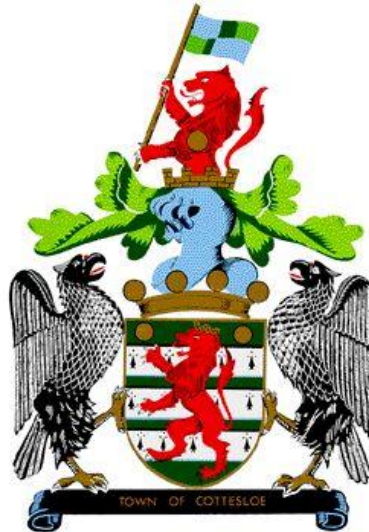


TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

Ordinary Meeting of Council
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
7.00 PM, Tuesday, 29 March, 2016

MAT HUMFREY
Chief Executive Officer

7 April 2016

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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 provided clarification regarding the Town's acquisition of the sculpture 'Golden Section' from Sculpture by the Sea. The Mayor advised that the sculpture was damaged during the exhibition, due to adverse weather conditions and stated that the acquisition will only proceed if the sculpture can be repaired and reinforced to operate in its chosen location. The Mayor further advised that the location for the sculpture has yet to be finalised and will be chosen in conjunction with the artist. The Mayor added that if the sculpture cannot be repaired to the satisfaction of the Town, the purchase will not proceed.

The Mayor referred to a recent article in the 19 March 2016 edition of the Post newspaper and drew to Councillors' attention to the need to take care not to provide the Town's official position. The Mayor advised that the article states that "*At present, Cottesloe restricts public comments and questions to items listed on its agenda*". The Mayor advised that it is not correct, Council restricts Public Statements and Petitions to items on the Agenda, it does not restrict questions.

4 PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****QUESTIONS TAKEN ON NOTICE 23 FEBRUARY 2016 COUNCIL MEETING**

Denyse Rodrigues, 71 Curtin Avenue, Cottesloe – Re. Engaging a Private Security Firm and No.116 Marine Parade (Lot 1) – Change-of-Use of Units 1-8 &11-13 to Serviced Apartments

Q1: What has Council done regarding the passed motion to engage a private security firm?

A2: Administration is currently seeking quotes and will discuss them with neighbouring Councils in due course.

Q2: Are the Council aware that Airbnb hosts and guests review each other after bookings to ensure well behaved people?

A2: Yes.

Andrew Stevens, 47 Brighton Street, Cottesloe – Re. Local Planning Scheme No. 3 – Proposed Amendment No. 6

Q1: Can we have some more discussion in regards to wall height and average ground level calculations?

A1: Officers will brief Council on these aspects for further consideration of the height provisions.

QUESTIONS TAKEN ON NOTICE FROM CR BOULTER

Q1: Having regard to the definition of "Deputation" in the Town of Cottesloe Standing Orders Local Law (Consolidated), can you advise me if the preferred/correct interpretation of Standing Orders would have seen, for example, that the statements from the owner of the land adjacent to Right of Way 64 regarding the gate across Right of Way 64 were characterised as a Deputation at the February Council meeting, thus giving Councillors an opportunity to ask questions of the affected landowner and give the owner more time to make the Deputation?

A1: No. In order for a presentation to be considered a deputation, permission has to be requested and given in advance. Any member of the public can make a statement during public statement time on any item on the Agenda, hence as no notice was received of a deputation, the correct course of action is to allow the statement during public statement time.

Q2: What actions is the Town of Cottesloe taking to remedy the possible loss of the two large ficus trees at the corner of Grant Street and Congdon Streets; and to remove them if they are beyond saving - on advice of an arborist - to ensure that they pose no risk to the public?

A2: As we have only recently been advised of the issue, staff will inspect the trees and if required seek the advice of an arborist.

Q3: Did an arborist from Caring Tree Solutions notify the Town of Cottesloe of his concerns about the possible loss of the two large ficus trees at the corner of Grant Street and Congdon Streets arising as a result of the Town of Cottesloe decision to stop watering that verge at any time but perhaps around two years ago?

A3: Not that we are aware of - nor any records search reveals. The Town has never watered this verge.

Q4: Is the current notice on the Town of Cottesloe website about who is on the sculpture acquisition committee accurate for this year's acquisition and if not, can you confirm who was on the sculpture acquisition committee for the 2016 purchase and what

the state of that purchase is given that the sculpture appears not to have survived the Town of Cottesloe elements?

A4: The Art Acquisition Committee is appointed at the same time as all other committees, that is at the Special Council Meeting following the Council Elections. The Minutes of this meeting contain the names of the committee members. With regards to the current purchase, the Town has not taken delivery of, nor paid for the selected piece at this stage. Delivery of the piece will only be accepted if it is suitably repaired and reinforced.

Q5: Who currently pays for the Cott Cat service and under what arrangements?

A5: The Town pays for the Cott Cat service with funding assistance (via grants) from the Public Transport Authority from time to time.

4.2 PUBLIC QUESTIONS

Nil

5 PUBLIC STATEMENT TIME

Kate Jasper, 2/23 Avonmore Terrace, Cottesloe – Re. 10.1.1 No. 12 (Lot 26) Rosendo Street - Alterations and Additions to “Belvedere”

- The development will restrict views from the apartment block Ms Jasper resides in.
- Raised concerns regarding laneway access that the development will require.
- The laneway is Ms Jasper’s primary access to her carpark and place of residence.
- Laneway access to Seadragon Lane should be addressed by Council.
- The material used for the terrace at the back of the property is also a concern, due to sunlight reflecting into Ms Jasper’s property.

Ian McCallum, 68A Broome Street, Cottesloe – Re. 10.1.2 Lot 63 Broome Street (Football Oval) – Coaches Boxes

- The public consultation was inadequate.
- The use of the oval does not justify the expense of the coaches boxes.
- The coaches boxes are poorly situated due to strong winds and the boxes will look into the sun in the afternoon.
- Coaches have always sat on the western side of the oval due to better weather conditions and access to the pavilion.
- There is already too much traffic on the eastern side of the oval and the proposal will create parking issues.
- There will be issues with cleanliness, maintenance, graffiti and the attraction of antisocial elements.

- Sea View Golf Club should be asked to reduce the golf ball risk, this could be addressed by installing more bunkers.

Brett Pollock, 33 Jameson Street, Mosman Park – Re. 10.1.7 Request for Donation – Mosman Park Community Men’s Shed Inc.

- Spoke in regards to the finances of the Mosman Park Community Men’s Shed.
- The Men’s Shed want to undertake a \$100,000 project.
- The draw areas for the Men’s Shed are the Towns of Cottesloe, Mosman Park, Claremont and Shire of Peppermint Grove, donations have been requested from each Council.
- The Men’s Shed will undertake a lot of the required work themselves.
- The building will cost \$80,000 and other associated work will cost \$20,000.
- The Men’s Shed will contribute \$20,000 towards the project.
- The Town of Mosman Park has committed to donate \$25,000, the Town of Claremont have committed \$16,000, the Town of Cottesloe and the Shire of Peppermint Grove have yet to confirm their contributions.
- The Men’s Shed costs \$80,000 a year to run and is self supporting.

Brian Millmore, McCabe Street, Mosman Park – Re. 10.1.7 Request for Donation – Mosman Park Community Men’s Shed Inc.

- Mosman Park Community Men’s Shed has 250 members, the vast majority live within the Town of Cottesloe, Town of Mosman Park, Town of Claremont and Shire of Peppermint Grove.
- The Shed is regional resource available to all the community,
- An extension to the Shed will enable storage of community assets and Rotary Club equipment.
- The metal workshop will be moved to the extension, as the current workshop has become too small.
- Most of the work undertaken by the Men’s Shed is for the community and for not for profit groups.
- The Men’s Shed are involved in community activities, run classes and runs a program to promote men’s wellbeing.

Phil Barron, 5/31 Claremont Crescent, Claremont – Re. 10.1.8 Cottesloe Tennis Club – Request for Self Supporting Loan

- The project matters to the Club and its members and it is a once in a generation opportunity that will benefit the Club and the inherent amenity of the Town of Cottesloe.
- The Town has been provided with reports, drawings, schedules and explanations, all of which are a result of voluntary work by members over the last four years.
- The Club has been transparent in its disclosure.
- The Club has a clear and well defined plan, with the overwhelming support of Club members.

- The project has the support of Tennis West, Tennis Australia and the Department of Sport and Recreation.
- Planning approvals are in place through the Town of Cottesloe and the Western Australian Planning Commission.
- The financial position of the Club is robust and it can meet the requirements of the loan.

Ken Adam, 2/79 Thompson Road, North Fremantle Claremont – Re. 10.1.8 Cottesloe Tennis Club – Request for Self Supporting Loan

- The members of the Tennis Club are behind the project and strongly support the officer's recommendation.

Tony Road, 2/134 Marine Parade, Cottesloe Claremont – Re. 11.2 Councillor Motion

- The Cottesloe Residents and Ratepayers Association strongly supports Cr Pyvis' motion.
- Councillors should support the motion and advocate for a review of Development Assessment Panels.
- Other metropolitan Councils have passed motions opposing Development Assessment Panels.
- The Association supports the motion for four major reasons:
 1. Development Assessment Panels are undemocratic. The majority of Development Assessment Panels members are government appointed industry nominees, who are making decisions without having to understand local issues or concerns.
 2. Only applicants have the right to appeal, Councils do not.
 3. There are too many planning layers. Development Assessment Panels are another expensive, inefficient layer of bureaucracy.
 4. Development Assessment Panels do not work. All other mainland states that have had Development Assessment Panels. Have since abolished them.

6 ATTENDANCE

Present

Mayor Jo Dawkins
Cr Philip Angers
Cr Sandra Boulter
Cr Rob Thomas
Cr Helen Burke
Cr Mark Rodda
Cr Jay Birnbrauer
Cr Katrina Downes
Cr Sally Pyvis

Officers Present

Mr Mat Humfrey	Chief Executive Officer
Mr Garry Bird	Manager Corporate & Community Services
Mr Doug Elkins	Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Mrs Siobhan French	Administration & Governance Officer

6.1 APOLOGIES

Nil

Officer Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Nil

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 DECLARATION OF INTERESTS

Mayor Dawkins declared a financial interest in item 10.1.8 due to being a member of the Cottesloe Tennis Club.

Cr Downes declared a financial interest in item 10.1.8 due to being a member of the Cottesloe Tennis Club.

Cr Downes declared an impartiality interest in item 10.1.1 due to knowing the applicant.

Cr Thomas declared a financial interest in item 10.1.7 due to being a member of the Mosman Park Men's Shed.

Cr Rodda declared a financial interest in item 10.1.2 due his son playing for Cottesloe Football Club.

8 CONFIRMATION OF MINUTES

Moved Cr Burke, seconded Cr Boulter

[Minutes 23 February 2016 Council.DOCX](#)

The Minutes of the Ordinary meeting of Council held on Tuesday 23 February 2016 be confirmed.

Carried 9/0

9 PRESENTATIONS**9.1 PETITIONS**

Nil

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Liz Peterson, Cottesloe Tennis Club Re. 10.1.8 Cottesloe Tennis Club – Request for Self Supporting Loan

- In the Club's opinion, there were eight submissions in support of the Club's request for a self supporting loan and two submissions against, not five.
- If members had known the extent of the objection from George Bray they would have provided further submissions in support of the loan to Council.
- The Club has; a clearly documented plan, overwhelming member support, Town of Cottesloe and State planning approvals and the capacity to deliver the project.
- The Club is financially robust, responsible, prudently managed and has the capability to repay the loan in full to Council.
- The Club satisfies the self supporting loan policy.
- Members made a financially informed decision at its Special General Meeting on 28 June 2015.
- The Special General Meeting was attended by over 100 members, The vote was carried by a majority of 79%.
- Mr Bray's objections are based on form but not substance.
- Mr Bray's allegations have been aired before Members on several occasions and have been rejected by members at meetings.
- The Club's legal position is sound because the Club has gone to some lengths to seek and re-seek members' approval for the project and financing the project.
- The Minutes of the Special General Meeting were confirmed by members at the Annual General Meeting in September 2015.
- Grass courts do not use water from Perth dams.
- Water use is monitored and groundwater has not dropped half a metre.
- Water use will be managed within the existing water allocation.
- The Club requests the approval of Council for the self supporting loan to enable to project to proceed.

For the benefit of the members of the public present the Mayor advised that items 10.1.1, 10.1.2, 10.1.5, 10.1.7, 10.1.8, 11.1 and 11.2 have been withdrawn for discussion. All other items were dealt with en bloc.

10 REPORTS

10.1 REPORTS OF OFFICERS

PLANNING

Cr Downes declared an impartiality interest in item 10.1.1 due to knowing the applicant, and stated that as a consequence there may be a perception that her impartiality may be affected and declared that she could consider the matter on its merits and vote accordingly.

