheme parking provisions, including consideration of previous studies including research and workshops with Council towards a parking strategy.

The Policy document explains its role and purpose then sets out the relevant policy parameters in relation to the Scheme provisions. These allow for guided flexibility and discretionary decision-making and are necessary to enable development proposals to be formulated and determined.

Parking credit:

Parking credits apply to the Town Centre, Hotel, Foreshore Centre, Restricted Foreshore Centre and Development zones only. The Scheme specifies parameters for Council exercising discretion to grant parking credits, as set out in the table below. The feasibility of each parameter varies according to the nature of the proposed development, the circumstances of the zone and locality, parking supply, amount of traffic and related factors.

ZONES:	Town Centre	Hotel	Foreshore Centre	Restricted Foreshore Centre	Development
CRITERIA:					
Redevelopment or new development.	Up to 100% credit depending on nature of redevelopment.	Up to 50% credit depending on nature of redevelopment.	Up to 50% credit depending on nature of redevelopment.	Up to 75% credit depending on nature of redevelopment.	Up to 50% credit depending on nature of redevelopment.
Change of use.	Up to 100% credit depending on nature of change of use.	Up to 50% credit depending on nature of change of use.	Up to 50% credit depending on nature of change of use.	Up to 75% credit depending on nature of change of use.	Up to 50% credit depending on nature of change of use.
Parking deficiency of existing tourism use.	Determined from Town's records and applicant's evidence.				
	Mainly smaller,	Single large lot,	Range of	Consistent with	OBH street

Size and shape of the land.	narrower-frontage lots, with some larger lots.	with heritage hotel and rear alfresco addition.	smaller to larger lots, mostly corner sites; with numerous strata titles.	residential lots in each street.	block comprises multiple lots and mixed ownership. Other Development Zones comprise very large, mainly single parcels.
Number and availability of parking spaces in vicinity.	Good supply of public parking.			Good supply of public parking, but residential street parking restrictions.	OBH street block is near good supply of public parking. Other Development Zones are near varied limited supplies, with some potential for increases.
Likelihood of traffic congestion.	High traffic locality.				OBH street block and Railway lands are in high traffic localities. Former depot site will be residential traffic only. Major development on Gibney Street sites would generate considerable traffic.
Opportunity to improve appearance, amenity, function and accessibility of locality.	Depends upon nature of proposal, design of any development and Scheme requirements.				

Note: For the purposes of this table, tourism use means the "Hotel", "Motel", "Short-stay Accommodation", "Serviced Apartment", "Small Bar" and "Restaurant" uses.

Cash in lieu:

Cash in lieu applies to the Town Centre, Foreshore Centre, Restricted Foreshore Centre, Hotel, Development and Residential Office zones only. The Scheme specifies parameters for Council exercising discretion to grant cash in lieu, as set out in the table below. The feasibility of each parameter varies according to the nature of the proposed development, the circumstances of the zone and locality, land availability and related factors.

ZONES:	Town Centre	Foreshore Centre	Restricted Foreshore Centre	Hotel	Development	Residential Office
CRITERIA:						
Public off-street parking in vicinity.	Good supply of public parking.	Good supply of public parking.	Good supply of public parking.	Good supply of public parking.	Good supply of public parking for Development Zone 'A' (OBH site).	Good supply of public parking.
Deficiency in parking spaces.	Maximum 25% as determined by Council.	Maximum 25% as determined by Council.	Maximum 20% as determined by Council.	Maximum 20% as determined by Council.	Maximum 25% as determined by Council.	Maximum 20% as determined by Council.
Planned infrastructure including land.	New surface or multi-level car parks, including basements, undercrofts or decks.	New car parks integral to buildings/sites, including basements, undercrofts or decks.	New car parks integral to buildings/sites, including basements, undercrofts or decks.	New car parks integral to building/sites, including basements or undercrofts.	New surface or multi-level car parks, including basements, undercrofts or decks.	New car parks integral to buildings/sites, including basements or undercrofts.
Planned timing of expenditure	Upon development of Council or private land.	Upon development of private land.	Upon development of private land.	Upon any relevant development of the OBH site.	Upon development of private, Government or institutional land.	Upon development of private land.
Public parking stations on Town-controlled land.	Council car park corner Station and Railway Streets and eastern car park on Station St – decked parking. Surface or decked parking along Railway Street near train station.	Possible decked parking at rear of development along Marine Parade.	Possible surface car park, subject to traffic control and residential amenity.	Not applicable to Cottesloe Beach Hotel site.	Surface or decked parking integral to development of these sites, subject to good access and quality design.	Surface or decked parking, subject to good access, quality design and mixed-use amenity.
Public transport infrastructure on Town-controlled land.	Provision for local bus, taxi or shared bike facilities.	Provision for local bus, taxi or shared bike facilities.	Provision for local bus, taxi or shared bike facilities, subject to residential amenity.	Provision for local bus, taxi or shared bike facilities.	Provision for local bus, taxi or shared bike facilities.	Provision for local bus, taxi or shared bike facilities.
Land in lieu of cash in lieu, identified for public parking.	Council will consider land capable of parking development.	Council will consider land capable of parking development, which	Council will consider land capable of parking development, which	Not applicable to Cottesloe Beach Hotel site.	Council will consider land capable of parking development, which	Council will consider land capable of parking development.

		does not front Marine Parade.	does not front Marine Parade, subject to residential amenity.		is well-located and, accessible, subject to residential amenity.	
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Note: Maximum % of parking bays Council may permit as cash in lieu relates to:

- *The parking requirement generated by nature of use and magnitude of development.*
- *The demands for parking from the development and in the locality.*
- *The physical scale and form of development in relation to the site and surrounds*
- *The affects on the amenity of the development and surrounds.*

Parking reductions:

This is informed by clause 9.2(c) regarding application requirements, which provides for:

any specialist studies that the local government may require the applicant to undertake in support of the application, such as traffic, heritage, environmental, engineering or urban design studies;

As well as by clause 10.2.2 matters to be had regard to, which includes:

whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles; and

the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;

CRITERIA:	Traffic impact assessment to Town's satisfaction.	Amount up to 20% of parking spaces to be reduced.	Other relevant considerations.
EFFECTS ON:			
Occupiers or users of the development.	Parking needs and effects of occupiers or users of the development.	High impact proposals will be ineligible for a parking reduction. Moderate impact proposals may be eligible for up to a 10% parking reduction. Low impact proposals may be eligible for up to the 20% parking reduction.	The larger the use or development the greater the parking requirement, hence the greater number of parking spaces in a reduction – and conversely – in terms of the degree and effect of any reduction. For major development, the traffic study must address the provision and form of parking on-site, on-street and nearby, including the effect on the supply of public parking. In activity areas such as the Town Centre or
Inhabitants of the locality.	Traffic and parking effects and patterns in relation to residents and users/visitors.		
Likely future development of the locality.	Indicated by zoning, development proposals and planned road or public domain changes.		
Nature of proposed use.	Traffic generation and parking demand depending on type, magnitude and days/hours of use.		
Likely volumes of goods or materials and numbers of people moving to or from the land.	Traffic and parking implications of deliveries, waste removal, service vehicles, staff and		

	visitors.		
Likelihood of traffic congestion on roads or in public places in the locality.	Traffic circulation and flow to access the development and parking areas, including peak periods.		<p>beachfront, more intensive development will progressively increase traffic generation and parking needs.</p> <p>In the Local Centres and Residential Office localities the availability of business parking is limited and street parking including for nearby residences requires management.</p>

STRATEGIC IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Scheme Local Planning Policies are to be had regard to.

STATUTORY ENVIRONMENT

LPS3.

FINANCIAL IMPLICATIONS

Nil.

SUSTAINABILITY IMPLICATIONS

Nil.

CONSULTATION

The scheme policy-making process includes public advertising and consideration of submissions.

PROCEDURE

The Scheme procedure for creating policies is initiated by a Council resolution, followed by advertising of the proposal inviting submissions. Advertising entails public notices in a local newspaper and a minimum 21-day period; while dissemination via the Town's website and other means may also occur. After considering any submissions, Council resolves whether to adopt the policy and any modifications. Policies may also be amended from time-to-time, replaced or revoked as needs evolve.

CONCLUSION

The proposed Policy is required by the Scheme in order to operate particular provisions. Advertising and consideration of submissions will lead to any refinements for Council to finalise the Local Planning Policy instrument under the Scheme.

COMMITTEE COMMENT

Committee considered that the proposed Policy would benefit from some clarification in relation to the parking aspects covered and the Manager Development Services undertook to enhance the document for interpretation and application of the relevant Scheme provisions.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Walsh

THAT Council note the proposed Local Planning Policy on Parking Matters and undertake public consultation in accordance with the Local Planning Policy provisions of the Scheme, for the consideration of any submissions and further reporting to Council.

Carried 9/0

10.3.3 LOCAL PLANNING SCHEME NO. 3 - AMENDMENT NO. 2 (EILEEN STREET LOTS 101-103)

File Ref: SUB/1888
Attachments: [Lots 101 103 Eileen Street Scheme Extracts](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services

Proposed Meeting Date: 20 October 2014
Author Disclosure of Interest: Nil

SUMMARY

This report presents a proposed amendment to Local Planning Scheme No. 3 (LPS3) to correct anomalies affecting Lots 101-103 Eileen Street (Nos 138 Marine Parade and 2 and 2A Eileen Street), on the northern side from Marine Parade eastward.

The amendment is necessary to apply appropriate zoning, land usage, development requirements and built form controls to the lots, without ambiguity.

The recommendation is to proceed to prepare and advertise the proposed Scheme amendment documentation.

BACKGROUND

The overall LPS3 provisions evolved from former Town Planning Scheme No. 2 (TPS2) and a range of considerations during the formulation of LPS3.

Under TPS2 the three lots were in the Special Development Zone for the street block bounded by Marine Parade and Eric, Gadsdon and Eileen Streets, with a density code of R50, and have been developed as follows:

- Lot 101, corner Marine Parade – three-storey dwelling approved but only the basement was built. The lot has recently sold and a development proposal is anticipated in due course.
- Lot 102 – three-storey dwelling, with fourth storey extension proposed.
- Lot 103 – three-storey dwelling, with fourth storey extension approved but so far not built.

The street block and three lots fall within the beachfront commercial/residential precinct along the eastern side of Marine Parade from Eric to Forrest Streets, which when formulating LPS3 was the subject of extensive deliberations and ultimately ministerial modifications to determine the land use and development regime, including building height and form. Broadly, the resultant Scheme provisions entail zones for mixed uses, a three storey frontage to Marine Parade and greater heights stepped back, as prescribed for particular zones and sites.

The Town in carrying-out the ministerial modifications to LPS3 discovered several anomalies in the provisions applying to the three lots, which it raised with the

Department of Planning given their ability to settle technical corrections at officer level.

Due to the nature of the anomalies and the principle of advertising proposed zoning or other significant changes, it was agreed that further modification or future amendment of the Scheme was required to address the matter. In view of the ministerial modifications having already been issued and with the primary aim being to finalise the Scheme, an amendment once the Scheme commenced was determined as the preferred method.

CURRENT PROVISIONS

The Scheme provisions currently relating to the three lots are described in more detail below.

Zoning:

The Scheme Map applies Development Zone 'A' over the street block, which comprises the Ocean Beach Hotel (OBH) site and the three lots. The Scheme Map also designates Special Control Area 2 (SCA2) over this block, which applies special provisions to beachfront properties.

Land usage:

The Zoning Table refers to the structure planning provisions and process under Part 6 of the Scheme to determine land uses in the Development Zone.

Development requirements:

By virtue of Part 6 the SCA2 provisions apply in addition to and prevailing over the ordinary provisions of the Scheme. Further, by virtue of Schedule 14 particular Development Zone 'A' provisions apply to the street block; however, that part of the Schedule specifically excepts Lots 101-103 Eileen Street.

Built form controls:

By virtue of SCA2 the provisions in Schedule 15: Building Design Controls including the Building Control Diagrams apply to the street block. However, Diagrams 2 and 8 include a note specifically excluding Lots 101-103 Eileen Street; hence there is no building envelope or related parameters assigned to these lots. This makes interpretation of the Building Control Diagrams difficult.