10.1.1 NO. 12 (LOT 26) ROSENDO STREET - ALTERATIONS AND ADDITIONS TO "BELVEDERE"

File Ref:	3276
Attachments:	12 Rosendo Aerial 12 Rosendo Submissions 12 Rosendo Heritage Advice 12 Rosendo Heritage Works Schedule 12 Rosendo Applicant email 11 Mar 2016 12 Rosendo Architectural Report 12 Rosendo Neighbour Endorsement 12 Rosendo Photos 12 Rosendo Plans
Responsible Officer:	Andrew Jackson Manager Development Services
Author:	Ed Drewett Senior Planning Officer
Proposed Meeting Date:	29 March 2016
Author Disclosure of Interest:	Nil
Property Owner:	Mr & Mrs Shephard
Applicant:	Rodrigues Bodycoat Architects
Date of application:	5 October 2015
Zoning:	Residential R30
Use:	P – A use that is permitted under this Scheme
Lot area:	1317.5m²
MRS Reservation:	Not applicable

SUMMARY

The Town has received an application for a rear two storey addition and conservation works to "Belevdere", which is a State Heritage listed property.

This application has been assessed in the context of the property's state and local heritage significance as well the Town's statutory planning requirements.

The recommendation is to support amended plans received 8 February and 14 March 2016.

BACKGROUND

Following consultation with neighbours and State agencies, feedback has been provided to the applicant on their application with respect to heritage considerations, building height, storeys, setbacks, visual privacy, open space, the removal of a pine tree in the front setback, demolition plans, and neighbour objections. The feedback included comments received from the State Heritage Office with respect to the original and amended plans, and from the Town's Heritage Consultant.

The applicant has resubmitted their plans to address the feedback received and this effort has achieved a better heritage design outcome agreed between the parties.

Planning approval for the proposed first floor guest bedroom and west-facing dormer window was previously approved by the Town on 13 May 2013 with the support of the Heritage Council of Western Australia. This was not acted on at the time and is now incorporated into the current application.

The application is supported by comprehensive heritage information and the proposal includes undertaking substantial conservation works.

PROPOSAL

The application proposes alterations and additions, including modifications to the existing roofline to accommodate a guest bedroom, a two-storey rear extension with undercroft garaging, a pool and a single carport, as described below:

Basement	8 car garage, cellar, store, stairs & workshop.
Ground level	Living/dining room/kitchen, scullery, cool-room, laundry, WCs, patio/terrace, service yard, pool & carport.
First floor	Sitting room/master bedroom, ensuite, WIR, guest bedroom & balcony.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Legislation and Policy

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Heritage of Western Australia Act 1990*
- *Local Planning Scheme No. 3*

State Government Policies

- State Planning Policy 3.1 – Residential Design Codes of Western Australia

- Western Australian Planning Commission Statutory Planning Policy 3.5 – Historic Heritage Conservation

Local Policies

Nil

Heritage

- State Heritage Register
- Town of Cottesloe - Heritage List

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

PUBLIC CONSULTATION

The application was advertised for 14 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Twenty-one neighbouring owners and occupiers were consulted. Five submissions were received (see attached).

STAFF COMMENT

The table below is a summary of the planning assessment of the proposal against the provisions of the Town's Local Planning Scheme No. 3 and the Residential Design Codes.

In each instance, where the proposal requires further consideration or the exercise of judgement by Council, the relevant planning element is discussed in the section of the report following this table.

Planning assessment	Complies	Requires exercise of judgement
Building height		✓
Density	✓	
Number of storeys	✓	
Street setback	✓	
Lot boundary setbacks	✓	
Open space	✓	
Parking	✓	
Outdoor living areas	✓	
Street Surveillance	✓	
Sightlines	✓	
Street walls and fences	✓	
Vehicle access	✓	
Visual privacy		✓

Solar access	✓	
Site works	✓	
Retaining walls	✓	
External fixtures	✓	
Utilities and facilities	✓	
Matters to be considered by local government		✓

Submissions received during public consultation
<ul style="list-style-type: none"> • James and Andrea Saunders • Genevieve Gongora-Mesas • Kate Jasper • Davide Defendi • Julia Ashbolt <p>See letters attached.</p>

Local Planning Scheme No. 3	Building height
Permitted	<ul style="list-style-type: none"> • 7m wall height (to top of a parapet)
Applicant’s proposal	<ul style="list-style-type: none"> • First floor rear addition - Up to 8.2m building height (RL: 21.197) • Rear chimney – 8.2m (minor projection) • Solar panels – 8.2m (minor projection)

Comment

“Building height” is defined in Local Planning Scheme No. 3 (clause 5.7.1) as follows:

Means the maximum vertical distance between any point of natural ground level and the uppermost part of the building directly above that point (roof ridge, parapet, or wall), excluding minor projections above that point.

Water Corporation contour information provided by the applicant’s surveyors, Whelans, has been used for establishing natural ground levels across the site (see drawing DA04).

The Planning and Development (Local Planning Schemes) Regulations 2015 allow Council to vary any site or development requirement specified in the Scheme to:

(a) facilitate the built heritage conservation of a place entered in the Register of Places under the Heritage of Western Australia Act 1990 or listed in the heritage list; or

(b) enhance or preserve heritage values in a heritage area.

Local Planning Scheme No. 3, Amendment 1, also allows Council to vary maximum heights for alterations, additions or extensions to existing dwellings where it is considered warranted having regard to the criteria provided in clause 5.7.5, including heritage.

The existing dwelling has a building height to the top of its pitched roof of approximately 8.2m (RL: 22.17) and its ‘belvedere’ has a building height of approximately 13m (RL: 27.61), as calculated above natural ground level. The proposed rear additions will not exceed these existing building heights and have been architecturally designed so as to integrate with the existing ground floor level and roof lines, whilst also having respect for the heritage significance of the property and its setting. Furthermore, the additions are on the northern (rear) side of the dwelling so as to reduce their visual impact on the streetscape and avoid unnecessary overshadowing of adjoining properties.

Conclusion

The proposed variation to the maximum permitted building heights under Local Planning Scheme are recommended for approval and have the support of the State Heritage Office.

Residential Design Codes – Visual privacy	Deemed-to-comply provision	Design principle
Requirement	<p>Major openings and unenclosed outdoor active habitable spaces, which have a floor level of more than 0.5m above natural ground level and overlook any part of any other residential property behind its street setback line are:</p> <p>i. set back, in direct line of sight within the cone of vision, from the lot boundary, a minimum distance as prescribed in the Residential Design Codes or;</p> <p>ii. are provided with permanent screening to restrict views within the cone of vision from any major opening or an</p>	<p>Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</p> <ul style="list-style-type: none"> • building layout and location; • design of major openings; • landscape screening of outdoor active habitable spaces; and/or • location of screening devices. <p>Maximum visual privacy to side and rear boundaries through measures such as:</p> <ul style="list-style-type: none"> • offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • building to the boundary where appropriate; • setting back the first floor from the side boundary;

	<p>unenclosed outdoor active habitable space.</p> <p>Screening devices such as obscure glazing, timber screens, external blinds, window hoods and shutters are to be at least 1.6m in height, at least 75 per cent obscure, permanently fixed, made of durable material and restrict view in the direction of overlooking into any adjoining property.</p>	<ul style="list-style-type: none"> • providing higher or opaque and fixed windows; and/or • screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).
<p>Applicant's proposal</p>	<p>0 - 3.3m cone-of-vision from rear lawn area to the northern and western boundary.</p>	
<p><u>Comment</u></p> <p>Drawing DA 02 shows the extent of potential overlooking from the rear lawn area (RL: 15.09). This is due to the proposed boundary wall being partly reduced to 1m in height to maintain the existing view corridor to the west-north-west from the existing floor and external ground levels.</p> <p>The applicant has advised:</p> <ul style="list-style-type: none"> • potential overlooking to the property on the northern side of the right-of-way (7 Deane Street) is restricted by the width of the right-of-way, the garage setback, service area, roofed building at the boundary and an area of dense vegetation; • potential overlooking to the adjacent western property (10A Rosendo Street) is limited to the existing garage structure to the north-east of the property; and • potential overlooking to the adjacent western property to the existing outdoor area is restricted by a dense planted evergreen hedge. <p>It is evident that there will not be any significant direct overlooking of active habitable spaces and outdoor living areas from the proposed rear lawn area and the proposal therefore can be supported under design principles. Furthermore, no objections have been received from these affected neighbours and the proposed lower height of walls along the north-western boundary of the lot will appear less visually prominent than if the area were required to be screened to a height of 1.6m.</p>		

Conclusion

The proposed rear lawn area may be supported with a reduced height of boundary wall as it satisfies the design principles for visual privacy.

Planning and Development (Local Planning Schemes) Regulations 2015**Matters to be considered by local government**

In considering an application for development approval the local government is to have due regard to the following relevant matters:

- the aims and provisions of the Scheme;
- the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- any approved State planning policy, policy of the Commission, or policy of the State;
- the built heritage conservation of any place that is of cultural significance;
- the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- the amenity of the locality including the following:
 - (i) environmental impacts of the development;
 - (ii) the character of the locality;
 - (iii) social impacts of the development;
- whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- the adequacy of:
 - (i) the proposed means of access to and egress from the site; and
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable

effect on traffic flow and safety;

- the history of the site where the development is to be located;
- the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- any submissions received on the application; and
- any other planning consideration the local government considers appropriate.

Comment

- This application has evolved following detailed discussions between the Town, the Heritage Council of Western Australia, the Town's Heritage Consultant, and the applicant in an effort to ensure that the proposed development is compatible with the existing dwelling and its surrounds;
- Amended plans submitted by the applicant on 8 February and 14 March 2016 satisfy the aims and provisions of the Scheme and have due regard to the matters to be considered by Council. The plans have also been conditionally supported by the Heritage Council of Western Australia (see attached);
- The applicant has responded to the submissions received from adjoining owners in an email to the Town dated 11 March 2016 and has provided an assessment of the impact of the proposal on views from their properties (see attached email and drawing DA10);
- Concerns raised by neighbours regarding potential damage to adjoining properties and availability of access along the rear right-of-way during construction are understandable. However, the planning approval can be conditioned to ensure that a dilapidation report and a comprehensive Construction Management Plan are submitted for the Town's approval prior to the issue of a building permit. Furthermore, noise and dust can be dealt with under Environmental Health legislation and enforced by the Town if necessary;
- Loss of views is generally only a matter for Council to consider where the proposed development does not meet relevant building height provisions. In this case, only the western half of the proposed first floor exceeds the normal permitted building heights (by up to 1.2m). However, this part of the proposed development will be setback approximately 11.5m from the northern boundary and 9m from the eastern boundary so it is unlikely to significantly detract from ocean views from the adjoining eastern neighbours' properties. Furthermore, a compliant 7m high addition that extended further north on the lot would likely to be much more disruptive to the neighbours' views than that proposed (see drawing DA10);

- The proposed development complies with the deemed-to-comply visual privacy requirements of the Residential Design Codes, with the exception of from the rear lawn area which is discussed in this report. The closest proposed window to a habitable room (master bedroom) on the first floor is 10.8m from the eastern boundary which is in excess of the permitted 4.5m, and it faces north so would not result in any direct overlooking of the eastern neighbouring properties;
- The proposed development also complies with the deemed-to-comply lot boundary setback requirements of the Residential Design Codes which ensures that adequate daylight, direct sun and ventilation is maintained to adjoining properties;
- The overall bulk and scale of the additions has been carefully considered by the Town and the Heritage Council and is considered acceptable taking into account the height of the existing dwelling as well as its proximity to the multiple unit apartments adjoining;
- One of two large Norfolk Island pine trees is proposed to be removed from the front setback area of the dwelling to re-establish visibility of the original tower and building from the southern and western aspects. Although it is generally desirable to encourage mature trees to be kept, the Town does not have the ability to enforce this on private land. The Heritage Council has also advised that the tree is not noted as an element of significance.

Conclusion

The proposed development has been amended to reduce its bulk and scale and better integrate with the existing heritage-listed dwelling, whilst also having regard to its setting and the amenity of adjoining owners.

Issues regarding construction management, including maintaining laneway access, and protecting the structural integrity of the adjoining properties have been addressed by appropriate planning conditions.

CONCLUSION

The proposed alterations and additions to this important heritage-listed dwelling have been carefully designed having regard to advice from the Town, the Town's Heritage Consultant, and the Heritage Council of Western Australia. The resultant amended plans and supporting documentation satisfy both the heritage criteria as well as the Town's statutory requirements, including the Scheme and Residential Design Codes.

The proposal is seen as an acceptable modification to the existing dwelling and is recommended for approval.

VOTING

Simple Majority

OFFICER RECOMMENDATION**Moved Cr Downes, seconded Cr Angers**

THAT Council APPROVE the application for alterations and additions to “Belvedere” at 12 (Lot 26) Rosendo Street, Cottesloe, as detailed on the following drawings and documentation:

- DA00, revision 2 – received 8 February 2016
- DA01, revision 2 – received 8 February 2016
- DA02, revision 3 – received 14 March 2016
- DA03, revision 2 – received 8 February 2016
- DA04, revision 3 – received 14 March 2016
- DA05, revision 2 – received 8 February 2016
- DA06, revision 2 – received 8 February 2016
- DA07, revision 2 – received 8 February 2016
- DA08 – received 8 February 2016
- DA09 – received 8 February 2016
- DA10, revision 1 – received 14 March 2016
- Heritage Works Schedule – received 8 February 2016

subject to the following conditions to the satisfaction of the Town:

1. The following information being provided to the satisfaction of the Executive Director of the State Heritage Office prior to the application for a Demolition and/or Building Permit:
 - a) A photographic archival record of the place according to the *Guide to Preparing an Archival Record*.
 - b) Details of all interventions to original fabric.
 - c) Details of connections of all new elements to existing fabric.
 - d) Details of proposed first floor link.
 - e) A dilapidation survey of *Belvedere*, which could be combined with the archival record.
 - f) A schedule of outstanding conservation works and a programme for their implementation.
 2. Advice shall be sought from an appropriately qualified and experienced structural engineer to ensure that works, particularly basement car park works, do not adversely impact the existing building.
 3. Any damage caused by demolition of the 1970s pavilion to the original building be repaired to match the original.
 4. All new openings in original fabric to be detailed to read as new. Where original openings are enlarged, the original dimensions are to be interpreted. Where openings in original fabric are infilled, infill to clearly read as new. Where non-original openings are infilled or altered, detailing may match original, or read as new.
-

5. All construction work shall be carried out in accordance with the *Environmental Protection (Noise) Regulations 1997*, Regulation 13. – Construction sites.
6. The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town and any approvals as required under the relevant heritage classifications.
7. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site, where climatic and soil conditions allow for the effective retention of stormwater on-site.
8. The roof surface shall be treated to reduce glare if following completion of the development the Town considers that the glare adversely affects the amenity of adjoining or nearby neighbours.
9. A comprehensive Demolition and Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Demolition Permit or Building Permit, and shall address (amongst other things): maintaining lane access for residents; traffic management and safety for the streets, lane and site; worker parking, including off-site parking in consultation with and approval by the Town; and verge and tree protection.
10. Dilapidation Reports addressing the eastern and western adjacent properties shall be submitted to the satisfaction of the Town prior to the issue of a Demolition Permit or Building Permit, and copies shall be provided to those owners.

Advice Notes:

1. This approval is to the proposed demolition, development and restoration works as required only. All future proposals for the property are subject to further applications, approvals and consents as required by the Town and any heritage classifications of the property.
2. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
3. The owner/applicant is responsible for applying to the Town for a Demolition Permit and Building Permit and obtaining approval prior to undertaking the works.
4. Items H-01 to H-05 and P-17 as detailed in the Heritage Works Schedule received 8 February 2016 are excluded from this approval.

AMENDMENT ONE

Moved Mayor Dawkins, seconded Cr Burke

That an additional advice note be added that reads “In the event the Applicant removes one or both of the Norfolk Island Pines from their front garden, that Town of Cottesloe plant a substitute tree/s appropriate to that Street - Norfolk Island Pines, Rottnest pine etc on the verge outside the private property.”

Carried 9/0

AMENDMENT TWO

Moved Cr Boulter, seconded Cr Pyvis

That the words “non-reflective and” be added after the words “shall be” and before the words “treated to’ in point eight (8).

That the words “including Seadragon Lane” be added after the words “for residents” and before the words “traffic management’ in point nine (9).

Carried 9/0

COUNCIL RESOLUTION

THAT Council APPROVE the application for alterations and additions to “Belvedere” at 12 (Lot 26) Rosendo Street, Cottesloe, as detailed on the following drawings and documentation:

- DA00, revision 2 – received 8 February 2016
- DA01, revision 2 – received 8 February 2016
- DA02, revision 3 – received 14 March 2016
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- DA05, revision 2 – received 8 February 2016
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- DA07, revision 2 – received 8 February 2016
- DA08 – received 8 February 2016
- DA09 – received 8 February 2016
- DA10, revision 1 – received 14 March 2016
- Heritage Works Schedule – received 8 February 2016

subject to the following conditions to the satisfaction of the Town:

1. The following information being provided to the satisfaction of the Executive Director of the State Heritage Office prior to the application for a Demolition and/or Building Permit:
 - g) A photographic archival record of the place according to the *Guide to Preparing an Archival Record*.
 - h) Details of all interventions to original fabric.
 - i) Details of connections of all new elements to existing fabric.
 - j) Details of proposed first floor link.

- k) A dilapidation survey of *Belvedere*, which could be combined with the archival record.
 - l) A schedule of outstanding conservation works and a programme for their implementation.
2. Advice shall be sought from an appropriately qualified and experienced structural engineer to ensure that works, particularly basement car park works, do not adversely impact the existing building.
 3. Any damage caused by demolition of the 1970s pavilion to the original building be repaired to match the original.
 4. All new openings in original fabric to be detailed to read as new. Where original openings are enlarged, the original dimensions are to be interpreted. Where openings in original fabric are infilled, infill to clearly read as new. Where non-original openings are infilled or altered, detailing may match original, or read as new.
 5. All construction work shall be carried out in accordance with the *Environmental Protection (Noise) Regulations 1997*, Regulation 13. – Construction sites.
 6. The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town and any approvals as required under the relevant heritage classifications.
 7. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site, where climatic and soil conditions allow for the effective retention of stormwater on-site.
 8. The roof surface shall be non-reflective and treated to reduce glare if following completion of the development the Town considers that the glare adversely affects the amenity of adjoining or nearby neighbours.
 9. A comprehensive Demolition and Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Demolition Permit or Building Permit, and shall address (amongst other things): maintaining lane access for residents including Seadragon Lane; traffic management and safety for the streets, lane and site; worker parking, including off-site parking in consultation with and approval by the Town; and verge and tree protection.
 10. Dilapidation Reports addressing the eastern and western adjacent properties shall be submitted to the satisfaction of the Town prior to
-

the issue of a Demolition Permit or Building Permit, and copies shall be provided to those owners.

Advice Notes:

1. This approval is to the proposed demolition, development and restoration works as required only. All future proposals for the property are subject to further applications, approvals and consents as required by the Town and any heritage classifications of the property.
2. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
3. The owner/applicant is responsible for applying to the Town for a Demolition Permit and Building Permit and obtaining approval prior to undertaking the works.
4. Items H-01 to H-05 and P-17 as detailed in the Heritage Works Schedule received 8 February 2016 are excluded from this approval.
5. In the event the Applicant removes one or both of the Norfolk Island Pines from their front garden, that Town of Cottesloe plant a substitute tree/s appropriate to that Street - Norfolk Island Pines, Rottnest Pine etc on the verge outside the private property

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 9/0

Cr Rodda declared a financial interest in item 10.1.2 due his son playing for Cottesloe Football Club and left the meeting at 7.55 PM.

10.1.2 LOT 63 BROOME STREET (FOOTBALL OVAL) - COACHES BOXES

File Ref: 3344
Attachments: [Lot 63 Broome Street Cover Letter](#)
[Lot 63 Broome Street Location Plan](#)
[Lot 63 Broome Street Plans](#)
Responsible Officer: **Mat Humfrey**
Chief Executive Officer
Author: **Andrew Jackson**
Manager Development Services
Proposed Meeting Date: 29 March 2016
Author Disclosure of Interest: Nil
Property Owner: Crown – vested in Town of Cottesloe
Applicant: Town of Cottesloe, for Cottesloe Football Club
Date of Application: 3 March 2016
Use: Recreation
Lot Area: 18,271.4m²
MRS Reservation: Parks & Recreation

SUMMARY

This report presents a development application made under the Metropolitan Region Scheme for Council's recommendation to the Western Australian Planning Commission for two dugouts at Cottesloe Oval.

Cottesloe Oval is Crown land vested in the Town and under the Metropolitan Region Scheme is classified as Parks and Recreation Reservation, which overrides Local Planning Scheme No 3; whereby development applications are determined by the Commission following a recommendation from the Local Government.

As there is a statutory timeline for the Town's advice, it is necessary to report to Council this month.

PROPOSAL

At the February 2016 Council Meeting the President of Cottesloe Football Club (Mr John Garland) outlined the proposal, including in relation to the separate request for funding assistance from the Town.

Essentially, two football clubs use the oval and last year shifted the coaches/players areas from the western to the eastern side of the oval in order to avoid the hazard of golf balls. Given limited space between the oval boundary and the eastern embankment, the proposal is to construct two "dugout" structures for such facilities.

The application comprises a covering letter, location plan, preliminary design plans and a three-dimensional image – copies attached. The letter advises as follows:

- The aim is to construct the coaches boxes to meet the 2016 football season.
-

- New lights for the oval are mentioned, but are not part of this application.
- The coaches boxes are in line with what the Australian Football League prescribes.
- The coaches boxes would better manage the arrangements for coaches, players and spectators in terms of orderliness, safety and amenity.

The plans indicate two relatively modest dugout structures built into the embankment, providing shelter underneath for players and viewing platforms above for coaches. They are each 4m wide, 2m deep and 2m high to the flat roof/platform, which has a 1m high tensile cable balustrade so as to be visually permeable. The structures are simple, comprising concrete slab floors and roofs/platforms, limestone block retaining walls, steel support poles and balustrades, and bench seats to the shelters. The roofs/platforms sit below the top of the embankment so would be less visible with only the balustrade protruding.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Possible funding assistance, subject to separate consideration by Council.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Metropolitan Region Scheme
Heritage of Western Australia Act 1990

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

The Metropolitan Region Scheme does not mandate advertising; however, the Town has advertised the application by letters to the eleven owners/occupiers of residences opposite Cottesloe Oval along Broome Street between Jarrad and Webb Streets. Advertising closed on 23 March 2016 and four submissions have been received from nearby Broome Street residents, with the following comments:

- Potential risk to children playing on the structures.
- The structures would be ugly; may attract anti-social behaviour, graffiti and homeless people; are on the wrong side for wind and sun protection; are not needed given the clubhouse; would affect their view; and should not be paid for by ratepayers' funds. The risk from golf balls should be otherwise mitigated.
- The structures would be a hazard to players running over the boundary. The rugby club uses the oval and may likewise be concerned.

- As people enjoy sitting on the banks and children play on them, the structures would be in the way.
- The dugouts are not needed. A better option is the temporary coaches shelters/benches available on the market, as used elsewhere.
- Queries who will be responsible for maintenance and public liability – the platforms would be hazardous.
- Coaches can operate from the sidelines rather than boxes.
- The dugouts would not have westerly weather protection.

As Cottesloe Oval is adjacent to the Sea View Golf Course which is on the State Heritage Register, the Town has referred the application to the Heritage Council of WA, who has raised no objection to the proposal.

PLANNING COMMENT

The proposed coaches boxes are consistent with the use of Cottesloe Oval for recreation in accordance with its reserved purpose under the Metropolitan Region Scheme. The indicative structures are uncomplicated and small-scale, and would appear as logical built into the embankment to avoid being obtrusive. Carefully-selected materials and colours could blend with the grassed landscape and backdrop of Norfolk Island pine trees

Administration supports the basic concept, subject to detailed design at Building Permit stage; while the precise locations need to be determined in liaison with and to the satisfaction of the Town. Recommended conditions refer.

As the football clubs use but do not lease Cottesloe Oval, the coaches boxes would effectively become the Town's infrastructure, which the Town would maintain and would be covered by the Town's public liability insurance. The coaches boxes would be generally available to other clubs, groups and the public using the oval over time. In the future they could be quite easily demolished and the embankment reinstated if desired.

The submissions raise some valid points. While it is not considered that the amenity concerns would be so great, the practical and safety aspects suggest that possible alternatives could be examined.

CONCLUSION

The proposed coaches boxes are considered compatible with the use and development of Cottesloe Oval for the local football clubs and other users. They would provide a desirable facility away from golf balls and their physical impact would be limited. Their design will address safety and maintenance, while any anti-social issues would have to be managed. A positive recommendation is therefore made.

Should Council not favour the proposal, or wish to defer the matter, it will need to resolve to inform the football clubs and Western Australian Planning Commission accordingly.

VOTING

Simple Majority

OFFICER RECOMMENDATION**Moved Mayor Dawkins, seconded Cr Angers**

THAT Council advise the Western Australian Planning Commission that it supports the Metropolitan Region Scheme application for planning approval for two coaches boxes on the eastern side of Cottesloe Oval, in accordance with the application plans received on 3 March 2016, subject to the following conditions:

1. The detailed design of the coaches boxes, including materials and finishes, shall be determined in liaison with and to the satisfaction of the Town of Cottesloe, and shown in the plans submitted for a Building Permit, which shall include full elevations.
2. Prior to construction, the precise location of the coaches boxes shall be determined in liaison with and to the satisfaction of the Town of Cottesloe.
3. A comprehensive Construction Management Plan to the satisfaction of the Town of Cottesloe shall be submitted to the Town prior to the issue of a Building Permit, and shall address (amongst any other things): construction access; traffic management and safety; worker parking; machinery and materials storage and security; dust and noise control; days and times of construction activity; notification to nearby properties and complaints handling; verge and tree protection and rehabilitation.
4. All construction work shall be carried out in accordance with the *Environmental Protection (Noise) Regulations 1997*, Regulation 13 – Construction sites.
5. The coaches boxes shall not be altered or added to without further liaison with the Town of Cottesloe and any required applications and approvals.
6. The football club(s) using the coaches boxes shall be responsible for their day-to-day upkeep in terms of litter removal, cleaning, minor repairs and visual inspections. Any structural repairs or surface treatments (including painting) considered required shall be reported to the Town for maintenance arrangements to be agreed.
7. This planning approval excludes any proposed lighting for the oval, which would require a separate application.

Advice Note:

In liaison with the Town of Cottesloe, a Building Permit application to, and approval by, the Town is required prior to undertaking construction of the development.

PROCEDURAL MOTION

Moved Cr Pyvis, seconded Cr Boulter

That the item be deferred until the April meeting.