From all of the above it can be seen that the Scheme provisions applying to the lots are inconsistent and incomplete, whereby it is not possible to properly formulate or regulate planning proposals for them. It can also be seen that the controls for these lots need to have regard to their existing development and amenity, and to also take into account their interrelationship with the neighbouring beachfront sites.

REVIEWING THE PROVISIONS

Several considerations relate to how the three lots ought to be dealt with by the Scheme:

Zoning strategy:

Under TPS2 and LPS3 the zoning strategy has been to treat the street block as a whole in anticipation of comprehensive planning and development – although that has not yet eventuated and is not guaranteed – and the three lots have not been acquired as part of the OBH site. Influencing factors include multiple ownership, differing aspirations, development feasibility, and so on. There are various options in terms of structure planning, subdivision, land use, development and built form, including whether or not to retain existing buildings, possible sale of land parcels, staged development, etc.

The Scheme states objectives for its zones, those relevant here being for the Development, Foreshore Centre, Restricted Foreshore Centre and Residential zones; which in that order range from active, mixed-use sites with intensive development to lower-key, predominantly housing development respecting residential amenity.

Whilst the planning context for the OBH street block supports intensive development, there needs to be a transition to the surrounding residential development. Under LPS3 the lot on the south-west corner of Marine Parade and Eileen Street is zoned Foreshore Centre/SCA2 and developed to three storeys with 16 multiple dwellings, which were recently upgraded so are expected to remain for many years. After that, land along Eileen Street south and Gadsdon Street east and west is zoned Residential, with medium density codes of R40, R50 and R60.

Desired land usage:

The zoning strategy is premised on properties fronting Marine Parade from Eric to Forrest Streets having active, non-residential uses at ground floor level and mixed uses including short-stay accommodation and permanent residential on upper levels. On this basis at least the corner Lot 101 should be in such a zone. Moving inland the land use intent is for residential, and for any redevelopment of the OBH site to be compatible with that.

Existing development and character:

At present Eileen and Gadsdon Streets are residential on both sides, except for the open car park to the rear of the OBH site, and built mainly to the two-storey height limit, with some older three-storey apartment buildings. The dwellings are a mixture of ages, style, sizes and condition. Land values and tightly-held ownership (including strata) tend to restrict the rate of redevelopment. The three-storey multiple dwellings complex occupies the other Eileen Street corner site fronting Marine Parade. The six-storey OBH motel building contrasts with the existing lower-rise character.

Development controls and built form:

LPS3 recognises the potential for redevelopment along Marine Parade and provides for that through its development and built form controls, notably the SCA2 provisions applying to all land fronting Marine Parade, which by virtue of Development Zone 'A' for the OBH block includes the three lots.

These controls include a three-storey/12m building height limit to Marine Parade and additional storeys behind progressively setback, as prescribed by the Building Control Diagrams. For the OBH block the Diagrams specify a three-storey frontage to Eileen Street and two-storey to Gadsdon Street, to step-down and interface with residential development on the other sides of those streets.

As mentioned, the Diagrams as drawn are unclear in relation to the three lots, other than to be annotated to exclude them. Consideration of the zoning for these lots needs to take into account height controls.

Amendment No. 1

Amendment No. 1 to LPS3 initiated by Council in September 2014 addresses height controls in relation to extensions to existing buildings. For the sake of clarity, that Amendment does not provide for the proposed fourth storey to Lot 102 Eileen Street, as it is not applicable to the Development Zone the subject of this report, does not permit the addition of a storey, and does not alter the height controls for the Foreshore Development Zone.

Zone options considered:

In earlier discussion the Department of Planning has recognised that the three lots do not form part of the broader OBH site which is under different ownership, that two of the three lots have been developed for single dwellings and that Eileen Street is intended to be residential in character with a three-storey edge to the northern side. On this basis the Department suggested a Residential zoning with an R60 density code. However, as assessed below that appears less suitable, and it is noted that the SCA2 provisions and Schedule 15 do not relate to the Residential Zone.

Development Zone:

This would reflect the previous TPS2 and current LPS3 zoning; however, the abovementioned exclusion of the three lots from the provisions of Schedules 14 and 15 for the zone flag that the zoning of the lots requires review. Acquisition and development of the lots under such zoning has not been pursued. It would be excessive to require any one or more of the three lots to undergo the extensive structure planning process under this zoning separate from the OBH site for redevelopment. A Development Zone would encourage loss of existing residential development and a more abrupt built form interface with residential opposite, including potential traffic affecting Eileen and Gadsdon Streets.

Residential Zone:

This would recognise the existing land usage and street character, but be inconsistent with the LPS3 zoning strategy for the Marine Parade frontage. It would mandate a two-storey height limit for residential (re)development, which would be at odds with the existing three-storey dwellings and the previously-approved and proposed fourth storeys within the 12m height envelope. It would result in diminutive development, at least for the corner lot, interfacing with the OBH site, and it would offer little incentive for development of the corner lot, including as residential use at ground floor would lack amenity.

Foreshore Centre Zone:

This is the zone applied to land fronting Marine Parade, other than the Development Zone block and Cottesloe Beach Hotel site (Hotel zone), which interfaces with predominantly Residential Zone behind. SCA2 overlays all of these zones. As explained above, a Foreshore Centre zoning would be consistent for at least the corner lot and possibly all three lots. It would allow the existing dwellings to remain, or to be redeveloped in accordance with that zone and the relevant provisions, and would be an incentive for development of the corner lot. Were all three lots zoned Foreshore Centre, this would extend along Eileen Street to match the Foreshore Centre Zone on the other side; however, the implication would be for non-residential use on the ground floor, hence more activity in the street. An option would be that the larger corner lot is zoned Foreshore Centre and the other two lots are zoned Residential, although the latter would have the implications described above.

Based on the SCA2 provisions and Schedule 15, the height regime for this zone is three storeys/12m to Marine Parade with fourth and fifth storeys (max. 21m) setback. Assuming this zoning, given the 15.5m depths of the lots from Eileen Street, the north-south setback of 12m currently required to the fourth and fifth storeys results in only a small area that could be developed above three storeys, which is impractical. An interface above three storeys/12m would also be less desirable to the dwellings opposite. Therefore, limiting height to three storeys/12m for these lots would create a suitable built form interrelationship with the surrounding sites.

Alternatively, given the previous TPS2 provision and approval, and the current proposal, for a fourth storey within the 12m height limit, applicable to residential development, as a variation it would be feasible to assign that height control to the three lots, which would maintain the intended building envelope whilst permitting compatible development. This would also offer greater flexibility to the design of the corner lot to accommodate mixed uses and have a streetscape presence against the backdrop of the OBH site. On balance, this is the recommended solution.

Restricted Foreshore Centre Zone:

In the main beachfront precinct this lesser zone applies to a few land parcels on Warnham Road and John Street behind the Marine Parade properties. It involves a reduced range of lower-key land uses and a more limited extent and height of development, and is not covered by SCA2. As such it would not adequately provide for the existing or potential development of the subject lots.

STRATEGIC IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

STATUTORY ENVIRONMENT

Planning & Development Act.
Town Planning Regulations.

LPS3.

FINANCIAL IMPLICATIONS

Nil.

SUSTAINABILITY IMPLICATIONS

Nil.

CONSULTATION

The scheme amendment process includes public advertising and consideration of submissions.

AMENDMENT PROPOSAL

Following the review explained in this report the proposed amendment focuses on applying the Foreshore Centre zone and the SCA2 provisions to the three lots, with corresponding modification of the Schedule 15 Building Control Diagrams in terms of building height.

The references to the three lots in Schedule 14 and in Schedule 15 Diagram 8 can remain as they exclude them from the OBH site, as will the rezoning.

PROCEDURE

The Scheme amendment procedure is initiated by a Council resolution, followed by preparation of official documents and any environmental clearance prior to advertising for submissions. After considering any submissions Council resolves whether to adopt the amendment and any modifications, for forwarding to the Western Australian Planning Commission (WAPC) for assessment then the Minister for Planning for approval. Given approval, upon publication in the Government Gazette the amendment becomes incorporated into the Scheme and those provisions apply.

CONCLUSION

Amendment of the Scheme is required to correct the current anomalies for certainty of the Scheme zoning and provisions applying to the three lots.

Advertising of the draft amendment and consideration of any submissions will enable Council to refine and adopt the improved provisions for endorsement by the WAPC approval by the Minister.

COMMITTEE COMMENT

Committee supported the proposed Scheme Amendment as necessary and the intended four storey/12m height limit for the subject lots as appropriate.

COUNCIL COMMENT

Manager for Development Services circulated a memo to the Elected Members to advise that there is a need to change section of the Scheme text. The consequential amendments required are to the introductory text of Schedule 15 in point 3 a) and in the Scheme Text in clause 6.4.3.1 (a), to add words correlating with the maximum

building height of 4 storeys within 12m applying specifically to the lots. Therefore the addition sections of (b) and (c) were added to the Council resolution.

VOTING

Simple Majority

COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Birnbrauer

THAT Council

1. In pursuance of Section 75 of the Planning and Development Act 2005, hereby resolves to amend the Town of Cottesloe Local Planning Scheme No. 3, to provide appropriate zoning and development controls for Lots 101-103 Eileen Street, Cottesloe, by:
 - a. Amending the Scheme Map to exclude Lots 101-103 Eileen Street (Nos 138 Marine Parade and 2 and 2A Eileen Street) from Development Zone 'A' and to include them as Foreshore Centre Zone, and therefore Special Control Area 2.
 - b. Amending the Scheme Text in clause 6.4.3.1 (a), by adding the words “,except for Lot 101 Eileen Street on the corner of Marine Parade, which may have a maximum height of 4 storeys within 12m.
 - c. Amending Schedule 15 Building Design Controls for Special Control Area 2, in the text section in point 3 a), by adding to the line “4 storeys – maximum building height shall be 17m” the words “, except for Lots 101-103 Eileen Street, for which the four storey maximum building height shall be 12m.”
 - d. Amending Schedule 15 in the Building Control Diagrams to distinguish:
 - (i) A height limit and building envelope of four storeys within 12m for the whole of Lots 101-103 Eileen Street.
 - (ii) That Lots 101-103 Eileen Street are in a zone and building envelope separate from the Ocean Beach Hotel site.
2. Request the Manager Development Services to prepare the amendment documents, upon which the Chief Executive Officer shall adopt and endorse the amendment documents on behalf of Council.
3. Pursuant to section 81 of the Planning and Development Act 2005, refer the proposed amendment to the Department of Environment for clearance prior to advertising.
4. Advertise the proposed amendment for public comment for a period of 42 days by:
 - a. placing a copy of the notice in the Post newspaper, on the Town's noticeboard/s and website, and at the Library; and
 - b. placing a copy of the proposed amendment on display at the Town's Office, on the Town's website and at the Library.
5. Provide the Western Australian Planning Commission with a copy of the proposed scheme amendment.

Carried 9/0

10.4 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 21 OCTOBER 2014**10.4.1 USE OF COTTESLOE OVAL BY COTTESLOE "ROOSTERS" AMATEUR FOOTBALL CLUB**

File Ref: SUB/231
Attachments: [Attachment 1 End of Season Report from Cottesloe Roosters](#)
[Attachment 2 Letter of Support from Cottesloe Junior Football Club](#)
[Attachment 3 Email from Cottesloe Rugby Club](#)
[Attachment 4 Letters of Support for Roosters](#)
[Attachment 5 Photos of Cottesloe Oval Post Season](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate & Community Services
Proposed Meeting Date: 21 October 2014
Author Disclosure of Interest: Nil

SUMMARY

At its meeting in September 2013, Council approved the use of the Cottesloe Oval by the Cottesloe Amateur Football Club for the 2014 season. Following the conclusion of the 2014 season, the Club has written to the Town, seeking permission to use the Oval for the 2015 season and beyond.

BACKGROUND

Cottesloe Oval and Harvey Field have been used by the Cottesloe Rugby Club and Cottesloe Magpies Junior Football Club for many years. The two Clubs have co-existed with no issues arising. The facilities present at the ground are reflective of and suitable for these uses.