Lost 3/5

OFFICER RECOMMENDATION

THAT Council advise the Western Australian Planning Commission that it supports the Metropolitan Region Scheme application for planning approval for two coaches boxes on the eastern side of Cottesloe Oval, in accordance with the application plans received on 3 March 2016, subject to the following conditions:

- 1. The detailed design of the coaches boxes, including materials and finishes, shall be determined in liaison with and to the satisfaction of the Town of Cottesloe, and shown in the plans submitted for a Building Permit, which shall include full elevations.**
- 2. Prior to construction, the precise location of the coaches boxes shall be determined in liaison with and to the satisfaction of the Town of Cottesloe.**
- 3. A comprehensive Construction Management Plan to the satisfaction of the Town of Cottesloe shall be submitted to the Town prior to the issue of a Building Permit, and shall address (amongst any other things): construction access; traffic management and safety; worker parking; machinery and materials storage and security; dust and noise control; days and times of construction activity; notification to nearby properties and complaints handling; verge and tree protection and rehabilitation.**
- 4. All construction work shall be carried out in accordance with the *Environmental Protection (Noise) Regulations 1997*, Regulation 13 – Construction sites.**
- 5. The coaches boxes shall not be altered or added to without further liaison with the Town of Cottesloe and any required applications and approvals.**
- 6. The football club(s) using the coaches boxes shall be responsible for their day-to-day upkeep in terms of litter removal, cleaning, minor repairs and visual inspections. Any structural repairs or surface treatments (including painting) considered required shall be reported to the Town for maintenance arrangements to be agreed.**
- 7. This planning approval excludes any proposed lighting for the oval, which would require a separate application.**

Advice Note:

In liaison with the Town of Cottesloe, a Building Permit application to, and approval by, the Town is required prior to undertaking construction of the development.

Equality 4/4

For: Mayor Dawkins, Cr Angers, Burke & Birnbrauer

Against: Cr Boulter, Thomas, Downes & Pyvis

Mayor Dawkins exercised the casting vote to maintain the status quo

Lost 4/5

Cr Rodda returned to the meeting at 8.15 PM.

**10.1.3 PLANNING INSTITUTE OF AUSTRALIA 2016 NATIONAL CONGRESS -
INSPIRE, INNOVATE, IMPLEMENT**

File Ref: SUB/38
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services
Proposed Meeting Date: 29 March 2016
Author Disclosure of Interest: Nil

SUMMARY

Every year a major national congress is arranged by the Planning Institute of Australia. For the 2016 congress, delegates will hear from national and international leaders talking about innovative solutions to the challenges facing planners and planning. The conference will be held in Brisbane from 11 – 13 May 2016.

This report recommends Council endorsement for the Senior Planning Officer to attend.

BACKGROUND

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

This conference is the major annual local government planners' event and attracts a variety of overseas representatives and speakers.

The programme, over three days, is comprehensive and includes topics such as:

- Positive community planning;
- Urban intensification and liveability benchmarks;
- Innovation through collaboration and interaction;
- New modelling for infill development;
- Designing places that people want;
- Effecting sustainable real estate, development and city-making using building information modelling;
- Creating great places; and
- Brisbane case studies.

Brisbane is an innovative developing city that aims to transform into a 'new world city' by 2031 through strong partnerships between government, business and education institutions. Similar to Perth, it has an increasing population and is attempting to revitalise its city streets and riverfront precincts and better connect inner-city neighbourhoods by connecting with the community in its development of a visionary planning framework.

STRATEGIC IMPLICATIONS

Fosters strategic planning knowledge and skills, and keeping up-to-date with planning issues, trends, topics and practices.

POLICY IMPLICATIONS

Council's Conferences Policy applies.

STATUTORY ENVIRONMENT

Relates to the global town planning system.

FINANCIAL IMPLICATIONS

The estimated cost of registration, accommodation, meals and travel for the congress is \$2,900 and can be met by the current budget for training and conferences.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

One of the most important sources of current information and training for experienced local government planners is conferences and seminars, particularly if delivered by high-quality, practicing experts working in the industry, from both Australia and overseas.

In addition, new ideas are acquired from these presentations, as trends occurring become obvious and new ways of thinking or techniques are presented.

The opportunity to attend an international-standard conference targeted at planners is an excellent form of professional development.

For staff from small local governments such as Cottesloe it is also a welcome way to avoid becoming too isolated or insular by gaining exposure to the bigger picture.

Another advantage for Cottesloe is that the development areas and projects in the district will be assisted by broader exposure to industry knowledge. This includes reporting on complex mixed-use and non-residential developments, multiple dwellings, foreshore redevelopment proposals and town centre design initiatives.

The Senior Planning Officer is committed to the role and is motivated to maintain and enhance his professional knowledge and experience. Both the Officer and the Town would gain from attendance at the Planning Institute of Australia Congress. For these reasons the request for approval is supported.

VOTING

Simple Majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Downes

THAT Council APPROVE the attendance of the Senior Planning Officer at the Planning Institute of Australia 2016 National Congress in Brisbane from 11-13 May 2016, to a maximum cost to the Town of \$3,500 and request that a report on the congress be provided within two months of attending the event.

Carried 9/0

ADMINISTRATION**10.1.4 STRATEGIC COMMUNITY PLAN - READVERTISING**

File Ref:	SUB/2067
Attachments:	Attachment 1 Strategic Community Plan Revised November 2015 Attachment 2 Submissions Received Attachment 3 New Strategies
Responsible Officer:	Mat Humfrey Chief Executive Officer
Author:	Mat Humfrey Chief Executive Officer
Proposed Meeting Date:	29 March 2016
Author Disclosure of Interest:	Nil

SUMMARY

In November 2015, Council resolved to advertised the revised Strategic Community Plan following a desktop review of the plan. This report considers the feedback received and provides a recommendation to progress the plan.

BACKGROUND

The Town is required by the Local Government Act and Regulations to have adopted a Strategic Community Plan. The first plan was adopted by Council in December 2013, following extensive research and community consultation. The first major review of the Strategic Community Plan is due in December 2017.

Following the last local government elections in October 2015, a desktop review of the Strategic Community Plan was undertaken and presented to Council. Council then resolved to advertise the amended plan and seek comments.

STRATEGIC IMPLICATIONS

The Strategic Community Plan sets the major strategic directions for the Town.

POLICY IMPLICATIONS

The Strategic Community Plan sets the major strategic direction for the Town, that may require policies changes or updates.

STATUTORY ENVIRONMENT

The Local Government Act and Regulations

FINANCIAL IMPLICATIONS

The Strategic Community Plan may require updates or amendments to the Corporate Business Plan and in turn the Town's Long Term Financial Plans.

STAFFING IMPLICATIONS

The Strategic Community Plan may require amendments to the Town's Workforce Plan.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

The Strategic Community Plan was advertised in accordance with the Act and regulations. The feedback received is included in attachment two.

STAFF COMMENT

The process undertaken in November 2015 to undertake a desktop review of the Strategic Community Plan was to simply update the plan, removing strategies that had been completed or make minor changes to strategies where significant changes within the community required it. Following this the revised plan was then advertised.

The definition of minor change is not well covered in the Act, Regulations or Departmental Guidelines. At recent training on the Integrated Planning and Reporting Framework provided by the Department of Local Government, the question was asked what constituted a minor change. The answer provided was an addition or deletion that didn't change the fabric of the overall plan.

The purpose of long term planning is to provide for stability and consistency in decision making. As such, it is only recommended that major changes to the plan be considered every four years. If Council were of the mind to consider major changes to the plan, this intention should be advertised and appropriate research undertaken to support any changes to the plan.

The feedback received on the revised Strategic Community Plan largely advocated for minor changes. The vast majority of submissions advocated for a strategy to realign a section of Railway Street to deal with traffic congestion issues on Eric Street, between Curtin Avenue and Stirling Highway. Other submissions advocated for a strategy for the development of coastal infrastructure, improvements to the tree canopy throughout Cottesloe and a strategy to increase the CCTV network within the Town. These strategies have been drafted and are included in attachment 2 – additional draft strategies.

Two submissions were received which suggested far greater changes to the plan, including the deleting of the entire *Priority Area 2 – Achieving greater connectivity between east and west Cottesloe*. The submissions don't appear to provide a rationale for the removal of this priority area, which has been a feature of previous planning documents, including the Enquiry By Design process completed in 2009. It also goes against the 36 submissions which suggest new approaches to reducing traffic congestion on the Eric Street bridge are needed.

Following thorough consideration, the Administration is of the view that the deletion of an entire priority area is not minor and would require far greater advertising and research. As such, it is felt the most appropriate way forward is to consider that change during the next major review in 2017.

When developing this position, Administration were mindful of whether the submitters would receive further opportunity to comment, if any action was taken on this priority area. The three major strategies in this priority area would be the subject of major

community consultation prior to implementation. If the submitters feel these projects are inappropriate, they will have the opportunity to make their views known when Council considers them.

As the remaining additions do not require changes to the priority areas and are largely in line with the remainder of the document, there doesn't appear to be any obstacle to their inclusion. However, it would be appropriate for the strategies to be advertised for feedback prior to inclusion in the Strategic Community Plan.

VOTING

Absolute Majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Downes

THAT Council:

- 1. ADOPT the revised Strategic Community Plan as presented to the November 2015 Council Meeting; and**
- 2. AUTHORISE the Chief Executive Officer to advertise the New Strategies, as shown in attachment three, seeking submissions on their inclusion in the Strategic Community Plan.**

Carried 9/0

10.1.5 THE BLOODY LONG WALK - PERTH - 2016

File Ref: SUB/2091
Attachments: [Event Application Form The Bloody Long Walk](#)
[Event Plan The Bloody Long Walk](#)
[Photo of 8m Archway](#)
Responsible Officer: Garry Bird
Manager Corporate & Community Services
Author: Sherilee Macready
Community Development Officer
Proposed Meeting Date: 29 March 2016
Author Disclosure of Interest: Nil

SUMMARY

The Australian Mitochondrial Disease Foundation is seeking approval to hold their second 'The Bloody Long Walk – Perth' event at Cottesloe Beachfront, on Sunday, 25 September 2016, from 6.00am to 7.00pm. The event raises awareness and funds to support the Australian Mitochondrial Disease Foundation's journey in finding a cure for Mitochondrial Disease.

BACKGROUND

The event, first held in Western Australia in 2015, consists of a 35km walking challenge, commencing at Sir James Mitchell Park, South Perth, and finishing at Cottesloe Beach. The walking challenge presents as an extreme endurance activity, representing the physical challenge faced daily by sufferers of this relatively unknown Mitochondrial Disease which affects the energy capabilities of the body.

The event has been held annually in New South Wales since 2013, in Victoria and Queensland since 2014, and was extended to include Western Australia and South Australia in 2015. The purpose of the event is to raise funds for, and awareness of Mitochondrial Disease, as well as to encourage West Australians to challenge themselves to compete in the walking challenge.

Entry fees to the event for competitors range from \$80 to \$100.

Organisers are expecting approximately 1500 competitors entering the event in total, with approximately 300 competitors expected to walk through Cottesloe per hour from approximately 12.00pm onwards, with all competitors finishing the walking challenge at Cottesloe Beach. The busiest time for competitors to walk through Cottesloe is expected to be between 2.00pm and 4.00pm.

Competitors will be sent off in waves of 50 at a time so as to avoid any interference with the general public's use of shared pathways. Competitor information packs will provide clear instruction for competitors to walk mostly single file or two abreast, and to maintain awareness of other users, particularly runners and cyclists using the shared pathways. Marshalls will be allocated at crossing points to advise the competitors of safety.

Event commentators will make brief announcements at Cottesloe Beach from 10.30am – 5.30pm during the competition.

During the event times, event volunteers will remind competitors that they are walking through reserves, beaches and places of cultural and historical significance and therefore to keep hold of any rubbish, or dispose of it in bins provided by the Council. 'Clean Event', who specialise in event waste management, will be engaged to collect waste from all check points as well as the start and finish lines.

As part of their Event Plan, organisers have provided a course map showing the Cottesloe portion of the event, together with the full course map.

Six feather banners will be displayed at Cottesloe Beach, and will feature the Australian Mitochondrial Disease Foundation logo, together with factual information about Mitochondrial Disease. A inflatable arch will be erected at the finish line.

Organisers will again address traffic management in Cottesloe by providing shuttle buses for the spectators to be transported to and from the Cottesloe train station, and from South Perth to Cottesloe Beach.

An Emergency and Safety Management Plan, and Public Liability Insurance Certificate will be provided prior to the event. Relevant authorities, such as the local police will be notified of the event taking place.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

If Council charges beach hire for this event, under community classification, it would total \$550 per day. As this event raises money for a worthy charitable organisation, the recommendation would be to class this event as a "Charitable Event" and charge no fee.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Adequate arrangements are made for rubbish collection and removal, including options for recycling.

CONSULTATION

Officers contacted Cottesloe Surf Life Saving Club to gauge whether the event would affect any planned Club activities. It was advised that September is the low season for the Club and therefore the event would not pose an issue for the Club.

STAFF COMMENT

As the event's main purpose is to fundraise for a charitable organisation, no road closures are required and the event is taking place during Cottesloe Beachfront's "low season", the event is recommended for approval.