In mid 2013, the Town was approached by a new club, the Cottesloe Roosters Amateur Football Club regarding the potential use of Cottesloe Oval as their home ground. As the ground was already used by two existing clubs, their feedback was sought on the proposal.

In approving the use of the Oval by the Roosters for the 2014 season, several conditions were imposed to address the concerns of the existing users. These conditions were;

1. No additional liquor license would be considered for the reserve area;
2. In the event of a dispute, priority will be given to the two existing users, being the Cottesloe Junior Football Club and Cottesloe Rugby Club; and
3. The approval will be reviewed at the completion of the 2014 football season.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

As a part of the review, the Roosters were asked to seek and supply letters of support from the two existing users. The Cottesloe Junior Football Club supplied a letter of support which is shown in attachment 2.

Initial enquiries from the Roosters for a letter of support from the Rugby Club were unsuccessful. In turn, the Town contacted the Cottesloe Rugby Club directly to ascertain their views – their response is included in attachment 3.

STAFF COMMENT

The initial season for the Roosters appears to have been a positive one. They managed to field two teams, which achieved good results in the grades they were placed. While initially there were some issues regarding the use of Harvey Field, towards the end of the season, these issues seemed to have been resolved.

There are some questions as to whether or not the ground itself can support the additional use that has occurred this season. While the level of use is not unusual, the location of the ground and subsurface does mean that it was operating at its capacity this year. If use of the Oval by the Roosters continues, it will need to be monitored closely by Works Staff and there may be occasions when use of parts of the Oval will need to be limited.

Having reviewed the End of Season Report provided by the Roosters, there may be issues moving forward that will need to be addressed. The report lists a number of things the club would like to address as future improvements. Council may wish to be mindful of these things, when considering the future use of Cottesloe Oval, as it does provide an indicator of the Club's vision.

The first of the improvements listed is the provision of a permanent scoreboard. The Club has already applied for a permanent scoreboard, with sponsorship signage on

it. The request was declined by Council at its meeting in July 2014, however it remains on the end of season report as a future improvement.

The Roosters have also indicated that they would like increased lighting at the ground and improvements to the Anderson Pavilion. The Cottesloe Oval does not currently have lighting suitable for high level football training. Any improvement in lighting will have an effect on nearby residents and would most likely require an approval from the WA Planning Commission. The Club also intends to refurbish and extend the Anderson Pavilion. Again this would likely require external approvals and would have an impact on adjacent residents.

Even though the current approval states that no further liquor licenses would be considered for the reserve area, the Club also states that acquiring a club restricted license “for subsequent seasons” as something it would like to address. It would appear that during the 2014 season, the Club attained occasional licenses for the service of alcohol from the Anderson Pavilion, and based on this intends applying for a club restricted license.

The last development that is mentioned in the End of Season Report is the expansion of the Club to include a “colts” team. This grade acts as a bridge between junior and senior football, and it is understandable why the Club would seek to include this grade. The issue that needs to be considered here by the Town though is whether or not the Oval has the capacity to service any further teams – both in sense of time available for training and games, as well as wear and tear. As mentioned previously the level of wear and tear experienced this year suggests the current load is the maximum the ground can support.

While at this stage there are no reasons to suggest that the Roosters use of Cottesloe Oval should cease, it would be worth reminding the Club of the conditions that have been applied to their use of the ground. If Council still believe that no additional liquor licenses should be considered for that location, this may have an impact on the Club’s decision making process moving forward. Further, any expansion of the Anderson Pavilion or lighting infrastructure should be noted and position given to the Roosters, so they can make appropriate planning decisions.

The recommendation is to allow the Cottesloe Roosters to continue to use Cottesloe Oval for training and home games during 2015 – however the existing conditions have been reiterated. The addition of new condition regarding additional structures and lighting has been added, to make clear to the Roosters, that at this stage, the Town has no intention of increasing the size or number of facilities at the Oval.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council:

- 1. Accept the End of Season report as supplied by the Cottesloe Amateur Football Club;**

2. Approve the continued use of Cottesloe Oval, by the Cottesloe Amateur Football Club for the 2015 seasons, subject to the following conditions;
- a. No additional liquor license will be considered for the reserve area;
 - b. In the event of a dispute, priority will be given to the Cottesloe Junior Football Club (Magpies) and the Cottesloe Rugby Club;
 - c. The Town has no intention of upgrading or expanding the facilities at Cottesloe Oval during the 2015 season; and
 - d. The approval is for two senior teams. Any additional team will require prior approval from the Chief Executive Officer.

Carried 9/0

10.4.2 PROPOSAL FOR A TRIAL SHARK BARRIER – COTTESLOE BEACH

File Ref: SUB/1770
Attachments: [Confidential Proposal Bionic Barrier](#)
[Confidential Proposal Eco Shark Barrier](#)
[The West Australian Article SLSWA 7 October 2014](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer
Proposed Meeting Date: 21 October 2014
Author Disclosure of Interest: Nil

SUMMARY

This report responds to recent proposals received by the Town in relation to shark barriers on Cottesloe beach and recommends that Council consider the temporary installation of such a barrier, subject to a range of approvals and conditions as outlined in this report.

BACKGROUND

Following an increased incidence of fatal shark attacks along the West Australian coastline during 2013/14 the State Government committed funds to research and trial various shark hazard mitigation treatments. The State Government Department of Commerce (which houses the office of the Chief Scientist) sought Expressions of Interest (EOI) from Local Governments for grant funding of up to \$150,000 to trial a beach enclosure to protect swimmers from risk of shark encounters. The City of Cockburn submitted an EOI and was shortlisted, however was unsuccessful in securing the funds on account of the form of barrier the City proposed (the Eco Shark Barrier) not being consistent with the product that the State Government wanted to trial. The City of Busselton was subsequently successful in securing a grant to trial a net at Dunsborough.

As a means of testing their product, the proponents of the Eco Shark Barrier sought support from the City of Cockburn to trial their barrier at Coogee Beach over the 2013/14 summer at no cost to Council. After a rigorous consultation, application and approval process through a number of State Government agencies the barrier was finally installed in December 2013 and removed on 26 April 2014. Eco Shark Barrier Pty Ltd (ESB) subsequently offered Council an opportunity to purchase or lease the Barrier on an ongoing basis. Based upon the success of the trial Cockburn Council subsequently resolved to commence negotiations with ESB and the State Government to continue the trial for a three year period from September 2014 to September 2017.

According to the officer report to Cockburn Council “*by all measures contemplated, the barrier trial is considered to have been a success*” and a number of “success measures” were reported, including;

- No Personal Injuries
- No Marine Animal Entrapment or Other Marine Creature Harm

- Barrier Resilience to Sea Conditions
- Beach or Seabed Sand Accretion or Erosion
- Seaweed or Flotsam Build-up
- Boat or Other Watercraft Issues or Incidents
- Beachgoer Acceptance
- Ancillary Popularity Issues
- Council Costs
- Reduced Risk of Shark Encounters

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Beach Policy

STATUTORY ENVIRONMENT

Local Government Act 1995 - Section 3.18 (3)

FINANCIAL IMPLICATIONS

If the recommendation is successful a \$110,000 allocation will be required in the 2014/15 financial year budget. ESB have provided the Town with priced proposals for both the purchase and/or lease of the Eco Shark Barrier, with or without an ongoing maintenance component.

STAFFING IMPLICATIONS

There will be some staff time required to work with ESB to obtain the necessary approvals for the trial as well as reporting and monitoring on the installation and operation of the barrier.

SUSTAINABILITY IMPLICATIONS

The sustainability implications are unknown at this stage. The impact on sustainability will be monitored during the trial period and reported back to Council.

CONSULTATION

Presentations to Elected Members during September 2014.

STAFF COMMENT

The Eco Shark Barrier installed at Coogee Beach was comprised of “clip together” uPVC star segments hung between a continuous uPVC float line on the water surface and a continuous anchored line running along the sea bed. This was secured to anchor pylons and the barrier formed an enclosure approximately 300 metres long by 75 metres wide parallel to the beach.

In relation to Cottesloe attachment two shows the proposed location for the placement of the barrier at Cottesloe Beach, including the requirement for some securing at both the end of the groyne and beach. As a condition of any trial, ESB will be required to provide monthly reports on how the barrier performs.

Issues for Consideration**1. Approvals**

For the barrier trial to take place ESB and/or the Town will be required to obtain approvals from:

- (i) The Department of Lands (in the form of a license to use Crown Land and meet the requirements of the Aboriginal Heritage Act);
- (ii) The Department of Planning; and
- (iii) The Department of Transport, in the form of a license for the structure in the marine environment.
- (iv) The Department of the Environment

Given the success of the trial at Coogee and recent decisions by the State Government in relation to “drum lines” it is hoped that the approvals should not be overly difficult to acquire.

2. Lease or Purchase, Maintenance & Inspection Costs

As noted from the presentations to Council there is some interest in this product and, based upon the State Government’s latest position, there may be some increased market demand for the Eco Shark Barrier or similar product, and it is reasonable to assume that other manufacturers will look at competing. This will likely impact on price.

For the purchase option, any necessary maintenance would be at the Town’s cost. Separate to maintenance is routine inspection of the barrier and most especially after storm events to ensure no marine animals or large quantities of seaweed or flotsam are caught in it. A maintenance and inspection schedule would need to be developed but it is felt such inspections would likely need to be an average of around once per week via boat or snorkeler. An initial budget allocation for maintenance and inspection associated with the purchase option would be recommended and/or negotiated with ESB as part of any lease arrangement. This cost would be reviewed once installation and specific inspection regimes and resource needs are established.

3. Future Replacement

The likely life of the various barrier elements is unknown at this time, it being a prototype design. The proponents have suggested between 5 and 10 years and it is probable that ESB will look to improve upon aspects of the product for new and existing installations, as is the case for the Town as the proposed barrier has been improved from the version trialled at Coogee. Any pylon and/or anchorage elements themselves can be expected to have a very long life before needing replacement.

4. Erosion or Sedimentation

The trial barrier at Coogee has not been in place for long enough to fully establish whether erosion or sedimentation of the beach or sea bed may become a problem and necessitate additional expenditure to address. This will be the case regardless of a purchase or lease option being taken up.

State Government's Shark Hazard Response Initiatives

Whilst the State Government via the Department of Commerce and Department of the Premier and Cabinet was not prepared to contribute funding toward the trial of the Eco Shark Barrier at Coogee Beach they are interested in the outcomes of the trial, including a comparison with the Uni Net Barrier trialled at Dunsborough. Clearly beach enclosures are one of the options to provide a protected swimming environment and it can be expected that there will be continued State Government interest in barrier installations at locations around the West Australian coast, especially given the latest determination in relation to drum lines. Whether this will translate into support funding is not known but should be explored.

Provided Amenity & Community Response

There is no doubt that the Eco Shark Barrier has been a popular inclusion to Coogee Beach. It has provided the opportunity for a safe secure swimming experience in the ocean for those persons that would be otherwise pensive or fearful of entering the water on account of concern about sharks. Comments provided by their community survey suggest that people have taken up swimming in the ocean again or are enjoying the experience of swimming in the ocean much more so since the barrier was established. Feedback via the survey and anecdotally also suggests that people are travelling considerable distances to Coogee, as compared to closer beaches, on account of the Eco Shark Barrier being installed there. Similarly swimming lessons and families with young children are seen to be taking advantage of the barrier whereas they would not have utilised this beach prior.

The presence of a beach enclosure does provide increased amenity for the users in much the same way as a jetty, groyne, beach pool or pontoon. Whether this should justify installing a barrier for future use is a matter for Council to consider. The Eco Shark Barrier trial at Coogee Beach was considered successful from the City of Cockburn's perspective and it appears to be widely accepted by beach users and anecdotally, it is giving everyone an opportunity to embrace the ocean environment without fear. Whilst its impact on shark behaviour is still relatively unknown, it does provide social advantage, at least in an environment such as Coogee Beach and potentially other metropolitan beaches.

The social advantage that the barrier offers should not be left to the Town to provide or fund on its own. The State Government has accepted its role in trying to address the social impacts of sharks by funding products to help mitigate shark attacks. It is not unreasonable to expect the Government to contribute to the purchase and/or installation of such a product. Officers have therefore recommended that Council seek matching financial support from the State Government. It is not yet known whether the State Government will agree to co-fund the proposed trial.

At this point in time the barrier is still relatively untested, having only been installed at one relatively calm beach area for one season. Whilst the social benefits have been highlighted, further work needs to be done to prove the product in different weather conditions. A three year trial period is recommended and officers are recommending to enter into negotiations with ESB and the State Government to support the trial of the eco shark barrier for a three year period.

To streamline the approval process, officers are recommending that the Town lease the area of coastline bounded by the trial and, with ESB, also seek the necessary approvals for installation of the barrier. The various State Government agencies may be somewhat reluctant to enter into long term agreements with a private entity and would be more willing to support the trial if the Town leases the area.

Options

The options available to the Town going forward in respect to the Eco Shark Barrier are as listed below:

1. Not install the barrier (i.e. no purchase or lease) and allow the State Government to determine its position or proposal for a similar style of net/barrier.
2. The Town purchases the barrier in its entirety and the barrier is installed as soon as all approvals are obtained as per the attached quotation noting that maintenance of the barrier (if required) would be at an extra cost to the Town. Removal of the barrier over subsequent winter periods would be at the cost of the Town.
3. The Town leases the barrier from ESB as per the quotation received for a period of three years, inclusive of installation, inspection and maintenance. An annual clean would incur an extra cost of \$20,000 and periodic inspections potentially another \$10,000 per annum. The barrier is not to be left in over the winter period and would be removed and stored by ESB at their cost.

VOTING

Absolute Majority

COMMITTEE DISCUSSION

Committee discussed the design and operational aspects of the trial shark barrier. The Manager Corporate and Community Services reminded Committee that the design has not been finalised and there is still much work to do before a shark barrier is trialled.

Committee debated the level financial support the State Government should contribute to the trial. Cr Pyvis was of the view that the State Government should cover the cost for the trial, however, Cr Jeanes expressed concern that the Town would then be unable to have a say in how the trial was run. Committee concluded to finalise the request to the State Government for a financial contribution at a later date.

OFFICER RECOMMENDATION

Moved Cr Burke, seconded Cr Jeanes

THAT Council, by absolute majority:

1. Note the officer report;
2. Seek financial support from the State Government on a dollar for dollar basis up to a maximum of \$50,000 per annum;

3. Seek approval from the Department of Lands to lease the area bounded by the Eco Shark Barrier for a three (3) year period during the trial;
4. Subject to points (2) and (3) above, approve a three (3) year trial of the Eco Shark Barrier at Cottesloe beach on the basis of the barrier being installed each summer season (1 November to 31 March) and removed each winter, and provided the following conditions are met:
 - a) Eco Shark Barrier Pty Ltd are to;
 - i) In partnership with the Town, consult with Surf Life Saving WA and Cottesloe Surf Life Saving Club in relation to the proposed location and operation of the barrier;
 - ii) Provide certification of the Eco Shark Barrier by an appropriately qualified engineer;
 - iii) Gain and comply with all required approvals from the necessary government agencies, including Department of Lands, Department of Planning and Department of Transport;
 - iv) Ensure that they have public liability insurance to the value of \$20,000,000 for the duration of the trial;
 - v) Retain responsibility for installation, management, insurance, cleaning and monitoring of the barrier for the entire period of the trial;
 - vi) Install, monitor, maintain and remove the structure at their own cost;
 - vii) Provide monthly reports to the Town in relation to the structure which is to include details on public issues including safety, maintenance issues, costs and marine wildlife captures;
 - viii) Monitor and report on erosion or sedimentation of the beach or sea bed;
 - ix) Give a commitment to remove the structure early should it not withstand ocean conditions or have any adverse impacts on beach users; and
 - x) At the end of the trial Eco Shark Barrier Pty Ltd will remove the Barrier and all associated elements including any pylons and/or anchor assemblies unless alternative arrangements have been made with the Town.
5. Amend the budget for the year ended 30 June 2015 to include an allocation of \$110,000 for the installation, removal and maintenance of a shark barrier at Cottesloe Beach.

AMENDMENT

Moved Cr Jeanes, seconded Cr Burke

That the words "*on a dollar for dollar basis up to a maximum of \$50,000 per annum*" be removed from point two.

Carried 5/0

COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Cr Birnbrauer

THAT Council, by absolute majority:

1. Note the officer report;
2. Seek financial support from the State Government;
3. Seek approval from the Department of Lands to lease the area bounded by the Eco Shark Barrier for a three (3) year period during the trial;
4. Subject to points (2) and (3) above, approve a three (3) year trial of the Eco Shark Barrier at Cottesloe beach on the basis of the barrier being installed each summer season (1 November to 31 March) and removed each winter, and provided the following conditions are met:

Eco Shark Barrier Pty Ltd are to;

- i. In partnership with the Town, consult with Surf Life Saving WA and Cottesloe Surf Life Saving Club in relation to the proposed location and operation of the barrier;
- ii. Provide certification of the Eco Shark Barrier by an appropriately qualified engineer;
- iii. Gain and comply with all required approvals from the necessary government agencies, including Department of Lands, Department of Planning and Department of Transport;
- iv. Ensure that they have public liability insurance to the value of \$20,000,000 for the duration of the trial;
- v. Retain responsibility for installation, management, insurance, cleaning and monitoring of the barrier for the entire period of the trial;
- vi. Install, monitor, maintain and remove the structure at their own cost;
- vii. Provide monthly reports to the Town in relation to the structure which is to include details on public issues including safety, maintenance issues, costs and marine wildlife captures;
- viii. Monitor and report on erosion or sedimentation of the beach or sea bed;

- ix. Give a commitment to remove the structure early should it not withstand ocean conditions or have any adverse impacts on beach users; and
 - x. At the end of the trial Eco Shark Barrier Pty Ltd will remove the Barrier and all associated elements including any pylons and/or anchor assemblies unless alternative arrangements have been made with the Town.
- 5. Amend the budget for the year ended 30 June 2015 to include an allocation of \$110,000 for the installation, removal and maintenance of a shark barrier at Cottesloe Beach.

AMENDMENT

Moved Mayor Dawkins, seconded Cr Burke

That in item 5 of the recommendation the amount “\$110,000” be increased to “\$130,000”.

Carried 8/1

AMENDMENT

Moved Cr Walsh, seconded Cr Pyvis

That in item 2 of the recommendation the words “and obtain” be added after the word “seek”.

Carried 9/0

COUNCIL RESOLUTION

THAT Council, by absolute majority:

- 1. Note the officer report;**
- 2. Seek and obtain financial support from the State Government;**
- 3. Seek approval from the Department of Lands to lease the area bounded by the Eco Shark Barrier for a three (3) year period during the trial;**
- 4. Subject to points (2) and (3) above, approve a three (3) year trial of the Eco Shark Barrier at Cottesloe beach on the basis of the barrier being installed each summer season (1 November to 31 March) and removed each winter, and provided the following conditions are met:**

Eco Shark Barrier Pty Ltd are to;

- i. In partnership with the Town, consult with Surf Life Saving WA and Cottesloe Surf Life Saving Club in relation to the proposed location and operation of the barrier;**
- ii. Provide certification of the Eco Shark Barrier by an appropriately qualified engineer;**

- iii. Gain and comply with all required approvals from the necessary government agencies, including Department of Lands, Department of Planning and Department of Transport;
 - iv. Ensure that they have public liability insurance to the value of \$20,000,000 for the duration of the trial;
 - v. Retain responsibility for installation, management, insurance, cleaning and monitoring of the barrier for the entire period of the trial;
 - vi. Install, monitor, maintain and remove the structure at their own cost;
 - vii. Provide monthly reports to the Town in relation to the structure which is to include details on public issues including safety, maintenance issues, costs and marine wildlife captures;
 - viii. Monitor and report on erosion or sedimentation of the beach or sea bed;
 - ix. Give a commitment to remove the structure early should it not withstand ocean conditions or have any adverse impacts on beach users; and
 - x. At the end of the trial Eco Shark Barrier Pty Ltd will remove the Barrier and all associated elements including any pylons and/or anchor assemblies unless alternative arrangements have been made with the Town.
5. Amend the budget for the year ended 30 June 2015 to include an allocation of \$130,000 for the installation, removal and maintenance of a shark barrier at Cottesloe Beach.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 9/0

10.4.3 WALGA'S POLL PROVISION ADVOCACY - REQUEST FOR FEEDBACK BY MEMBERS

File Ref: SUB/793-02
Attachments: [Poll Provisions Infopage September 2014](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer
Proposed Meeting Date: 21 October 2014
Author Disclosure of Interest: Nil

SUMMARY

This report requests that Council consider its position and provide feedback to WALGA as it determines the Association's policy position regarding advocacy for amendments to the poll provisions contained in Schedule 2.1 of the Local Government Act 1995, which enable electors of a local government that will be abolished or significantly affected by a boundary change proposal, to demand a poll.

BACKGROUND

At the 2 July 2014 WALGA State Council meeting, it was resolved to adopt, and advocate for, a policy position that the poll provisions should be amended so that electors of a local government where one or more local governments will be abolished or significantly affected by a boundary change proposal are able to demand a poll on the proposal; with 'significantly affected' being specifically defined as causing a fifty percent variation in:

- i. Population; or,
- ii. Rateable properties; or,
- iii. Revenue.

At WALGA's Annual General Meeting, held on 6 August, the meeting resolved:

That this Annual General Meeting, recognising the current approach by the State Government to the manipulation of the principles of the 'Dadour' poll provisions:

- a) endorse WALGA's position of providing community access to the poll provisions where 1 or more districts are to be abolished rather than the 2 or more districts as currently provided for in the Local Government Act 1995;*
- b) endorse WALGA's proposed extension of the poll provisions to significant boundary adjustments subject to any associated criteria and any percentages being agreed to by a majority of all local governments in Western Australia, and*
- c) reaffirm as policy, that WALGA is opposed to the removal or dilution of the 'Dadour' poll provisions including the temporary dilution or removal of those provisions.*

State Council, at its 3 September 2014 meeting, endorsed parts (a) and (c) of the AGM resolution above and resolved the following in relation to part (b):

Part (b) – endorse WALGA’s proposed extension of the poll provisions to include significant boundary adjustments subject to further research and sector consultation being carried out on any associated criteria and for a report to be presented through the next Zone/State Council Meetings.

Local governments are invited to provide feedback prior to Friday 31 October 2014 to inform an agenda item to be prepared for the 3 December 2014 State Council meeting.

Past Resolutions

Council has previously considered the issue of poll provisions and its resolutions have been consistent and unchanged. Most recently (August 2013) Council resolved as follows;

THAT Council;

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

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Although there is no actual policy Council’s most recent resolution regarding local government reform was to emphasise support for the poll provisions.

STATUTORY ENVIRONMENT

Schedule 2.1 of the Local Government Act 1995

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The intention of the motion by City of Canning is understood to be to address attempts to bypass the poll provisions of the Act through strategies such as those adopted by the Minister for Local Government, where he did not propose mergers of two or more districts; instead the boundary of one district would be extended to encompass the neighbour or one district would be split up amongst neighbours. The approach was supposed to indicate that there are no forced mergers because they will only be boundary changes; however, it appears quite clearly a manoeuvre intended to circumvent the poll provisions and has been challenged in the Supreme Court of Western Australia by a private citizen supported by three impacted councils. The Chief Justice referred the matter for a judicial review and the outcome of the proceedings may be known by the end of the year. The outcome of the judicial review may determine how important the development of this policy position actually is.

Defining the criteria for whether a boundary change significantly affects a local government is difficult and there are divergent views within the sector. There seems to be a general view that a minor boundary change, perhaps to fix an anomaly, should not be the subject of a potential poll of electors. There is also a widely shared (though undoubtedly not unanimous) view that, where one or more local governments will be abolished or a local government's viability could be affected by a boundary change proposal, electors should have the right to demand a poll.