VOTING

Simple Majority

OFFICER RECOMMENDATION**Moved Mayor Dawkins, seconded Cr Thomas**

THAT Council approve the application to hold The Bloody Long Walk – Perth at Cottesloe Beachfront on Sunday 25 September 2016 from 6.00am to 7.00pm, subject to the following conditions:

1. Class this event as a "Charitable Event" and charge no fee.
2. Provision of a transport or parking plan and appropriate access/signage to and from the event, which is to be provided at least 30 days prior to the event.
3. All signage to be approved by the Chief Executive Officer one month prior to the event.
4. Adequate arrangements for rubbish removal and collection, including the provision for recycling.
5. The event complies with the *Environmental Protection (Noise) Regulations 1997*.
6. The event complies with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*.
7. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, provided prior to the event.
8. The event complies with the Town's *Beaches and Beach Reserves Local Law 2012*.
9. The Earth Carers 'H2O to Go' Water Stations are investigated by the event organiser as to their suitability and availability for use at the event.

AMENDMENT

Moved Cr Boulter, seconded Cr Pyvis

That an additional point be added that reads “No balloons to be used or released at this event.”

Carried 9/0

COUNCIL RESOLUTION

THAT Council approve the application to hold The Bloody Long Walk – Perth at Cottesloe Beachfront on Sunday 25 September 2016 from 6.00am to 7.00pm, subject to the following conditions:

1. Class this event as a “Charitable Event” and charge no fee.
2. Provision of a transport or parking plan and appropriate access/signage to and from the event, which is to be provided at least 30 days prior to the event.
3. All signage to be approved by the Chief Executive Officer one month prior to the event.
4. Adequate arrangements for rubbish removal and collection, including the provision for recycling.
5. The event complies with the *Environmental Protection (Noise) Regulations 1997*.
6. The event complies with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*.
7. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, provided prior to the event.
8. The event complies with the Town’s *Beaches and Beach Reserves Local Law 2012*.
9. The Earth Carers ‘H2O to Go’ Water Stations are investigated by the event organiser as to their suitability and availability for use at the event.
10. No balloons to be used or released at this event.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 9/0

The Manager Engineering Services left the meeting at 8.19 PM and did not return.

ENGINEERING**10.1.6 ADOPTION OF FIVE-YEAR CAPITAL WORKS PLAN – INFRASTRUCTURE AND PLANT RENEWAL, EXPANSION AND UPGRADE**

File Ref: SUB/707
Attachments: [Draft Five Year Plans](#)
[Ten Year Financial Plan](#)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Doug Elkins
Manager Engineering Services
Proposed Meeting Date: 29 March 2016
Author Disclosure of Interest: Nil

SUMMARY

Draft five-year plans for roads, laneways, drainage, footpaths, parks and reserves, plant and equipment and building refurbishment are presented for Council's endorsement.

BACKGROUND

Each year, Council adopts a five-year plan detailing its intended expenditure on infrastructure over the next five-years. In accordance with this practice, and Council's policy, a new five-year plan is presented to Council for review and endorsement. The first year of the five-year plan, once adopted, will form the basis for the 2016/17 financial year infrastructure budget.

STRATEGIC IMPLICATIONS

The five-year plan is a short to medium term strategic plan for the funding of the renewal, expansion and upgrade of infrastructure assets. In the near future, investment in infrastructure will be guided by asset management plans and the Long-Term Financial Management Plan.

POLICY IMPLICATIONS

The presentation of the attached five-year plans is in accordance with Council's Engineering Programs – Long Term policy. The five-year plans are consistent with Council's policies on Right of Ways and Footpaths.

STATUTORY ENVIRONMENT

The *Local Government (Administration) Regulations 1996* ('Regulations') require Council to adopt a Corporate Business Plan and a Strategic Community Plan. Asset management plans are considered informing plans to these documents and determine the level of sophistication of Council management as viewed by the Department of Local Government and Communities. As the Town does not currently have an asset management plan, the five-year plans substitute to guide the Corporate Business Plan (through the Long-Term Financial Management Plan). The current five-year plans are based on the financial models being developed as part of the creation of an asset management plan.

Strictly, the *Regulations* do not require Council to adopt asset management plans. They do, however, require Council integrate asset management into the Corporate Business Plan. Accordingly, arguably, the adoption of five-year plans does tick the legislative box.

FINANCIAL IMPLICATIONS

The five-year plans detail Council's current plan for the major part of its expenditure over the next five years. The current five-year plan is based on increasing expenditure over a number of years to meet the renewal expenditure required for each asset class.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Effective renewal of assets reduces financial and resource waste.

CONSULTATION

Nil

STAFF COMMENT

The new asset valuation and depreciation accounting rules, requiring the calculation of asset fair value, has resulted in the asset renewal investment for infrastructure assets being calculated. This work, required for the 2014/15 financial year annual report and final accounts, forms the basis of an asset management plan, and the determined depreciation values are the renewal investments required to maintain current infrastructure.

Current investment in the renewal of assets is less than required to maintain the current standard. That is, current investments are not enough to prevent asset condition deteriorating. However, the asset preservation under-expenditure is not excessive and over a period of time, this can be addressed. With a longer-term plan to fully invest in asset renewal, the Town can achieve complete asset sustainability.

Not completed as part of the most recent fair value calculations is a review of building depreciation. This will be considered as part of the completion of the asset management plan. Accordingly, it is possible that additional investment will be required to achieve sustainability of building infrastructure. However, as public buildings are commonly funded with the assistance of external grants, staff will review the residual values on buildings during the next year.

Excluded from the ten-year financial plan is the investment in the Foreshore area and the Town Centre, funded through the sale of the depot. The original Depot Funds Strategy was developed in the context of the amalgamation process, requiring early investments based on vague project scopes. As the amalgamation issue has been resolved, for now, it is appropriate for this strategy to be reviewed in the context of current concept and detailed planning for these areas, and the logical timing of expenditure. As the Depot Funds Strategy is funded through reserve funds, omitting the expenditure in the current ten-year financial plan does not affect the 'bottom line'.

The attached table details the proposed ten-year financial plan intended to increase asset renewal investment over time. It should be noted that the increases in expenditure needs to extend beyond the ten-year timeframe. In addition, if new infrastructure is created, additional investment in renewal will be required. Finally, the required investment in roads has been determined with the exclusion of Curtin Avenue on the basis that ultimately this road will become the responsibility of the State.

It is recommended that Council adopt the draft five-year plans.

VOTING

Simple Majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Downes

THAT Council adopt the attached five-year plans for roads, laneways, drainage, footpaths, parks and reserves, plant and equipment and building refurbishment.

Carried 9/0

FINANCE

Cr Thomas declared a financial interest in item 10.1.7 due to being a member of the Mosman Park Community Men's Shed and left the meeting at 7.52 PM.

10.1.7 REQUEST FOR DONATION – MOSMAN PARK COMMUNITY MEN'S SHED INC.

File Ref: SUB/1582
Attachments: [Request for Funding](#)
Responsible Officer: Mat Humfrey
 Chief Executive Officer
Author: Garry Bird
 Manager Corporate & Community Services
Proposed Meeting Date: 29 March 2016
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider a submission from the Mosman Park Community Men's Shed Inc. requesting funds to expand their current facility.

BACKGROUND

The Mosman Park Community Men's Shed project commenced in 2012, and is a place where men can work on projects, learn skills and socialise.

The proposed expansion will include an expanded metal workshop; provide storage for the Rotary Club of Mosman Park and to house the Mosman Park Community Bus.

Information provided indicates that there are over 40 members who reside within the Town of Cottesloe. The total membership in the Mosman Park Community Shed Inc. is 250.

The Town of Cottesloe has made the following contributions towards the employment of a Manager of the Club in the past:

Financial Year	Amount
2011/12	\$10,000
2012/13	\$10,000
2013/14	\$5,000

The Mosman Park Community Men's shed have elected not to seek funding from agencies such as Lotterywest, due to the considerable grant of \$725,000 received to construct the facility and the demand for such funding from new sheds being developed across the State.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council Policy – Donations

ASSESSMENT CRITERIA

Donation requests will not be considered where;

- *The applicant is a private and for profit organisation or association.*
- *The applicant is an individual person.*
- *The application is in relation to general fundraising.*
- *The application is for funding for conferences and conventions.*

Priority will be given where;

- *The applicant is a registered not for profit organisation and has a base or visible presence in Cottesloe or within the Western Suburbs;*
- *The applicant is a community group based in Cottesloe or has a visible presence within Cottesloe or has significant impact on residents of Cottesloe.*
- *The applicant can demonstrate that the funds will provide some benefit to Cottesloe residents.*
- *The funds are required for a new initiative or significant once off project.*
- *The applicant has not received a donation from Council within the previous two years.*
- *If the donation is for an event entry to the event is free of charge to Cottesloe residents to attend and participate.*
- *The application is made in the financial year prior to the funds being required in time for inclusion in the coming year's budget deliberations.*

From the above criteria, the request from the Mosman Park Community Men's Shed is in keeping with the Policy.

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

The Mosman Park Community Men's Shed plan to complete the extension within the 2016/17 financial year, and they have advised the total cost of the project is approximately 100,000, which they hope to fund as follows:

Town of Claremont	\$25,000
Town of Cottesloe	\$25,000
Town of Mosman Park	\$25,000
Shire of Peppermint Grove	\$10,000
Men's Shed	\$15,000

The Town of Peppermint Grove has deferred a decision on this matter pending further information and the other local authorities' decisions. The Town of Claremont are considering the matter at their next meeting, with the Officer Recommendation supporting a reduced allocation of \$16,500 to be considered further in the adoption of the 2016/17 Budget and subject to certain conditions.

The Town of Mosman Park have committed the sum of \$25,000 for this purpose, subject to further information being supplied that demonstrates the need for the expansion and details on building design etc.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Mosman Park Community Shed Inc.
Town of Claremont
Town of Peppermint Grove

STAFF COMMENT

The Mosman Park Community Men's Shed provides a valuable service to the community, providing assistance to many community groups and individuals in the western suburbs, in addition to the activities available to members.

That said it is considered questionable whether the upgrades to the existing facility proposed provide any direct benefit to the residents of Cottesloe. The Mosman Park Community Bus is available for use by Cottesloe residents however local residents can also access the SHINE Community Services Inc. bus if one is required. Similarly the storage area for the Mosman Park Rotary Club would only be of indirect benefit to Cottesloe.

Council has previously provided donations totalling \$25,000 to the Mosman Park Community Men's Shed.

If Council was inclined to support the request, it is recommended that a smaller contribution might be more appropriate or the request could be considered further in the adoption of the 2016/17 Budget.

VOTING

Simple Majority. An Absolute Majority is required if Council determine to support the request now in which case a budget amendment is required.

OFFICER RECOMMENDATION

THAT Council declines the request from the Mosman Park Community Men's Shed Inc. to contribute to the cost of expanding the club's current facilities.

COUNCILLOR MOTION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Angers

THAT Council consider the amount of \$16,000 in the adoption of the 2016/2017 Budget to the Mosman Park Community Men's Shed Inc. to contribute to the cost of expanding the Club's current facilities.

Carried 8/0

Cr Thomas returned to the meeting at 7.55 PM.

Mayor Dawkins declared a financial interest in item 10.1.8 due to being a member of the Cottesloe Tennis Club and left the meeting at 7.29 PM.

Cr Angers assumed the Chair at 7.29 PM.

Cr Downes declared a financial interest in item 10.1.8 due to being a member of the Cottesloe Tennis Club and left the meeting at 7.29 PM.

10.1.8 COTTESLOE TENNIS CLUB – REQUEST FOR SELF SUPPORTING LOAN

File Ref: SUB/1873
Attachments: [Correspondence from Cottesloe Tennis Club Inc Submissions](#)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Garry Bird
Manager Corporate & Community Services
Proposed Meeting Date: 29 March 2016
Author Disclosure of Interest: Nil

SUMMARY

To consider submissions received in regards to a request from the Cottesloe Tennis Club Inc. for an unbudgeted self supporting loan of up to \$420,000 as per the Resolution of Council at the December 2015 Meeting.

A copy of the correspondence received from the Tennis Club is attached.

BACKGROUND

The request from the Cottesloe Tennis Club Inc. was previously considered by Council at the December 2015 meeting of Council where the following Resolution was adopted;

THAT Council, with respect to the request received from the Cottesloe Tennis Club Inc resolve as follows;

- 1. Approve the request to extend the area of the current lease as per the attached diagram;*
- 2. Advertise the intention to take out an unbudgeted self supporting loan of \$420,000; and*
- 3. Defer consideration of the request for a grant of \$80,000 until the Six Month Budget Review is presented to Council for consideration.*

As per this Resolution, advertisements seeking public submissions were advertised in January and February 2016 as per the requirements of the Local Government Act.

At the close of the advertising period, a total of 13 submissions were received with eight supporting the proposal and five against. A copy of the submissions received is attached for further consideration by Elected Members.

The basis for the request by the Tennis Club and the need to expand the number of courts is explained in depth in the attached correspondence. In summary, the request to extend the lease would allow the Tennis Club to expand the number of hard courts from 6 to 10, group hard and grass courts together and develop infrastructure such as additional lights.

Since the December meeting, the Tennis Club have received notification that they have been successful with a grant application of \$58,365 from the Department of Sport and Recreation for the development. The Tennis Club have indicated that they would still like to request the full sum of \$420,000 as they are currently in negotiation with Western Power and adjoining property developers in regards to electricity headworks charges that might apply to ensure there is sufficient power available for the new lights.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

The following policies apply to the request/s from the Tennis Club.