Criteria defining whether a local government would be 'significantly affected' could be defined in the Act. This was State Council's original approach where it was resolved that a 50% variation in population, or rateable properties or revenue would be the trigger for the community to have the option to call a poll however it is possible that a 50% variation is too high a criterion. A local government could be rendered unviable by a significantly smaller change, particularly if that change were to its rate base and therefore its revenue. As with so much in discussion of local government restructuring, population alone could be considered a weak indicator, as a district may well survive a significant population loss, perhaps offset by future growth, if its revenue stream was protected, because it received significant rate income from commercial or industrial property.

In addressing this matter it needs to be determined whether there are appropriate criteria available or whether there should be an alternative method to determine

whether a local government would be 'significantly affected' by a boundary change proposal.

Options to address this issue presented by WALGA are:

1. All boundary change proposals could be the subject of a poll. While there is a general view that minor boundary changes should not be subject to a poll of the community, it could be argued that a minor boundary change that only affects a small number of properties would be unlikely to attract enough interest from the community for a poll to be called or to ultimately be successful in overturning the proposal. This would remove the need for criteria to be established to define 'significantly affected'.
2. Criteria defining whether a local government would be 'significantly affected' could be defined in the Local Government Act. It is suggested that a percentage variation in population, or rateable properties, or revenue could be defined as the appropriate criteria to trigger the community's right to call a poll.

Three percentages are presented as options to define these criteria in the Local Government Act:

- a. 10 percent.
- b. 25 percent
- c. 50 percent.

A further consideration might be that where the Councils of all districts affected agree that a change is minor and make a joint proposal for the change to the LGAB, the poll provisions will not apply. In all other circumstances the poll provisions will apply. This seems to be a way to simplify the issue to a degree that it might be able to be agreed without attempting to finesse definitions suitable to all or most WALGA members.

If a definition of "significant" is required it should be set very low and it should not be based on one measure alone. The basis for a sustainable local government rests on a number of factors, many of them to an extent interlinked. This means that if one is undermined others probably will be also.

Feedback to WALGA is required by 31 October 2014.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council advise WALGA that it supports the Local Government Act being amended so that the community of a local government could demand a poll under any boundary change proposal.

Carried 9/0

Cr Jeanes declared an impartiality interest in item 10.4.4, due to having had a dog in the past and stated that as a consequence there may be a perception that his impartiality may be affected and declared that he would consider this matter on its merits and vote accordingly.

Cr Downes declared an impartiality interest in item 10.4.4, due to having a dog and stated that as a consequence there may be a perception that her impartiality may be affected and declared that she would consider this matter on its merits and vote accordingly.

Cr Walsh declared an impartiality interest in item 10.4.4, due to having a dog and stated that as a consequence there may be a perception that his impartiality may be affected and declared that he would consider this matter on its merits and vote accordingly.

10.4.4 DESIGNATED AREAS FOR DOGS – FINAL ADOPTION

File Ref:	SUB/1862
Attachments:	<u>Submissions Dogs in Public Places</u>
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Mat Humfrey Manager Corporate & Community Services
Proposed Meeting Date:	21 October 2014
Author Disclosure of Interest:	Nil

SUMMARY

In July this year, Council authorised the advertising of areas that would be considered designated areas under the recent amendments to the Dog Act 1976. The submissions received and a recommendation for final adoption are being presented for Council's consideration.

BACKGROUND

Until recently, the designation of “dog exercise areas” and “places where dogs are prohibited absolutely” was undertaken by including a relevant clause in the Town's Dogs Local Law. However the Dog Act 1976 and the accompanying Regulations now require that these areas be set aside via a resolution of Council, following the required advertising periods.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

The required advertising and notices were created and placed following the July 2014 Council meeting. The response was low with only seven submissions being received.

These submissions are summarised below, with the actual submissions in attachment one.

STAFF COMMENT

Given the level of feedback received during the advertising of the Town of Cottesloe Dogs Local Law 2011, a much higher level of feedback was anticipated during this advertising process. With only seven submissions received, and the submissions themselves presenting a range of views, there is no evidence strong enough to recommend any changes to the current arrangements.

The concerns raised in submissions four and five have been provided to the rangers for action. We have had Rangers on duty in the early hours of the morning (prior to 6.00am) and cautions and infringements have been issued to people with dogs of leads in areas where they are required. These patrols will continue at various times during the summer months.

Submissions six and seven request that the northern dog beach have restricted hours return. However, with only two submissions making this request, there is simply not the grounds to change the current arrangements.

Submission three calls for Cottesloe Oval and Harvey Field to no longer be dog exercise areas. Again, with only one submission, there are not sufficient grounds to recommend a change at this stage. Again this issue has been forwarded to the Rangers to address through patrolling the area.

While no changes have been recommended at this stage, changing these arrangements can be done at any time by a resolution of Council, so long as the relevant advertising is undertaken. As such, should community opinion change or enough community support is demonstrated, Council can with relative ease, make an amendment to these arrangements.

VOTING

Absolute Majority

COMMITTEE DISCUSSION

Committee discussed the points raised during Public Statement Time at length and considered potential alternatives to the officer recommendation, in relation to the Northern Dog Beach.

Cr Pyvis raised and Committee discussed balancing the views of the residents present with needs of the wider community. Committee concluded that the Northern Dog Beach should not be designated as an exercise area for dogs.

COUNCIL DISCUSSION

Council discussed the report and considered the many comments from the members of public present. As a consequence the Mayor proposed the officer recommendation be reinstated and Cr Walsh suggested the same outcome could be achieved with an amendment to the Committee recommendation to reinstate the section including the Northern Dog Beach from the officer recommendation.

OFFICER RECOMMENDATION

THAT Council, by absolute majority:

1. Designate the following areas as Dog Exercise Areas;
 - (a) The following public beaches:
 - (i) Southern Dog Beach - the public beach south of the north side of the groyne at Beach Street and the easterly projection of that line to the access path to the beach, northerly along the western edge and easterly along the northern edge of that path to where it joins the car park, then southerly to the southern boundary of the district.
 - (ii) Northern Dog Beach - the public beach situated to the north of the prolongation westerly of the southern boundary of Lot 67 of Cottesloe Suburban Lot 13 to the western boundary of the municipality and thence northerly to the northern boundary of the municipality.
 - (b) The following reserves:
 - (i) Reserve A 1203 known as Grant Marine Park;
 - (ii) Reserve 29939 known as Andrews Place;
 - (iii) Reserve 24793 known as Jasper Green Reserve;
 - (iv) Cottesloe Oval, Reserve A6271 (Cottesloe Suburban Lot 63);
 - (v) Harvey Field, Part of Reserve A1664 (Cottesloe Suburban Lot 68);
 - (vi) In Curtin Avenue:
 - (I) An area bounded between the railway reserve to the east, the eastern edge of the constructed part of Curtin Avenue to the west, Eric Street to the north and the north edge of the footpath from Forrest Street to the south.

- (II) An area bounded between the railway reserve to the east, the eastern edge of the constructed part of Curtin Avenue to the west, the southern edge of Grant Street railway station and Eric Street to the south.
- (vii) In Railway Street:
 - (I) An area bounded between the railway reserve to the west, the western edge of the constructed part of Railway Street, the southern boundary of the car park at Congdon Street and the northern boundary of Eric Street to the south.
 - (II) An area bounded between the railway reserve to the west, the western edge of the constructed part of Railway Street, the southern boundary of Eric Street and the southern projection of Burt Street to the south.
- (viii) John Black Dune Reserve A3235 (part of Napier Street Reserve bounded by the north side of the northern footpath on Napier Street, the eastern edge of the constructed car park at Napier Street (known as car park No. 2), the southern boundary of Bryan Way and the western boundaries of the tennis courts.

The above dog exercise areas do not apply to –

- (a) land which has been set apart as a children's playground;
 - (b) an area being used for sporting or other activities, as permitted by the local government, during the times of such use; or
 - (c) a carpark.
2. Designate the following areas as places where dogs are prohibited absolutely;
- (a) where so indicated by a sign, a public building;
 - (b) a theatre;
 - (c) all premises, outdoor dining areas or vehicles classified as food premises or food vehicles under the Food Act 2008;
 - (d) a public swimming pool;
 - (e) a public beach or reserve not being a beach or reserve listed under point 1; and
 - (f) a children's playground.

COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Cr Rowell

THAT Council, by absolute majority:

- 1. Designate the following areas as Dog Exercise Areas;
 - (a) The following public beaches:
 - (i) Southern Dog Beach - the public beach south of the north side of the groyne at Beach Street and the easterly projection of that line to the access path to the beach, northerly along the western edge and easterly along the

northern edge of that path to where it joins the car park, then southerly to the southern boundary of the district.

- (b) The following reserves:
- (i) Reserve A 1203 known as Grant Marine Park;
 - (ii) Reserve 29939 known as Andrews Place;
 - (iii) Reserve 24793 known as Jasper Green Reserve;
 - (iv) Cottesloe Oval, Reserve A6271 (Cottesloe Suburban Lot 63);
 - (v) Harvey Field, Part of Reserve A1664 (Cottesloe Suburban Lot 68);
 - (vi) In Curtin Avenue:
 - (I) An area bounded between the railway reserve to the east, the eastern edge of the constructed part of Curtin Avenue to the west, Eric Street to the north and the north edge of the footpath from Forrest Street to the south.
 - (II) An area bounded between the railway reserve to the east, the eastern edge of the constructed part of Curtin Avenue to the west, the southern edge of Grant Street railway station and Eric Street to the south.
 - (vii) In Railway Street:
 - (I) An area bounded between the railway reserve to the west, the western edge of the constructed part of Railway Street, the southern boundary of the car park at Congdon Street and the northern boundary of Eric Street to the south.
 - (II) An area bounded between the railway reserve to the west, the western edge of the constructed part of Railway Street, the southern boundary of Eric Street and the southern projection of Burt Street to the south.
 - (viii) John Black Dune Reserve A3235 (part of Napier Street Reserve bounded by the north side of the northern footpath on Napier Street, the eastern edge of the constructed car park at Napier Street (known as car park No. 2), the southern boundary of Bryan Way and the western boundaries of the tennis courts.

The above dog exercise areas do not apply to –

- (a) land which has been set apart as a children's playground;
- (b) an area being used for sporting or other activities, as permitted by the local government, during the times of such use; or
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2. Designate the following areas as places where dogs are prohibited absolutely;
- (a) where so indicated by a sign, a public building;
 - (b) a theatre;
 - (c) all premises, outdoor dining areas or vehicles classified as food premises or food vehicles under the Food Act 2008;
 - (d) a public swimming pool;
 - (e) a public beach or reserve not being a beach or reserve listed under point 1; and
 - (f) a children's playground.

Note: Committee resolved to delete item 1(a)(ii) Northern Dog Beach from the officer recommendation due to issues raised during Public Question Time.

COUNCIL CONSIDERATION

The Mayor proposed moving the Officer recommendation in its entirety. Cr Walsh suggested moving the Committee recommendation with an amendment. The CEO advised that Council can move an alternate motion which is the Officer Recommendation, or move Committee recommendation with an amendment. If there is no mover/seconder it will lapse.

Meeting resumed at Chambers at 7:50pm

The Mayor resumed the Council meeting as per the published agenda.

Cr Walsh said he wished to speak on the previous Item 10.4.4 . Cr Rowell stated it had been dealt with and therefore under standing orders debate should not be allowed.

The Mayor stated in this instance that Councillors be allowed to speak on the matter as they would have been able to in a normal debate. She stated that debate had been shortened in the Town Hall as many people wished to leave and had wanted the Item to be dealt with immediately. They felt that Councillors had heard the Public view.

The Mayor then advised that if any Councillor wished to speak on the Item 10.4.4 they may do so.

AMENDMENT

Moved Cr Walsh, seconded Cr Jeanes

That item 1(a)(ii) the Northern Dog Beach from the officer recommendation be reintroduced to the Council Resolution.

Carried 9/0

COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Rowell

THAT Council, by absolute majority:

1. Designate the following areas as Dog Exercise Areas;

(a) The following public beaches:

- (i) Southern Dog Beach - the public beach south of the north side of the groyne at Beach Street and the easterly projection of that line to the access path to the beach, northerly along the western edge and easterly along the northern edge of that path to where it joins the car park, then southerly to the southern boundary of the district.**
- (ii) Northern Dog Beach - the public beach situated to the north of the prolongation westerly of the southern boundary of Lot 67 of Cottesloe Suburban Lot 13 to the western boundary of the municipality and thence northerly to the northern boundary of the municipality.**

(b) The following reserves:

- (i) Reserve A 1203 known as Grant Marine Park;**
- (ii) Reserve 29939 known as Andrews Place;**
- (iii) Reserve 24793 known as Jasper Green Reserve;**
- (iv) Cottesloe Oval, Reserve A6271 (Cottesloe Suburban Lot 63);**
- (v) Harvey Field, Part of Reserve A1664 (Cottesloe Suburban Lot 68);**
- (vi) In Curtin Avenue:**
 - (I) An area bounded between the railway reserve to the east, the eastern edge of the constructed part of Curtin Avenue to the west, Eric Street to the north and the north edge of the footpath from Forrest Street to the south.**
 - (II) An area bounded between the railway reserve to the east, the eastern edge of the constructed part of Curtin Avenue to the west, the southern edge of Grant Street railway station and Eric Street to the south.**

(vii) In Railway Street:

- (I) An area bounded between the railway reserve to the west, the western edge of the constructed part of Railway Street, the southern boundary of the car park at Congdon Street and the northern boundary of Eric Street to the south.
- (II) An area bounded between the railway reserve to the west, the western edge of the constructed part of Railway Street, the southern boundary of Eric Street and the southern projection of Burt Street to the south.
- (viii) John Black Dune Reserve A3235 (part of Napier Street Reserve bounded by the north side of the northern footpath on Napier Street, the eastern edge of the constructed car park at Napier Street (known as car park No. 2), the southern boundary of Bryan Way and the western boundaries of the tennis courts.

The above dog exercise areas do not apply to –

- (a) land which has been set apart as a children's playground;
 - (b) an area being used for sporting or other activities, as permitted by the local government, during the times of such use; or
 - (c) a carpark.
2. Designate the following areas as places where dogs are prohibited absolutely;
- (a) where so indicated by a sign, a public building;
 - (b) a theatre;
 - (c) all premises, outdoor dining areas or vehicles classified as food premises or food vehicles under the Food Act 2008;
 - (d) a public swimming pool;
 - (e) a public beach or reserve not being a beach or reserve listed under point 1; and
 - (f) a children's playground.

Carried 9/0

10.4.5 2015 HAVAIANAS THONG CHALLENGE

File Ref: SUB/1864
Attachments: [Event Application](#)
[Event Risk Assessment](#)
[Event Signage and Event Map](#)
[Cottesloe Surf Life Saving Club Letter of Support](#)
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Sherilee Macready
Community Development Officer
Proposed Meeting Date: 21 October 2014
Author Disclosure of Interest: Nil

SUMMARY

Havaianas Thong Challenge is a nationwide event held on Australia Day each year at Cottesloe Beach. The 2015 event will be the 10th with Cottesloe being involved in the event for the last five. This report presents the organiser's application for the 2015 event for Council's consideration.

BACKGROUND

The event invites participants to take part in the "Havaianas Thong Challenge", which is a world record attempt for the largest chain of people floating out on the water on inflatable lilos. Participants are required to register either prior to the event or on the day at the beach. As part of the registration process, each participant receives an inflatable Havaianas Thong Lilo, to float on during the record challenge.

The 2015 event registration fees are:

- Pre-event online registration - \$30
- On the day registration - \$30

(\$10 for every participant is donated to the Cottesloe Surf Life Saving Club)

To address safety of registered participants, organisers have again included colour-coded wrist bands to indicate their swimming competency:

- Red – Novice/Average (or participating with children)
- Orange – Intermediate/Above average
- Green – Advanced/Confident

In 2014 electronic wrist bands for participants were introduced. Described as a NFC, or ShareBand, they feature "pair to participant" social media profiles that allow participants to: check-in for the event; identify themselves for collection of their lilos; and be able to share photographs from the event through their own social media networks; with an aim to enhance the interactive experience for participants. ShareBands will again be included as part of the 2015 event.

In 2014, organisers included large inflatable water entry arches at the water's edge, colour-coded to coordinate with the Share wrist bands and therefore each individual

swimming competency. Organisers claim the arches have been included in part to further address safety of registered participants, which have been supported by Cottesloe Surf Life Saving Club, and will again will be included as part of the 2015 event.

In 2014 the Thong Challenge included over 6000 participants nationally, with 2099 from the Cottesloe event. (Events were held at Bondi Beach (NSW), Torquay (VIC), Glenelg (SA) and Cottesloe (WA)).

Beach games, including beach flags, thong-throw and thong-paddle will again be included as a component of the day.

Organisers have indicated that they will again be including “giveaway” items to members of the public as part of a spinwheel competition. Items such as mini beach balls, umbrellas, calico bags, drink bottles, mini bucket and spades, and mini beach bat and ball set are listed as prizes. It is likely that some of these items may be provided by the event’s sponsors.

Organisers claim that the event adds value to the community in the following ways:

- Providing generous contribution to the local SLSC and Nippers association;
- Creates a structured, well organised event at Cottesloe Beach;
- Promotes Cottesloe as a family friendly environment to celebrate Australia Day together;
- Advocates Cottesloe’s focus on safety with continual water safety and “alcohol prohibited” messages being promoted throughout the event;
- Provides entertainment and activities for all age groups on the day; and
- Supports local businesses by attracting people to the area.

Organisers of the event, Urban Media Australia Pty Ltd, have introduced risk control measures including water safety plans and on-hand first aid. The water area will also be “roped off” to avoid other members of the public who are celebrating Australia Day from clashing with the event.

With approximately 2,100 participants expected and additional spectators, extra toilet facilities will be provided by the organisers. Rubbish bins, including the provision for recycling will be provided by the organisers.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Beach Policy - This event appears to be in compliance with the Town of Cottesloe’s Beach Policy.

STATUTORY ENVIRONMENT

Beaches and Beach Reserves Local Law 2012 has provisions for the maintenance and management of the beaches and beach reserves.

FINANCIAL IMPLICATIONS

Below are the fees associated with Public Events / Multiple Area Events for over 500 people, as per the Town's Schedule of Fees and Charges for the year ending 30 June 2015.

Commercial (<1000 people)	\$3,000 per day
Commercial (>1000 ~ <2000 people)	\$6,000 per day
Commercial (<2000 ~ <3000 people)	\$10,000 per day

The event organisers have indicated that they are anticipating between 2000 – 2,200 paid participants and between 7,500 and 15,000 spectators.

In 2014 event organisers were charged a fee of \$6,000 (+ GST). The reduction from the nominal fee was because the organisers were contributing \$10 per participant to the Cottesloe Surf Life Saving Club.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Organisers have confirmed that the inflatable plastic lilos are not recyclable.

Coastal Environments

- Commitment to protect and maintain coastal biodiversity and habitats.

Waste Management and Recycling

- Commitment on reducing waste (e.g. reduced packaging, reduced material usage).
- Commitment on resource efficiency (reducing, reusing, recovering, recycling);
- Commitment on recycling materials (paper, cardboard, aluminium etc).

CONSULTATION

Officers contacted the Cottesloe Surf Life Saving Club to obtain feedback on the previous year's event. It was advised, that the 2014 event was overall a positive experience for the club.

STAFF COMMENT

Event organisers have indicated that this year they do not plan to have a "Havaianas Australia Day Thong Challenge Merchandise Shop", a feature of past events, at the beachfront. The shop usually sells Havaianas merchandise such as thongs and beach umbrellas; the sale of which can compete with local traders and potentially create more advertising, waste, and rubbish on the beach.

In some past events, organisers have set up their "Havaianas Shop" at the beachfront without permission from Council; therefore officers have some concerns around this item. The request for a "Havaianas Shop" at the 2013 event was declined by Council. Despite this, organisers included the shop within the Cottesloe Surf Life Saving grounds on the day of the event.

Organisers have again requested their 'Bump In' time to set up for the event one day earlier than previous year's, on Saturday, 24 January 2015, to allow for additional equipment set up. This would mean an additional day, than the 2014 event, that could potentially impact general beachgoers wanting to access the beach for a swim, and as such is not supported.

The DJ / MC set up for this year's event will be on the groyne level and will be the location where the presentation of the donation cheque to the Cottesloe Surf Life Saving Club at the end of the event is made. Organisers have stated that noise restriction regulations in this area will be addressed.

Organisers have advised that they will not be including an outdoor screen as part of this year's event which was a feature of last year's event application process. However, officers have noticed a reference to a screen on the 2015 event map provided by organisers. Administration will seek clarification with organisers prior to the event.

Organisers have not advised whether they will be having a photo booth as part of their event, however, officers have noticed the presence of a photo booth on the 2015 event map provided by organisers. Administration will seek clarification with organisers prior to the event.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Cr Pyvis stated she cannot support the event as the provision of plastic, non-recyclable lilos is against the Town's Climate Change Policy and attempts by the Town to reduce its carbon footprint. Cr Pyvis also expressed concern that a commercial event will monopolise Cottesloe beach on Australia Day.

COUNCIL DISCUSSION

Cr Pyvis repeated her comments at the committee. Cr Birnbrauer supported comments by Cr Pyvis

Cr Angers indicated that he had contacted the organisers to research this matter and had been advised that the material for the lilos is recyclable and that they are sent to an Environmental Services company to be recycled.

Cr Downes supported the event as a positive community event and one that provided fundraising support of Cottesloe Surf Life Saving Club.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Jeanes

THAT Council approve the application from Urban Media Australia Pty Ltd to hold the 2015 Havaianas Thong Challenge at Cottesloe Beach on Monday 26 January 2015, with the following conditions:

1. Adequate arrangements are made for rubbish collection and removal, including provision for recycling.
2. Compliance with the Environmental Protection (Noise) Regulations 1997.
3. Compliance with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the Health (Public Buildings) Regulations 1992.
4. All fees are paid prior to the event, including fees to cover additional costs of cleaning the public toilets and ranger services (if required).
5. Class the event as a commercial event and charge the fee of \$6,000 (+GST) and a bond of \$2,000.
6. Provision of 'certificates of currency' to certify that organisers have adequate public liability insurance.
7. That signage is limited to only directional and safety signage, with the request for additional tear drop signage to be declined.
8. The request for additional 'Bump In' day, on Saturday, 24 January 2015 is declined.
9. Organisers supply 10 female and 8 male portable toilets to cater for the 2000+ participants and 7500+ spectators.
10. Vehicular access to the groyne and disability set down area are not to be restricted.
11. In the event that the 7 day forecast indicates that the maximum temperature for the day of the event will exceed 35 degrees, additional shade structures are permitted with a total area less than 100 square metres, subject to arrangements for these being to the satisfaction of the Chief Executive Officer.

Carried 7/2

Cr Downes declared an impartiality interest in item 10.4.6, due to having a car participating in the event and stated that as a consequence there may be a perception that her impartiality may be affected and declared that she would consider this matter on its merits and vote accordingly.

10.4.6 CELEBRATION OF THE MOTORCAR - 2014

File Ref: SUB/1865
Attachments: [Event Application Form](#)
[Event Management Plan](#)
[Draft Map](#)
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Sherilee Macready
Community Development Officer
Proposed Meeting Date: 21 October 2014
Author Disclosure of Interest: Nil

SUMMARY

Celebration of the Motorcar is an elite motoring exhibition event held in the grounds of the Cottesloe Civic Centre. Paul Blank from Automotive Events Management is seeking approval for the third Celebration of the Motorcar event, in its modern format. The original event was held annually from 1993 until 2003.

This report recommends that Council approve the application for this event to be held at the Cottesloe Civic Centre, on Sunday 16 November 2014, between 10.30am and 3.30pm.

BACKGROUND

The event invites members of the public to view an exhibition of Australia's (including Western Australian cars) classic, exotic and prestige cars in the grounds of the Cottesloe Civic Centre. The specific location of the public exhibition will be on the Main Lawn and Lower Lawn as shown on the attached map.

The primary aim of the event is to raise funds and profile for the organiser's chosen charity, Wheels for Hope. Wheels for Hope are a Charity that support WA families with disabilities who do not have the benefit of mobility. These are families who do not have suitable transportation to access critical medical and remedial care, educational opportunities and community events. Wheels of Hope have a fleet of 60 wheelchair hoist vehicles which are loaned to eligible families as part of the programme. This year, funds raised by the Celebration of the Motorcar event, will support Wheels of Hope maintain and grow its fleet, and assist more WA families to gain mobility and have a better chance of contributing to, and taking part in community life.