Loans – Self Supporting Policy

Organisations seeking assistance from Council to raise a loan shall:

- *be an incorporated body*
- *provide a copy of the last three years' audited trading and balance sheet statements;*
- *agree to enter into a Deed of Agreement for the period of the loan repayments;*
- *provide whatever security or guarantees that Council considers appropriate to ensure that the loan is repaid;*
- *insure and keep insured premises where the premises are security over repayment of a loan;*
- *pay all costs associated with the preparation and stamping of legal documents concerned with the raising of the loan;*
- *provide a copy of the minutes of a legally constituted meeting of the organisation showing the formal resolution agreeing to the raising of the loan;*
- *provide any other information that Council requires.*

The Tennis Club have satisfied the above requirements where able to do so in advance of a formal decision of Council.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Local Government Act 1995 Subdivision 3 – Power to Borrow

6.20. Power to Borrow

- (1) *Subject to this Act, a local government may —*
-

- (a) *borrow or re-borrow money; or*
- (b) *obtain credit; or*
- (c) *arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit,*

to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.

- (2) *Where, in any financial year, a local government proposes to exercise a power under subsection (1) (**power to borrow**) and details of that proposal have not been included in the annual budget for that financial year —*
 - (a) *unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and*
 - (b) *the resolution to exercise that power is to be by absolute majority.*

Local Government (Functions And General) Regulations 1996

20. When Local Public Notice Not Required For Exercise Of Power To Borrow

- (1) *A local government is not required to give local public notice of a proposal to exercise a power to borrow when the power is to be exercised to re-finance a loan or to continue other financial accommodation (whether with the same or another bank or financial institution) except where the re-financing or continuation is a major variation.*

FINANCIAL IMPLICATIONS

As the loan requested is a self supporting one, there is no net financial impact on Council as expenditure incurred will be offset by the income received from the Cottesloe Tennis Club.

Upon receiving the request, Council staff contacted the Western Australian Treasury Corporation ('WATC') and obtained indicative repayments on a loan of \$420,000. Based on the current interest rate, the loan repayments would be \$24,814.30, paid every six months, in addition to the payment of the indicative guarantee fee of \$773.72 per repayment (averaged over the life of the loan).

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Town of Cottesloe Staff
Western Australian Treasury Corporation Staff
Cottesloe Tennis Club Inc.

STAFF COMMENT

The Tennis Club have demonstrated their capacity to repay the loan in the financial statements provided and as the development will improve facilities for members and casual users and contribute to the long term financial viability of the Club, the request is recommended for approval.

VOTING

Absolute Majority

OFFICER RECOMMENDATION**Moved Cr Birnbrauer, seconded Cr Rodda**

THAT Council, with respect to the request received from the Cottesloe Tennis Club Inc. for a self supporting loan of up to \$420,000, and noting that the requirements of Council Policy Self Supporting Loans has been met:

1. Approve the loan request and amend the 2015/16 Budget accordingly.
2. Authorise the Mayor and Chief Executive Officer to sign and apply the common seal to any documentation required.

AMENDMENT**Moved Cr Boulter, seconded Cr Birnbrauer**

That the words “subject to the outcome of the Department of Local Government and Communities enquiry” be added after the word required in point two (2).

Carried 7/0

COUNCIL RESOLUTION

THAT Council, with respect to the request received from the Cottesloe Tennis Club Inc. for a self supporting loan of up to \$420,000, and noting that the requirements of Council Policy Self Supporting Loans has been met:

1. Approve the loan request and amend the 2015/16 Budget accordingly.
2. Authorise the Mayor and Chief Executive Officer to sign and apply the common seal to any documentation required, subject to the outcome of the Department of Local Government and Communities enquiry.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 7/0

Mayor Dawkins returned to the meeting at 7.39 PM and resumed the Chair.

Cr Downes returned to the meeting at 7.39 PM.

**10.1.9 FINANCIAL STATEMENTS FOR THE MONTH ENDING 29 FEBRUARY
2016**

File Ref: SUB/1878
Attachments: [Financial Statements](#)
Responsible Officer: Garry Bird
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 29 March 2016
Author Disclosure of Interest: Nil

SUMMARY

It is a requirement of the *Local Government Act 1995* that monthly and quarterly financial statements are presented to Council, in order to allow for proper control of the Town's finances and ensure that income and expenditure are compared to budget forecasts.

The attached financial statements and supporting information are presented for the consideration of Elected Members. Council staff welcomes enquiries in regard to the information contained within these reports.

BACKGROUND

In order to prepare the attached financial statements, the following reconciliations and financial procedures have been completed and verified;

- Reconciliation of all bank accounts
- Reconciliation of rates and source valuations
- Reconciliation of assets and liabilities
- Reconciliation of payroll and taxation
- Reconciliation of accounts payable and accounts receivable ledgers
- Allocations of costs from administration, public works overheads and plant operations
- Reconciliation of loans and investments

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Town of Cottesloe Accounting Policy
Town of Cottesloe Investments Policy
Town of Cottesloe Investment of Surplus Funds Policy

STATUTORY ENVIRONMENT

Local Government Act 1995
Local Government (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The following comments and/or statements provide a brief summary of major financial/budget indicators and are included to assist in the interpretation and understanding of the attached Financial Statements.

- The net current funding position as at 29-02-2016 is \$3,948,515 and is in line with previous financial years as shown on pages 6 and 22 of the attached Financial Statements.
- Rates receivable as at 29-02-2016 stood at \$1,369,207 and again is in line with previous financial years as shown on pages 2 and 25 of the attached Financial Statements.
- Operating revenue is more than year to date budget by \$206,002 with a more detailed explanation of material variances provided on page 21 of the attached Financial Statements. Operating expenditure is \$231,964 less than year to date budget.
- The Capital Works Program is approximately 32% complete as at 29-02-2016 and a full capital works program listing shown on pages 33 to 36.
- Whilst Salaries and Wages are not reported specifically, they do represent the majority proportion of Employee Costs which are listed on the Statement of Financial Activity (By Nature and Type) on page 7 of the attached Statements. As at 29-02-2016 Employee Costs were \$13,373 less than year to date forecasts.

Various transfers to and from Reserve Funds have not been made for 2015/2016 and are generally undertaken in the latter half of the financial year, depending on the progress of specific projects to which these transfers relate.

List of Accounts for February 2016

The List of Accounts paid during February 2016 is shown on pages 37 to 44 of the attached Financial Statements. The following significant payments are brought to Council's attention;-

- \$163,761.40 to the Shire of Peppermint Grove for provision of library services
- \$31,554.28 to Surf Life Saving Western Australia for the monthly surf life saving service
- \$27,295.23 to Western Metropolitan Regional Council for waste disposal costs
- \$135,840.36 and \$84,915.36 to Town of Cottesloe staff for fortnightly payroll
- \$600,000.00 to Council's term deposits account with National Australia Bank

Investments and Loans

Cash and investments are shown in Note 4 on page 23 of the attached Financial Statements. Council has approximately 38% of funds invested with National Australia Bank, 31% with Bankwest, 18% with Westpac Banking Corporation and 13% with the Commonwealth Bank of Australia.

Information on borrowings is shown in Note 10 on page 30 of the attached Financial Statements. As at 29-02-2016 the Town had \$4,061,090 of borrowings outstanding.

Rates, Sundry Debtors and Other Receivables

Rating information is shown in Note 9 on page 29 of the attached Financial Statements. As displayed on page 2, rates receivable is trending in line with the previous year.

Sundry debtors are shown on Note 6, pages 25 and 26 of the attached Financial Statements with 33% or \$30,765 older than 90 days. Infringement debtors raised on the new software platform are shown on page 26 and it is anticipated that all infringements from the legacy system will be transferred by April 2016.

VOTING

Simple Majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Downes

THAT Council receive the Financial Statements for the period ending 29 February 2016 as attached.

Carried 9/0

10.2 REPORT OF COMMITTEES

AUDIT COMMITTEE – 22 MARCH 2016

10.2.1 ASSESSMENT OF THE TOWN'S RISK MANAGEMENT PRACTICES

File Ref: SUB/2123
Attachments: [Town of Cottesloe Risk Management Profile](#)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Mat Humfrey
Chief Executive Officer
Proposed Meeting Date: 22 March 2016
Author Disclosure of Interest: Nil

SUMMARY

The Audit Committee is being presented with the assessment of the Town's Risk Management Practices as prepared by administration, for review.

BACKGROUND

In February 2013, Audit Regulation 17 was inserted into the *Local Government (Audit) Regulations 1996*. The new regulation required the Chief Executive Officer to review certain practices undertaken by the local government and provide a report to the Audit Committee for its consideration.

The three areas required to be reported on are, risk management, internal control and legislative compliance. The issues of internal control and legislative compliance are covered by the annual financial audit and compliance audit return process respectively. In essence this left the third field, risk management, to be developed by each local government separately.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

The Local Government (Audit) Regulations, specifically regulations 16 and 17, require the Chief Executive Officer to assess the appropriateness and effectiveness of a local government's procedures in relation to risk management amongst other things.

The Chief Executive Officer should provide the results of the assessment to the Audit Committee via a report, which is then reviewed by the Audit Committee and forwarded to the full Council for consideration.

FINANCIAL IMPLICATIONS

Nil – the review of the Town’s Risk Assessment was undertaken within existing staff resources and accessing funds “credited” to the Town by our insurers.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Management and representatives from Local Government Insurance Services (LGIS).

STAFF COMMENT

There are three main components to risk management, which are;

1. Understanding that there is always a level of risk associated with any operation
2. Setting a level of risk that is acceptable to the organisation; and
3. Assessing activities for the risks associated and ensuring management practices and policies are in place so that the desired level of risk can be maintained.

Its long been acknowledged that there is a level of risk associated with local government operations. This acknowledgement can be demonstrated by the need for local governments to have insurance policies to mitigate the risk they may be exposed to.

There has been two shifts in risk management since the late 1990’s. The first shift was towards removing any and all risk where ever possible. This shift started in the late 1990’s and has progressed into the early part of this century. In more recent times, there have been several developments, both socially and legally that have allowed a higher level of risk to be accepted.

The recent changes have largely come about for two main reasons. The first is that people defending claims against them have been able to show that all reasonable care had been taken and liability had been avoided. The second is that people have realised there is a cost to removing all risk – both a financial risk and a social risk.

The Town has considered the level of risk it is willing to accept and adopted a risk management policy. The assessment attached looks at our current operations and the level of risk associated with them. The level of risk the Town currently has is within the desired range, however, there are several activities and projects that can be undertaken to further reduce our risk level.

Overall, the risk assessment has not revealed any areas of particular concern and no immediate corrective action is deemed necessary. The projects and plans within the

assessment can take place within existing budgets and financial plans without overly impacting our operations.

VOTING

Simple Majority

COMMITTEE COMMENT

The Chief Executive Officer explained that the assessment of the Town's risk management practices was undertaken by senior staff, in conjunction with Local Government Insurance Services, who developed the framework, as a result of changes to the Audit Regulations in the *Local Government (Audit) Regulations 1996*.

The Chief Executive Officer added that the Town's Risk Management Profile is a process of continual improvement and will be presented to Council on an annual basis. Cr Boulter requested that when the Risk Management Profile is next presented to Council, any changes in the Town's rating should be tracked.

The Committee queried how the consultants were paid for. The Chief Executive Officer provided that the consultant's fees were paid from a credit the Town has with its insurers. The credit was made available for activities that reduced or addressed the Town's risk. Has the credit not been available, the cost of the consultants would have been approximately \$8,000.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Downes

THAT the Audit Committee endorse the Risk Assessment report attached and forward it to Council for its consideration.

Carried 9/0

10.2.2 APPOINTMENT OF AUDITOR

File Ref: SUB/534
Attachments: [CONFIDENTIAL Moore Stephens Submission](#)
[CONFIDENTIAL Grant Thornton Submission](#)
Responsible Officer: Garry Bird
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 22 March 2016
Author Disclosure of Interest: Nil

SUMMARY

The existing Audit Contract with Moore Stephens (formerly UHY Haines Norton Chartered Accountants) expires on 30 June 2016.

As such, Council is required to appoint a new Auditor effective 1 July 2016.

BACKGROUND

The form and scope of the Audit Contract is prescribed by the *Local Government Act 1995* and accompanying *Local Government (Audit) Regulations 1996*. Moore Stephens (formerly UHY Haines Norton Chartered Accountants) were appointed as the Town's Auditors for the period 1 July 2014 to 30 June 2016.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

7.3. Appointment of auditors

- (1) *A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint* a person, on the recommendation of the audit committee, to be its auditor.*
** Absolute majority required.*
- (2) *The local government may appoint one or more persons as its auditor.*
- (3) *The local government's auditor is to be a person who is —*
 - (a) *a registered company auditor; or*
 - (b) *an approved auditor.*

FINANCIAL IMPLICATIONS

The costs of audits are met within operational budgets.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Officers consulted WALGA's preferred supplier panel for companies that could be approached to provide a proposal for audit services. Three companies were approached, being Moore Stephens, Grant Thornton and Deloitte. Deloitte did not provide a proposal.

STAFF COMMENT

Following the preparation of and Audit Specification, invitations were sent to three firms who are on WALGA's list of preferred suppliers of Audit Services. These firms were as follows;-

- Moore Stephens
- Grant Thornton
- Deloitte

Two of the firms returned their submissions by the closing date of 12 February 2016, with no submission received from Deloitte. A copy of the two submissions is attached (confidential) to this report for the consideration of Elected Members.

An assessment of the two submissions received indicates that both firms would have the ability to undertake the audit to the prescribed standard and have demonstrated experience in this specialised field. Over a three year period, the net cost difference is \$8,250. However, even with this cost saving in mind, Moore Stephens were considered to be the Town's preferred option as they are currently in the process of auditing and reviewing the Town's infringement system as a part of the four yearly Financial Management Review and interim audit processes. As these processes are still being undertaken in collaboration with Moore Stephens, it is recommended that they be appointed for a further three year term.

VOTING

Simple Majority for Committee purposes. An Absolute Majority of Council will be required to appoint the Auditor.

COMMITTEE COMMENT

The Manager Corporate and Community Services explained that Moore Stephens have been the Town's Auditor for over five years and it is prudent for local governments to change their Auditor from time to time. However, the officer recommendation is based on the work Moore Stephens are currently undertaking auditing and reviewing the Town's infringement system, as a part of the four yearly Financial Management Review and interim audit processes.

The Chief Executive Officer commented that although Moore Stephens have been the Town's Auditor for several years, the Audit Manager and staff change frequently.

Committee queried when auditing and reviewing the Town's infringement system would be complete. The Manager Corporate and Community Services advised that the results will be presented in the Interim Audit Report later this year.

OFFICER RECOMMENDATION

Moved Cr Angers, seconded Cr Boulter

That the Town of Cottesloe Audit Committee recommend to Council that Mr Greg Godwin and Mr David Tomasi of Moore Stephens be appointed as the Auditor for the Town of Cottesloe for the period 01 July 2016 to 30 June 2019.

AMENDMENT

Moved Cr Boulter, seconded Cr Rodda

That "2019" be removed and replaced with "2017".

Carried 3/0

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Downes

That the Town of Cottesloe Audit Committee recommend to Council that Mr Greg Godwin and Mr David Tomasi of Moore Stephens be appointed as the Auditor for the Town of Cottesloe for the period 01 July 2016 to 30 June 2017.

Carried 9/0

10.2.3 COMPLIANCE AUDIT RETURN FOR 2015

File Ref: SUB/1859
Attachments: [Compliance Audit Return 2015](#)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Garry Bird
Manager Corporate & Community Services
Proposed Meeting Date: 22 March 2016
Author Disclosure of Interest: Nil

SUMMARY

A recommendation is made to adopt the Compliance Audit Return for 2015 and authorise the Mayor and Chief Executive Officer to certify the Return so that it may be returned to the Department of Local Government by the due date of 31 March 2016.

BACKGROUND

Each year the Department of Local Government issues a Compliance Audit Return that covers a sample of legislative provisions required under the provisions of the *Local Government Act (1995)*, which is required to be completed by staff and endorsed by Council prior to submission.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Audit) Regulations 1996

Local Government Act 1995 7.13 Clause 1 (i) and 2

- (1) *(i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are –
 - (i) of a financial nature or not; or
 - (ii) under this Act or another written law.*
- (2) *Regulations may also make any provision about audit committees that may be made under section 5.25 in relation to committees.*

Local Government (Audit) Regulations 1996 Regulations 14 and 15**14. Compliance audits by local governments**

- (1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
- (2) *After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
- (3A) *The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*
- (3) *After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be –*
 - (a) *presented to the council at a meeting of the council; and*
 - (b) *adopted by the council; and*
 - (c) *recorded in the minutes of the meeting at which it is adopted.*

[Regulation 14 inserted in Gazette 23 Apr 1999 p. 1724-5; amended in Gazette 30 Dec 2011 p. 5580-1.]

15. Compliance audit return, certified copy of etc. to be given to Executive Director

- (1) *After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with –*
 - (a) *a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*
 - (b) *any additional information explaining or qualifying the compliance audit, is to be submitted to the Executive Director by 31 March next following the period to which the return relates.*
- (2) *In this regulation –*

Certified in relation to a compliance audit return means signed by –

 - (a) *the mayor or president; and*
 - (b) *the CEO.*

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Senior staff.

STAFF COMMENT

The Compliance Audit Return for 2015 has been completed and it is recommended that the Committee recommend to Council its adoption and further, authorise the Mayor and CEO to certify the Return so that it can be forwarded to the Department of Local Government and Communities.

The 2015 Compliance Audit Return has identified no areas of non compliance by the Town of Cottesloe.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Dawkins, seconded Cr Downes

THAT the Town of Cottesloe Audit Committee recommend to Council the adoption of the 2015 Compliance Audit Return, noting that there are no areas of non compliance, and authorise the Mayor and Chief Executive Officer to certify the Return so that it may be returned to the Department of Local Government and Communities by the due date of 31 March 2016.

Carried 9/0

11 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 COUNCILLOR MOTION**

The following motion has been proposed by Cr Pyvis:

THAT Council:

1. Introduce the electronic recording of all Council Briefing Sessions and Ordinary Council Meetings.
2. Introduce the use of a display screen at Ordinary Council Meetings to enable the public and Elected Members to follow more clearly the motions being considered.
3. Introduce a Public Statement Session at Council Briefing Sessions and Ordinary Council Meetings to allow members of the public to make short statements on any Council related issue.
4. Undertake a review of Town of Cottesloe Standing Orders Local Law by mid 2016.

Note: The Mayor determined to consider each point of the Councillor Motion separately.

COUNCILLOR MOTION POINT ONE

Moved Cr Pyvis, seconded Cr Thomas

THAT Council introduce the electronic recording of all Council Briefing Sessions and Ordinary Council Meetings.

AMENDMENT

Moved Cr Rodda, seconded Cr Birnbrauer

That the word "Ordinary" be removed.

That the words "and that such recordings be used for the sole purpose of confirming the correctness of the Minutes of the Briefing Sessions and Meetings, but should not be otherwise published." be added after the word "Meetings".

Carried 9/0

COUNCIL RESOLUTION

THAT Council introduce the electronic recording of all Council Briefing Sessions and Council Meetings and that such recordings be used for the sole purpose of confirming the correctness of the Minutes of the Briefing Sessions and Meetings, but should not be otherwise published.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 9/0

COUNCILLOR MOTION POINT TWO**Moved Cr Pyvis, seconded Cr Boulter**

THAT Council introduce the use of a display screen at Ordinary Council Meetings to enable the public and Elected Members to follow more clearly the motions being considered.

AMENDMENT**Moved Mayor Dawkins, seconded Cr Pyvis**

That the words “subject to a report to the April Council Meeting on the costs incurred and the heritage impact to the building.” be added after the word “considered”.

Carried 9/0**COUNCIL RESOLUTION**

THAT Council introduce the use of a display screen at Ordinary Council Meetings to enable the public and Elected Members to follow more clearly the motions being considered, subject to a report to the April Council Meeting on the costs incurred and the heritage impact to the building.

THE AMENDED SUBSTANTIVE MOTION WAS PUT**Carried 9/0****COUNCILLOR MOTION POINT THREE & COUNCIL RESOLUTION****Moved Cr Pyvis, seconded Cr Birnbrauer**

THAT Council introduce a Public Statement Session at Council Briefing Sessions and Ordinary Council Meetings to allow members of the public to make short statements on any Council related issue.

Carried 9/0**COUNCILLOR MOTION POINT FOUR****Moved Cr Thomas, seconded Cr Pyvis**

THAT Council undertake a review of Town of Cottesloe Standing Orders Local Law by mid 2016.

Lost 0/9**COUNCILLOR MOTION POINT FIVE****Moved Cr Pyvis, seconded Cr Boulter**

THAT Council authorise the Chief Executive Officer to grant access, free of charge, to the electronic recordings of all Council Briefing Sessions and Ordinary Council Meetings to any person who disputes the content of the Minutes.

AMENDMENT**Moved Cr Rodda, seconded Cr Pyvis**

That the words “to grant access, free of charge, to the electronic recordings of all Council Briefing Sessions and Ordinary Council Meetings to any person who disputes the content of the Minutes” be removed and replaced with “upon

request of any person, review the electronic recording of a meeting to confirm the accuracy of the meeting”.

Carried 8/1

For: Mayor Dawkins, Crs Angers, Pyvis, Downes, Rodda, Thomas, Burke & Birnbrauer
Against: Cr Boulter

COUNCIL RESOLUTION

THAT Council authorise the Chief Executive Officer upon request of any person, review the electronic recording of a meeting to confirm the accuracy of the meeting.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 8/1

For: Mayor Dawkins, Crs Angers, Pyvis, Downes, Rodda, Thomas, Burke, Birnbrauer
Against: Cr Boulter

COUNCIL RESOLUTION (CONSOLIDATED)

THAT Council:

- 1. Introduce the electronic recording of all Council Briefing Sessions and Council Meetings and that such recordings be used for the sole purpose of confirming the correctness of the Minutes of the Briefing Sessions and Meetings, but should not be otherwise published.**
- 2. Introduce the use of a display screen at Ordinary Council Meetings to enable the public and Elected Members to follow more clearly the motions being considered subject to a report to the April Council Meeting on the costs incurred and the heritage impact to the building.**
- 3. Introduce a Public Statement Session at Council Briefing Sessions and Ordinary Council Meetings to allow members of the public to make short statements on any Council related issue.**
- 4. Authorise the Chief Executive Officer upon request of any person, review the electronic recording of a meeting to confirm the accuracy of the meeting.**

COUNCILLOR RATIONALE

As a Councillor I am concerned about the accountability of Council to the Cottesloe community and over the past two years Council has, in my view, become increasingly less transparent and accountable.

For example, my requests to have comments I have made in Meeting recorded in full in the Minutes have been refused.

I am also concerned that Public Statements* on non-Agenda related matters are disallowed at meetings. **

My concerns would largely be addressed by the introduction of electronic recording of all Council Briefing Sessions and Ordinary Council Meetings to promote greater

accountability to residents and ratepayers. This would be in accordance with section 1.3(2)(c) of the *Local Government Act 1995*.

Many local governments record Council and Committee Meetings (see below POLICIES on Recording and Access to Recorded Information for City of Fremantle, City of Vincent, City of Joondalup and City of Gosnells) as low cost digital technology is now readily available.

Some local governments (e.g. Augusta Margaret River Shire Council) use a screen to display the Agenda, the Minutes (as they are being drafted in real time) and Amended Motions so that Elected Members can readily see what they are voting on.

For example, at the last Ordinary Council Meeting 23 February 2016 there was confusion as Elected Members voted on an amendment to an amended motion and then proceeded to debate the substantive motion after voting.

In my view, electronic recording of Council Briefing Sessions and Ordinary Council Meetings will ensure an accurate record of debate and discussion and improve the transparency and accountability of local government in Cottesloe.

Point 3 of the MOTION recommends the introduction of a Public Statement Session *** at Council Briefing Sessions and Ordinary Council Meetings to enable members of the public to make short statements on any Council related issue.

I strongly believe members of the public should not be restricted to speaking on items of business on the Agenda, as is currently the case. A Public Statement Session would provide a valuable mechanism for Town of Cottesloe to identify issues of importance to the Cottesloe community.

The Motion is drafted in four parts to enable each to be voted on separately.

* *6.9 Public Statement Time*

- (1) *At each meeting, members of the public may request the opportunity to make a statement on any item of business in the Agenda for that meeting.*

(p7 Town of Cottesloe Standing Orders Local Law [Consolidated])

** *"Some councils only permit the asking of questions which relate to an item on the agenda. It is the Department's view that such a policy is of doubtful validity, as the restriction denies peoples' rights under the legislation to ask questions on any local government matter."*

(p5 Local Government Operational Guidelines. Number 03 WA Govt. Department Local Government & Communities)

*** *"Some local governments set aside time during a meeting for people to make statements on any issue without an expectation of the local government responding and call this a 'public statement session'. These can be a great opportunity for community members to feel they have a chance to communicate with their council."*

While there are no regulations governing public statements the principles of accountability and transparency would indicate local governments should give consideration to including a brief summary of the statements in the minutes. In most cases it would be difficult to provide a realistic response and so a comment of "noted" should be sufficient.

If a local government considers introducing a public statement session it is important to separate it from public question time, as public question time is for the purpose of asking questions and not for making statements. The two periods should not be confused.

As with deputation sessions, procedures should be put in place."

(p10 Local Government Operational Guidelines. Number 03 WA Govt. Department Local Government & Communities)

STAFF COMMENT

With regards to point 1, the relevant clause of the Standing Orders Local Law states;

9.8 Recording of Meeting prohibited

- (1) A person must not use any electronic, visual, or audio recording device or instrument to record the proceedings of the Council or Committees unless the Presiding Member has given permission to do so.*
- (2) If the Presiding Member gives permission under sub-clause (1) he or she is to advise the meeting immediately before the recording is commenced, that such permission has been given and nature and extent of that permission.*

A motion at this meeting to allow the recording of the meeting will have no effect unless any one of the following occur;

1. The Presiding Member at the meeting allows the meeting to be recorded and advises the meeting accordingly; or
2. A motion is moved, seconded and passed by the meeting that the standing order be suspended for the duration of the meeting (only applies to the meeting the motion is passed at); or
3. Council resolves to amend its Standing Orders Local Law and follows the process for implementing such a change.