General public event admittance fees for the motoring exhibition are as follows:

- Adults admission \$20
- Children admission \$10
- Family admission \$50 (2 adults and up to 4 children)

100% of admission fees, after costs, are donated to the organisation's chosen charity organisation, Wheels for Hope, with a small portion of that going to the 2013 beneficiary, Bridging Communities Inc.

The original event was created and organised by Paul Blank of Automotive Events Management. The inaugural event, held in 1993, won the West Australian Motoring Event of the Year award. After five successful years of the event held at Cottesloe Civic Centre, demand was such that the event moved to a larger venue at the Claremont Teachers College. The event was held at the teacher's college until 2003.

Rubbish bins are required for the event, which were supplied by the Council at last year's event in support of this charitable event.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Outdoor Concerts and Large Public Events Policy.

Events Classification Policy.

STATUTORY ENVIRONMENT

Environmental Protection (Noise) Regulations 1997.

FINANCIAL IMPLICATIONS

Below we have outlined the fees associated with Public Events / Multiple Area Events for over 500 people, as per the Town's Schedule of Fees and Charges for the year ending 30 June 2015.

Charity	Nil
Community (<1000 people)	\$550 per day
Community (>1000 ~ <3000 people)	\$1,100 per day
Commercial (<1000 people)	\$3,000 per day
Commercial (>1000 ~ <2000 people)	\$6,000 per day
Commercial (<2000 ~ <3000 people)	\$10,000 per day

The event organisers have indicated that they are anticipating approximately 2000 paid participants to the event – which would attract a fee of \$6,000.

However, the organisers are contributing 100% of the admission fees collected, after costs, to their chosen charities, Wheels for Hope, which supports WA families with disabilities who do not have the benefit of mobility, (and Bridging Communities Inc.). As such it is recommended that Council classify this event as a charitable event – which has no fees.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Adequate arrangements are made for rubbish collection, including the provision for recycling.

CONSULTATION

In order to limit the impact on neighbours from potential noise generated from the event, no activity will take place in the Secret Garden, and noise limits will be put into place for activities on the Lower Lawn, with no vehicle activity at the Civic Centre before 8.30am or after 6.00pm on Sunday 16 November 2014.

However it is still recommended that neighbouring properties be advised of the event taking place (if approved) and provide a mechanism for them to provide feedback if required.

STAFF COMMENT

The 2012 and 2013 events were well organised and drew interest from local residents, who appreciated the type and value of the cars on display. Officers verified with organisers that 100% of net admission fees from the event went to the organiser's 2013 charity, Bridging Communities Inc. The Town did not receive any formal noise complaints from surrounding residents to the Cottesloe Civic Centre following the 2013 event and as such is supportive of the event.

Event organisers have advised officers that event signage will be at a minimum and will consist primarily of directional signage. Event signage consists of one 'Celebration of the Motorcar' banner as per the 2013 event, and specific car trade display signage, which will be restricted to individual car sites. With the focus of the event being the cars themselves, advertising will be kept to an absolute minimum.

Event organisers have also advised officers that materials used to "rope off" areas used to house display cars, will leave as little impact as possible on the lawn areas of the Main and Lower Lawn. The Town's Grounds Staff will be available to assist with marking out the grounds prior to the event, to minimise damage to lawn areas and reticulation systems.

On the Saturday 15 November, between 10.00am and 12.00pm, some cars will be delivered to the Lower Lawn in preparation for their display placement between 6.00pm and 8.00pm at both the Main and Lower Lawns. Event organisers will be required to keep the noise associated with this to a minimum. A security guard will be in place overnight to guard the vehicles.

On the morning of the event, the remainder of the display cars will enter the Main Lawn and Lower Lawn from 8.30am. Event organisers will be required to keep the noise associated with this to a minimum. Cars will not be running during the day which will assist in keeping noise levels to an acceptable level. Cars will come in the northern entry and leave from the gate close to the War Memorial Hall, keeping all traffic moving in one direction. Support vehicles will need to be parked offsite – with the most appropriate venue being Harvey Field.

The cars will leave the Civic Centre between 3.45pm and 5.00pm on Sunday 16 November with all activity ceased for the evening by 5.30pm. This again should minimise noise impacts on nearby residents.

During the event there will be no movement of display cars. The event is open to the public between 10.30am and 3.30pm.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council approve the application to hold the Celebration of the Motorcar event at Cottesloe Civic Centre on Sunday 16 November 2014 from 10.30am to 3.30pm with the following conditions:

- 1. Adequate arrangements are made for rubbish collection and removal, including the provision for recycling.**
- 2. Compliance with the Environmental Protection (Noise) Regulations 1997.**
- 3. Compliance with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*.**
- 4. Class this event as a charitable event and charge no fees.**
- 5. All fees are paid prior to the event, including fees to cover additional costs of cleaning the public toilets and ranger services (if required).**
- 6. Provision of 'certificates of currency' to certify that organisers have adequate public liability and event insurance, to the satisfaction of the Chief Executive Officer, prior to the event.**
- 7. Provision of an 'event management plan' and 'risk assessment document', to the satisfaction of the Chief Executive Officer, prior to the event.**
- 8. That support vehicles are parked at Harvey Field and not in public parking areas.**
- 9. No vehicle activity at the Civic Centre before 8.30am and after 6.00pm on Sunday, 16 November 2014.**
- 10. Neighbouring properties to the Cottesloe Civic Centre are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required.**

Carried 9/0

10.4.7 REQUEST FOR NATURAL AREAS MANAGEMENT PLAN - REVIEW AND UPDATE

File Ref: SUB/707
Attachments: [Submission from Coastcare PRNRM Officer](#)
[Copy of Agenda Item 26 May 2014](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 21 October 2014
Author Disclosure of Interest: Nil

SUMMARY

In May 2014, Council considered a submission from Cottesloe Coastcare for the Cottesloe Natural Areas Management Plan (NAMP) – 2008 to 2013, to be reviewed and updated and resolved:

THAT Council:

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

The 2014/2015 Budget was adopted without funding for this review and update being included as the information required was not available. This item presents further information from the Perth Region Natural Resource Management (PRNRM) funded Manager, Coastal and Marine Program, with the request that Council modify its budget to include funds for this work.

BACKGROUND

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

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

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

The request is for funding for the Plan review/update in 2014/2015 at an estimated cost of \$18,000 plus GST for the new NAMP.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

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

STAFF COMMENT

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

The detailed submission from the Perth Region NRM Officer covers the extensive progress made by Cottesloe Coastcare through its voluntary work. Apart from the NAMP being the focus and directional plan for Coastcare, it has also been a major reason for achieving the grant income over the years it has applied.

A review and update would maximise the potential to achieve further funding through grant income in future for the benefit of all beach users. It would also lessen the need for Council funding into the care of coastal vegetation areas.

VOTING

Absolute Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Angers

THAT Council, by absolute majority:

- 1. Fund a review and update of the 2008 – 2013 Natural Areas Management Plan (NAMP) to cover the period 2014 – 2019 and request staff to seek competitive quotes for this study review and updating; and**
- 2. Amend the budget for the year ended 30 June 2015 an amount of \$20,000 for the audit and update of the Natural Areas Management Plan.**

Carried 9/0

10.4.8 REQUEST TO NAME ROW 55

File Ref: SUB/295
Attachments: [ROW 55 Aerial](#)
[ROW 55 Lot View](#)
[ROW 55 Request to Name](#)
[ROW 55 Copies of Received Comments](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 21 October 2014
Author Disclosure of Interest: Nil

SUMMARY

At its August 2014 meeting, Council considered a request for ROW 55 to be named and resolved:

THAT Council:

- 1. Write to all owners of property abutting ROW 55 advising of the request to name the ROW and inviting comment, including suggested names.*
- 2. Consult with Professor Len Collard of the University of Western Australia to suggest a list of Australian Aboriginal names relevant to Cottesloe.*
- 3. At a future Council meeting consider a progress report on the proposal and whether to proceed with naming the ROW via the Landgate Geographic Names Committee.*

Letters were sent to affected residents requesting name suggestions.

This item deals with the received suggestions and recommends that Council:

1. Resolve to propose to the Landgate Geographic Names Committee that ROW 55 be named _____.
2. Inform the affected property owners of Council's decision on this matter.

BACKGROUND

ROW 55 is a short lane the depth of two lots, perpendicular to and running south off Burt Street close to Stirling Highway. It is abutted by two lots either side and one to the south. It provides sole vehicular access for 505-509 Stirling Highway, which have pedestrian access only from the highway.

A letter of request from three owners advises that since purchasing their properties all have had difficulty in identifying their homes to visitors. Although their addresses are Stirling Highway, due to inadequate frontages and lack of driveways or parking in relation to the highway those entrances are difficult to use.

While they are able to access their homes more safely via the ROW it is unnamed and difficult to identify for guests, trades-people or emergency vehicles.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

New street names must be approved by the Geographic Names Committee.

FINANCIAL IMPLICATIONS

Cost of new street sign.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

All abutting owners have been contacted and their suggestions for a suitable name requested.

STAFF COMMENT

Property owners were given until 10 October to suggest suitable names for ROW 55.

The two suggestions received are “Murphy” after a former Mayor of Cottesloe, Dr Charles Murphy, or a name in early Cottesloe history who contributed to the growth of Cottesloe.

Another suggestion was “Aroha”, if there was any connection to New Zealand.

From the Cottesloe history book by Ruth Marchant James (Cottesloe – A Town of Distinction) one possible name could be “Septimus Lane” after the first name of the Honourable Septimus Burt, the Attorney General (1890 – 1897) after whom Burt Street is named. This is also the street that ROW 55 connects to at the northern end.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Cr Pyvis expressed disappointment that a list of Indigenous names relevant to Cottesloe was not yet available, despite Council’s Resolution of August 2014 referred to in the report. Cr Pyvis commented that she had been in contact with Indigenous academics who advised that creating a list of relevant names is an interpretive exercise. Manager Corporate and Community Services advised Committee that the Town has written to Professor Collard, however, the process will take time and requires input from various State and Federal Government departments.

Committee then discussed the suggested names for the ROW with a majority of Councillors confirming a preference for that name Murphy Lane.

OFFICER RECOMMENDATION

THAT Council:

1. Resolve to propose to the Landgate Geographic Names Committee that ROW 55 be named _____; and
2. Inform the affected property owners of Council's decision on this matter.

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council:

1. Resolve to propose to the Landgate Geographic Names Committee that ROW 55 be named Murphy Lane; and
2. Inform the affected property owners of Council's decision on this matter.

Carried 9/0

10.4.9 REQUEST FOR SEALING A PORTION OF DOSCAS LANE (ROW 32)

File Ref: SUB/272
Attachments: [Plan of Location ROW 32](#)
[Copy of Email Received](#)
[Letter from 58 Forrest Street](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 21 October 2014
Author Disclosure of Interest: Nil

SUMMARY

A request has been received from a resident and user of Doscas Lane (ROW 32) for the sealing of a 23m section of this lane, towards the west end of the lane.

The officer recommendation is that Council:

1. Resolve to consider the provision of \$4,000 for the sealing of the 23m section of Doscas Lane adjacent to 62 Forrest Street in the 2014/2015 budget mid year review; and
2. Inform the applicant of Council's decision on this matter.

BACKGROUND

Doscas Lane (ROW 32) is owned by the Crown and runs in an east/west direction between Broome Street and Marmion Street as well as having three connections north to John Street. The lane is to the rear of properties fronting John Street and Forrest Street.

The lane is sealed from Broome Street to the west boundary of 62 Forrest Street as well as the intersection of the east/west section of the alignment with the central sealed north/south lane connection back to John Street. The section requested for sealing is steep and liable to wash out during heavy rain events.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

No issue.

FINANCIAL IMPLICATIONS

The estimated cost for the sealing of 23m of this lane is \$4,000. This amount has not been included in the 2014/2015 budget.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Only with the applicant.

STAFF COMMENT

This laneway commences on the east side of Broome Street, rises to a crest then has a steep slope down to a 'T' junction with a spur lane section connecting back to John Street. The section requested for sealing is the majority of the width of 62 Forrest Street.

The rear limestone retaining wall to 62 Forrest Street, on the south side of Doscas Lane, has recently been rebuilt and increased in height. Originally, the top of that wall was only slightly above the unsealed surface of the lane, with potential drainage issues. That problem will no longer apply.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Committee discussed the points raised during Public Statement time, with the Manager Engineering Services reminding Committee that the officer recommendation is to *consider* a provision of funds for the sealing of the laneway and all affected residents would receive letters regarding the works before the laneway was sealed.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Cr Birnbrauer

THAT Council:

1. Resolve to consider the provision of \$4,000 for the sealing of the 23m section of Doscas Lane adjacent to 62 Forrest Street in the 2014/2015 budget mid year review; and
2. Inform the applicant of Council's decision on this matter.

AMENDMENT

Moved Mayor Dawkins, seconded Cr Rowell

That a new item 2 be added to read: "if funding is approved Council to consult the neighbouring properties prior to work being carried out" and item 2 be renumbered.

Carried 9/0

COUNCIL RESOLUTION

THAT Council:

- 1. Resolve to consider the provision of \$4,000 for the sealing of the 23m section of Doscas Lane adjacent to 62 Forrest Street in the 2014/2015 budget mid year review;**
- 2. If funding is approved Council to consult the neighbouring properties prior to work being carried out; and**
- 3. Inform the applicant of Council's decision on this matter.**

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 8/1

10.4.10 REQUEST FOR SECTION OF ROW 76B TO BE SEALED

File Ref: SUB/316
Attachments: [Plan of Location ROW 76B](#)
[Copy of Letter Requesting Seal](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 21 October 2014
Author Disclosure of Interest: Nil

SUMMARY

A request has been received for the sealing of a short east/west section of ROW 76B, which connects between Macarthur Street and Sydney Street, Cottesloe.

The recommendation is that Council:

1. Consider, in the 2014/2015 mid year budget review the provision of \$3,000 for the sealing of a 20m section of ROW 76B; and
2. Inform the applicants of Council's decision on this matter.

BACKGROUND

ROW 76B is a narrow sealed section connecting Macarthur Street to Sydney Street plus a dead end spur section heading west approximately half way along the north/south section. This spur is sealed behind numbers 11 and 11A Macarthur Street but the remaining 20m section is sand base. The portion south of this spur was sealed in the 2013/2014 budget year.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

No issue.

FINANCIAL IMPLICATIONS

The sealing of this section of ROW 76B was not funded in the 2014/2015 budget. The estimated cost of this requested work is \$3,000.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Only with the applicants.

STAFF COMMENT

Council's program for sealing laneways is based on sealing the worst lanes first, based on complaints and requests from residents and ratepayers. This section of ROW 76B has not had the sealing issue brought up with staff before.

The estimated cost of \$3,000 to seal this section is relatively minor but can be considered in the 2014/2015 mid year budget review.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Cr Angers

THAT Council:

1. Consider, in the 2014/2015 mid year budget review the provision of \$3,000 for the sealing of a 20m section of ROW 76B; and
2. Inform the applicants of Council's decision on this matter.

AMENDMENT

Moved Cr Jeanes, seconded Cr Rowell

That a new item 2 be added to read: "if funding is approved Council to consult the neighbouring properties prior to work being carried out" and item 2 be renumbered.

Carried 9/0

COUNCIL RESOLUTION

THAT Council:

1. Consider, in the 2014/2015 mid year budget review the provision of \$3,000 for the sealing of a 20m section of ROW 76B;
2. If funding is approved Council to consult the neighbouring properties prior to work being carried out; and
3. Inform the applicants of Council's decision on this matter

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 8/1

10.4.11 REQUEST FOR CAPE LILAC TREE REMOVALS, JARRAD STREET, COTTESLOE

File Ref: SUB/465
Attachments: [Plan of Location](#)
[Copy of Letter and Advice](#)
[Copy of Street Trees Policy](#)
[Copy of Comments from 14 and 16 Jarrad Street](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Geoff Trigg
Manager Engineering Services
Proposed Meeting Date: 21 October 2014
Author Disclosure of Interest: Nil

SUMMARY

A request was previously received from 12 Jarrad Street, Cottesloe, for the removal of three Cape Lilac trees, because of the problem of a severe caterpillar plague generated from these trees each year, which enter adjacent houses.

The recommendation adopted by Council at the September 2014 meeting was:

THAT Council contact the owners of numbers 14 and 16 Jarrad Street to discuss the potential removal of Cape Lilac trees fronting their properties and investigate a trial of trunk banding with polyester, prior to the item being brought back to Council with comments.

Letters were sent to the affected properties. The recommendation is that Council:

1. Resolve to have staff trial trunk banding on the three Cape Lilac trees fronting 14 and 16 Jarrad Street, with these bands being in place during the next caterpillar activity period in 2015; and
2. Inform all affected properties in Jarrad Street of Council's decision on this matter.

BACKGROUND

Over the years, Council staff have removed many Cape Lilac trees from Cottesloe verges due to the major problem of caterpillars, in plague numbers, leaving these trees at this time every year and moving into adjacent houses. The alternative to tree removal is poison spraying, sometimes several times in one season around the same trees. On this section of Jarrad Street verge, one Cape Lilac tree was previously removed and the remaining three trees sprayed around three times.

Of the three trees mentioned in the letter, two front number 14 Jarrad Street and one fronts number 16. As seen in the attached photo, the verge has more verge trees fronting these properties than is normal in Cottesloe.

At its September meeting, Council resolved:

THAT Council contact the owners of numbers 14 and 16 Jarrad Street to discuss the potential removal of Cape Lilac trees fronting their properties and investigate a trial of trunk banding with polyester, prior to the item being brought back to Council with comments.

Letters were sent to the affected properties (numbers 14 and 16 requesting comments).

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council's Street Trees Policy applies (see attachments).

As mentioned in this policy, one issue is that many verge tree species chosen in the past were poorly chosen and this has provided a variety of problems, including such caterpillar infestations.

STATUTORY ENVIRONMENT

No issue.

FINANCIAL IMPLICATIONS

Dealing with seasonal caterpillar infestations generated by this tree species can absorb staff time and the use of costly contractor-spraying, Tree removal is estimated as \$2000.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Cape Lilac trees in Western Australia are not an Australian species. Their removal and possible replacement with a locally available species would be more sustainable. The only main alternative of poison spraying is not preferred or sustainable.

CONSULTATION

Letters requesting comments on the choice of removal and replacement or trunk banding were sent to numbers 14 and 16 Jarrad Street.

STAFF COMMENT

Comments have been received, from the owners of 14 and 16 Jarrad Street. The comments received supported the trial of the control measure first, with removal being the last resort.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council:

- 1. Resolve to have staff trial trunk banding on the three Cape Lilac trees fronting 14 and 16 Jarrad Street, with these bands being in place during the next caterpillar activity period in 2015; and**
- 2. Inform all affected properties in Jarrad Street of Council's decision on this matter.**

Carried 9/0

10.4.12 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2014 TO 30 SEPTEMBER 2014

File Ref: SUB/1720
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 21 October 2014
Author Disclosure of Interest: Nil

SUMMARY

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

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Statement of Financial Activity on page 1 of the attached Financial Statements shows operating revenue of \$7,957,852 or 92% less than year to date budget. This is due to the delay in the development and sale of Council's former Depot site, all other material variances are detailed in the Variance Analysis Report on pages 7 to 10 of the attached Financial Statements. Operating expenditure is \$490,661 or 16% less than year to date budget with most of this relating to depreciation which is not able to be processed until the 2013/2014 Financial Reports have been finalised. Capital expenditure \$255,814 or 51% ahead of year to date budget, is detailed on pages 26 to 30 of the attached Financial Statements.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council receive the Statutory Financial Statements including other financial information as submitted to the 21 October 2014 meeting of the Works and Corporate Services Committee.

Carried 9/0

**10.4.13 SCHEDULES OF INVESTMENTS AND LOANS AS AT 30
SEPTEMBER 2014**

File Ref: SUB/1720
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 21 October 2014
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present to Council the Schedule of Investments and the Schedule of Loans as at 30 September 2014, as included in the attached Financial Statements.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on page 21 of the attached Financial Statements shows that \$6,009,512.48 was invested as at 30 September 2014. Approximately 37% of the funds were invested with National Australia Bank, 24% with the Commonwealth Bank of Australia, 23% with Bankwest, and 16% with Westpac Bank.

The Schedule of Loans on page 22 of the attached Financial Statements shows a balance of \$5,430,413.06 as at 30 September 2014. Included in this balance is \$283,041.35 that relates to self supporting loans.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council receive the Schedule of Investments and the Schedule of Loans as at 30 September 2014. These schedules are included in the attached Financial Statements as submitted to the meeting of the Works and Corporate Services Committee on 21 October 2014.

Carried 9/0

10.4.14 LIST OF ACCOUNTS PAID FOR THE MONTH OF SEPTEMBER 2014

File Ref: SUB/1720
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 21 October 2014
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present to Council the list of accounts paid for the month of September 2014, as included in the attached Financial Statements.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The list of accounts paid for the month of September 2014 is included on pages 11 to 17 of the attached Financial Statements. The following significant payments are brought to Council's attention:-

- \$39,576.00 to Subaru Osborne park for a new passenger vehicle.
- \$42,796.91 & \$42,672.11 to Perthwaste Green Recycling for waste collection and disposal charges.
- \$30,232.40 to Shine Community Services being the Town's contribution for the period July to December 2014.
- \$26,087.59 to WMRC for waste disposal charges.

- \$399,980.69 to the Department of Fire and Emergency Services being the Town's first instalment of emergency services levies.
- \$26,180.00 to ID Consulting Pty Ltd for demographic studies and analysis for WESROC.
- \$224,801.73 to WA Treasury Corporation being a loan repayment.
- \$28,859.05 to Cobblestone Concrete for footpath installation.
- \$57,564.42 to Hartland investments Pty Ltd for structural repairs to Seaview Golf Clubrooms.
- \$470,000.00, \$450,000.00 & \$400,000.00 to National Australia Bank being new term deposits.
- \$460,000.00 to Commonwealth Bank being a new term deposit.
- \$480,000.00 to Bankwest being a new term deposit.
- \$400,000.00 to Westpac Bank being a new term deposit.
- \$86,326.44 & 82,440.96 to Town of Cottesloe Staff for fortnightly payroll.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council receive the list of accounts paid for the month of September 2014 as included in the attached Financial Statements, as submitted to the 21 October 2014 meeting of the Works and Corporate Services Committee.

Carried 9/0

10.4.15 RATES AND SUNDRY DEBTORS REPORTS AS AT 30 SEPTEMBER 2014

File Ref: SUB/1720
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 21 October 2014
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present to Council the Rates and Sundry Debtors Reports as at 30 September 2014, as included in the attached Financial Statements.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report on pages 23 and 24 of the attached Financial Statements shows a total balance outstanding of \$65,289.89 as at 30 September 2014. Of this amount, \$8,583.86 is under sixty days old with the balance of aged debtors being \$48,528.17.

The Rates and Charges Analysis on page 25 of the attached Financial Statements shows a total balance outstanding of \$3,597,283.51 as at 30 September 2014 of which \$194,998.72 and \$567,319.77 relates to deferred rates and outstanding emergency services levies respectively. The Statement of Financial Position on page

4 of the attached Financial Statements shows total rates outstanding as a current asset of \$3,887,216 as compared to \$3,466,089 this time last year.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council receive the Rates and Charges Analysis Report and Sundry Debtors Report as at 30 September 2014 as submitted to the 21 October 2014 meeting of the Works and Corporate Services Committee.

Carried 9/0

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

Nil

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:

12.1 ELECTED MEMBERS

Nil

12.2 OFFICERS

Nil

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

Nil

14 MEETING CLOSURE

The Mayor announced the closure of the meeting at 8:46 PM.

CONFIRMED MINUTES OF 27 October 2014 PAGES 1 – 88 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

DATE: / /