When considering the implications of recording the meetings, the impact on staff resources is negligible, unless transcripts are required to be produced. Simply recording the meeting and saving it within the Town's electronic document management system is a relatively simple exercise and would not incur any significant cost.

With regards to point 2, Administration agree that the introduction of such a system would increase the efficiency of Council. In recent briefing sessions, the agenda has been displayed on the projector in the Mayor's Parlour, and attachments have been

available for display if required. It is felt that this has had a positive impact on meetings by reducing any misunderstandings that can occur.

There would be a cost that would be incurred in the setting up of such technology, and the heritage status and characteristics of the room do present challenges. However, staff are confident that we could implement such a system in a very economical way if the Council resolves to introduce a display screen.

With regards to point 3, the Standing Orders Local Law (as written) provide for a public statement time. The relevant Standing Order is 6.9 – Public Statement Time. Currently, public statements are permitted only on matters that are contained within the Agenda. It's worth noting that the public can ask a question on any matter related to the Town during public question time, if they so choose.

Council, could if it wishes, pass a motion to suspend any standing order, or group of standing orders for part of all of a meeting. As such a motion could be presented to the start of each meeting to “suspend standing orders to the extent required to allow public statements on any given matter”. Such a motion would need to be seconded and carried, but it is not needed in writing prior to the meeting.

Alternatively, Council could initiate an amendment to the local law, which would have the effect of permanently removing such a condition. Such an amendment would take several months to set in place.

The decision on whether or not to allow statements on items that are not on the Agenda is a policy matter for Council to consider. However, if Council is of a mind to allow statements on items that are not on the Agenda, it would be recommended that the allowed time for public statements (15 minutes) is increased so that people who need to make a statement on an item that Council is considering at the meeting are afforded the chance to do so. Alternatively, Council may consider a mechanism whereby additional statements on unrelated items can be made if there is time following all of the statements on items on the Agenda.

As the local law was reviewed in 2013, there is no requirement for a formal review to be undertaken at this stage. A formal review would require additional advertising and would extend the time it takes for any changes to come into practice. As community consultation on any change to a local law is required by the Act, it would be preferable if a formal review was not undertaken at this time, having regard to staff workloads.

11.2 COUNCILLOR MOTION

The following motion has been proposed by Cr Pyvis:

Moved Cr Pyvis, seconded Cr Downes

THAT Council:

1. ADVOCATES for the abolition of Development Assessment Panels on the basis that:
 - a. Development Assessment Panels by means of their majority unelected membership are not democratic bodies representing the ratepayers and accordingly cannot reflect the aspirations or values of the local community;
 - b. Development Assessment Panels represent a significant erosion of development assessment powers that can be exercised by elected representatives who have been given a mandate by ratepayers to make these decisions; and
 - c. Previous decisions made by the Metro West Joint Development Assessment Panel have gone well beyond the purpose, intent and application of relevant Local Planning Scheme and Policies adopted by the Town of Cottesloe. For example, a recent approval did not demonstrate appropriate regard for the impact the development would have on the significant and highly valued community asset that is the Cottesloe Civic Centre.
2. ADVOCATES for consideration of the following reforms, in the event that Development Assessment Panels remain in place, to ensure greater accountability, transparency and procedural fairness for ratepayers through the Panel's assessment and decision making processes:
 - a. Abolishing the current opt-in mechanism which allows applicants to choose either elected Councils or the Development Assessment Panels as the decision maker in favour of a WAPC call-in power for projects of state or regional significance, with a minimal value of \$20 million, as has been adopted in the eastern states;
 - b. Requiring equal membership on the Development Assessment Panels between Local Government and Appointed Specialist members, with an independent chair who can only cast status quo casting vote;
 - c. Requiring the Development Assessment Panels to set the meeting date for consideration of the development applications no later than five working days after the application being received to better enable ratepayer inclusion within the community consultation process;
 - d. Requiring the Development Assessment Panels agenda and local government report and recommendation to be published no less than ten business days prior to the scheduled meeting date;
 - e. Requiring a minimum of five business days between publishing the Development Assessment Panels agenda and the date by which ratepayers can apply to make public presentations to the Development Assessment Panels, to provide more time to prepare a formal response;

- f. Mandating that respondents to the development application can nominate email or Australia Post as their preferred contact method for information and requiring the local government to contact registered respondents throughout the process as deadlines are reached;
 - g. Providing a public template for ratepayers to assist with the preparation of feedback as part of the community consultation process;
 - h. Prohibiting any changes to a development application once it has been submitted. A new application would be required if changes to the application are sought by the applicant.
 - i. Removing the need for the local government to obtain the applicant's consent for further consultation or an extension of time to report the applicant's development proposal to a Development Assessment Panel meeting for determination.
 - j. Permitting Local Government Elected Members of the affected local government to attend any mediation in the State Administrative Tribunal relating to an appeal by the applicant against a Development Assessment Panels refusal or a condition of approval.
 - k. Permitting Local Government Elected Members to make public comment about Development Assessment Panel decisions.
3. ADVISES the Western Australian Local Government Association ('WALGA') and the Department of Local Government and Communities ('DLGC') of Council's concerns regarding the actions and decisions of Development Assessment Panels ('DAPs').

AMENDMENT

Moved Cr Downes, seconded Cr Angers

THAT points h, j and k be removed.

Note: The Mayor determined to vote on point h and then j and k of the Councillor Motion separately.

THAT point h be removed.

Carried 6/3

**For: Mayor Dawkins, Crs Angers, Burke, Rodda, Birnbrauer & Downes
Against: Crs Thomas, Pyvis & Boulter**

THAT point j and k be removed.

Carried 5/4

**For: Mayor Dawkins, Crs Angers, Burke, Rodda, & Downes
Against: Crs Thomas, Pyvis, Boulter & Birnbrauer**

COUNCIL RESOLUTION**THAT Council:**

- 1. ADVOCATES for the abolition of Development Assessment Panels on the basis that:**
 - a. Development Assessment Panels by means of their majority unelected membership are not democratic bodies representing the ratepayers and accordingly cannot reflect the aspirations or values of the local community;**
 - b. Development Assessment Panels represent a significant erosion of development assessment powers that can be exercised by elected representatives who have been given a mandate by ratepayers to make these decisions; and**
 - c. Previous decisions made by the Metro West Joint Development Assessment Panel have gone well beyond the purpose, intent and application of relevant Local Planning Scheme and Policies adopted by the Town of Cottesloe. For example, a recent approval did not demonstrate appropriate regard for the impact the development would have on the significant and highly valued community asset that is the Cottesloe Civic Centre.**

- 2. ADVOCATES for consideration of the following reforms, in the event that Development Assessment Panels remain in place, to ensure greater accountability, transparency and procedural fairness for ratepayers through the Panel's assessment and decision making processes:**
 - a. Abolishing the current opt-in mechanism which allows applicants to choose either elected Councils or the Development Assessment Panels as the decision maker in favour of a WAPC call-in power for projects of state or regional significance, with a minimal value of \$20 million, as has been adopted in the eastern states;**
 - b. Requiring equal membership on the Development Assessment Panels between Local Government and Appointed Specialist members, with an independent chair who can only cast status quo casting vote;**
 - c. Requiring the Development Assessment Panels to set the meeting date for consideration of the development applications no later than five working days after the application being received to better enable ratepayer inclusion within the community consultation process;**
 - d. Requiring the Development Assessment Panels agenda and local government report and recommendation to be published no less than ten business days prior to the scheduled meeting date;**
 - e. Requiring a minimum of five business days between publishing the Development Assessment Panels agenda and the date by which ratepayers can apply to make public presentations to the Development Assessment Panels, to provide more time to prepare a formal response;**

- f. Mandating that respondents to the development application can nominate email or Australia Post as their preferred contact method for information and requiring the local government to contact registered respondents throughout the process as deadlines are reached;
 - g. Providing a public template for ratepayers to assist with the preparation of feedback as part of the community consultation process;
 - h. Removing the need for the local government to obtain the applicant's consent for further consultation or an extension of time to report the applicant's development proposal to a Development Assessment Panel meeting for determination.
3. **ADVISES** the Western Australian Local Government Association ('WALGA') and the Department of Local Government and Communities ('DLGC') of Council's concerns regarding the actions and decisions of Development Assessment Panels ('DAPs').

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 9/0

COUNCILLOR RATIONALE

1. Development Assessment Panels are the State Government's flawed development assessment mechanism that ensures developers bypass Local Government so that residents and ratepayers are denied a voice in how their communities develop. Development Assessment Panels turn a proper assessment process into an improper approval process.
2. Following the lead of the City of Vincent, several Councils including Vincent, Cambridge, Subiaco, Bayswater and Mosman Park Councils have proposed, or intend to propose, MOTIONS to abolish Development Assessment Panels. I propose that this Council now do the same.
3. Development Assessment Panels have largely (and deliberately) removed opportunities for local "political" and community - based issues to be considered in the development assessment decision-making process. These issues represent the fine-grain fabric of what is important to a local community in terms of its future character, landscape and amenity, which has generally been established through community consultation resulting in effective and appropriate planning policies to guide but not bind discretionary decision making. Elected Members are best placed to interpret and represent those views. Further, these local issues cannot always be easily captured through Local Planning Schemes and Policies. As a result, subjectivity and discretion will always have a role to play in such decisions. That subjectivity, applied through the exercise of discretion guided but not bound by State and Local Government planning policies, is best exercised on the ground at Local Government level. "There is no requirement for a Development Assessment Panel to either adhere to or show regard for either local or State planning policies" (direct quote from "Development Assessment Panel Training Notes, section 4.5.2 – Role of Policy

4. Development Assessment Panels were introduced by the WA State Government (by then Minister John Day) as part of the significant 2011 changes to the development application assessment process.
5. The State government objective of Development Assessment Panels is to have Development Applications of \$7 million considered by a panel comprising three independent Minister-appointed experts and two Local Government Elected Member representatives. Most Development Assessment Panel government appointees come from the urban development industry. Neither the Town of Cottesloe nor community members (such as affected neighbours) have a right of appeal in State Administrative Tribunal against any Development Assessment Panel decisions. However, the applicant developer can appeal.
6. However the past five years have demonstrated that Development Assessment Panels have disempowered and disenfranchised Local Governments from the development assessment process and have become nothing more than a "rubber stamp" for urban infill and non-compliant developments, which benefit and profit developers at the expense of local communities.
7. Whilst the specialist Development Assessment Panel members may be qualified and experienced in their fields, they do not have the same appreciation and ownership of local issues as Elected Members and are not left to experience the results of their decisions. Thus, the three "independent" Minister appointed Development Assessment Panels members will also typically not have the same enduring accountability to justify or "live with" the consequences of Development Assessment Panel decision as Elected Members have, which comes from being a resident of the local community.
8. It is undemocratic for Local Government to be excluded as a third party from decision making in such cases. If the current process is to be retained, there should at least be legislative change to allow Councils to seek a merits review in the State Administrative Tribunal of all Development Assessment Panel decisions, and participate in all mediations where there has been an appeal against the unlikely event of a Development Assessment Panel refusal or unwanted conditions. "Development Assessment Panel members, including the local government minority representatives, are advised to not make any statements that are critical of the Minister, the Director-General for the Planning Department, a Local Government employee, a Development Assessment Panel or another Development Assessment Panel member.
9. Reference Development Assessment Panel Training Manual 2011: <http://www.planning.wa.gov.au/daps/data/Member%20Training/DAP%20Member%20Training%20Notes.pdf>

STAFF COMMENT

There are a number of Councils making their opposition to the Development Assessment Panel process known. The most common way of making such a statement is by passing a formal Council resolution noting such opposition.

Given the State Government were aware of the opposition to Development Assessment Panels when they introduced the system and that it would be difficult to perceive that they are not aware of the current level of opposition to the process, it is unlikely that the current State Government will take any action to remove the DAP process. However, a united call for modifications to the system, may well be listened to, given the current political climate at a State level.

Council needs to consider the issue and form its own view on any changes it wishes to advocate for. As the Town is not in control of the Development Assessment Panel process, nor are we responsible for administering it, staff are not able to provide any comment on the impact or otherwise of the recommended changes. The final consideration of any change, being a State responsibility, should include an assessment from the Department of Planning on the impact of any change that is made.

Staff do have a minor concern with one of the recommended changes, being the removal of the ability of applicants to submit revised plans. It is common for owners and their architects to overlook small issues that can have an impact on the amenity of an area. Such things include not obscuring overlooking windows, not providing adequate screening to balconies or not being sensitive to adjoining heritage properties. It is the case that submissions received from affected neighbours and relevant State agencies (Heritage Council or environmental agencies) can make the owners and their architects aware of such issues, at which point they may wish to submit amended plans that alleviate the concern. If such plans were submitted, they take the place of the original plans and are what is presented for final approval or rejection.

If the ability to submit revised plans were to be removed, such amenity issues could only be dealt with by way of imposing a condition on the development. There are cases where the placing of such conditions can be missed, either through administrative oversight or in the overturning of a recommendation or decision on appeal.

While there may be technical considerations to the other points, Council should consider each item of the recommendation on the principle it represents, rather than any technical argument that could be considered.

On the whole staff support the need to review the Development Assessment Panel system, particularly the mechanism that allows applicants to choose the method of assessment and the involvement of the local government's officers without the involvement of the elected body that assigns their priorities

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 9:17 PM.

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PRESIDING MEMBER:

POSITION:

.....

DATE: / /