

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 September, 2015

MAT HUMFREY
Chief Executive Officer

9 October 2015

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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 acknowledged former Councillor Victor Strzina who retired in October 2013. In May 2003 Vic stood and was successful in the South Ward for Cottesloe Council. He served for 10 years until October 2013 when he stood down. Throughout this time, Victor served as a member of the Development Services, Works and Corporate Services and Audit committees. He also served on the Cottesloe-Peppermint Grove-Mosman Park Project Steering Committees, which was instrumental in the ground work for the now completed "Grove" library. Victor served as Deputy Delegate to the Combined Councils Aged Support Service Committee, and as a member of the Western Metropolitan Regional Council and the Design Advisory Panel.

Vic also represented community organisations, including as Deputy Delegate to the South Cottesloe Coastcare Committee. The Mayor also acknowledged Vic's wife, Kerri, who was a steadfast supporter of Vic's and was active in community affairs herself, and like all Councillors partners and spouses, was the one who bore the brunt of the many nights home alone.

The Mayor presented an award to the former Councillor Victor Strzina, as a token of Council's appreciation and thanked him for his hard work and commitment to Council and the Cottesloe community.

The Mayor stated that with Council election on 17 October, this Council meeting may be the last one for this term, for some Councillors. The Mayor thanked every Councillor for their time, service and attendance to all matters that had been dealt with during their term. She stated that it was healthy to express varying views, and in the main, these views had been expressed with the respect that was due and expected in the Chamber. She mentioned some milestones for Cottesloe that have been achieved, being the signing off of Local Planning Scheme 3 and several of the inevitable amendments that come in the wake of a new Local Planning Scheme, the completion of the Depot sale and commencement of the development phase, Napoleon Street has been upgraded and the groundwork for further upgrades on the beachfront, Marine Parade and Indiana Tea House are also underway. She thanked everyone and wished good luck to those Councillors who are standing for re-election

The Mayor also made a special mention of Councillor Jack Walsh who will be retiring with this meeting being his last. Jack joined the council representing the North Ward in October 1998 and has served continuously as a Councillor since. During this time he has seen off several Mayors and has been involved in some landmark decisions. He was Deputy Mayor for 6 years and has been

a member of the Development Services Committee for the entire 17 years he has been on Council. He has also been on plethora of other committees; such as: Town Planning Scheme Review Committee, the "Care for Cottesloe – LA21 Committee", deputy delegate to the Combined Councils Aged Support Service Committee, delegate for the Aged Persons Support Service, deputy delegate to the Western Suburbs District Planning Committee, delegate to the TAPSS Community Care (which is now 'Shine'), delegate to the Liquor Licensing Working Group, delegate to the Curtin Aged Persons Homes (which is now 'Curtin Care'), delegate to the Western Australian Local Government Association - Central Metropolitan Zone, delegate to the Joint Development Assessment Panel, and delegate to the Bicycle Working Group. She stated that the above committee involvement did not include the amount of time spent on reading, chasing up, homework and research that Jack has put into his work as a Councillor. As this is Jack Walsh's last meeting, on behalf of Council, she thanked him and mentioned that there will be a formal acknowledgement for Jack Walsh at the next Volunteer Sundowners event.

Cr Sally Pyvis – Statement of Acknowledgement for Jack Walsh

Cr Pyvis thanked Cr Walsh for his 17 years of service to Cottesloe. She stated that he represented all residents and ratepayers' interests fairly, which has earned him enormous respect and popularity within the Cottesloe community.

She stated that Jack is honest, articulate, intelligent, extremely knowledgeable, patient, tolerant, cool under pressure, and is a man of great integrity. He has provided exemplary mentorship to her and defended Cottesloe community during the big issues of foreshore building height limits, council amalgamations, and he has saved Vera View dog beach from closure several times during his time on Council.

She stated that not once in her 4 year term on Council with Jack has he ever discussed how he would vote on a particular issue and there is no party politics for him as he assessed each issue on its merit, demonstrating one of the most valuable strengths of local government decision making.

4 PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Ms Patricia Carmichael, 14 – 116 Marine Parade, Cottesloe – Marine Parade Traffic

Q1: A timeframe for the appointment of a consultant to address the traffic hazard at Marine Parade?

A1: A report is included in the current Agenda to appoint the consultant concerned.

Q2: What will be the criteria (benchmark) for his/her selection?

A2: The consultant was required to show expertise in a number of fields, including safe road design and designing roads to allow for pedestrian and traffic interaction.

- Q3: Will Marine Parade residents be invited to meet with the consultant to "have a say" on well known black spots along Marine Parade.
- A3: Yes – the consultant, as a part of their brief will need to meet with a range of stakeholders, including residents living on or close to Marine Parade.
- Q4: As previously requested during the June 2015 Budget will Council approve in tonight's meeting the \$100,000 plus warranted for the immediate EMERGENCY modifications Marine Parade to assist with minor item improved line markings, lighting etc. asap?
- A4: The Town has budgets set aside for maintenance and emergency repairs. Officers are monitoring and reviewing the area, and modifications that can be made that will improve the safety of the whole area will be considered.

4.2 PUBLIC QUESTIONS

Mr Brett Armstrong, 1 Edward Street, Cottesloe

- Q1: Will the council seek advice from an independent expert in regard to projected increase in traffic volumes on Curtin Ave resulting from the current proposed Perth Freight Link?

The Mayor took the question on notice.

Ms Rosalin Sadler, 2/120 Marine Parade, Cottesloe

Ms Sadler addressed her question to Cr Pyvis.

Ms Sadler stated that she received in her letterbox an election flyer from Peter Jeanes, which stated: *"It is extremely disingenuous for Sally Pyvis to say in Post Newspapers she wants to make Marine Parade safer when only last April she voted on Council against raft of measures to do just that"*.

- Q1: Cr Pyvis is this so? Cr Pyvis did you vote against all those safety Measures?
- A1: Cr Pyvis responded that in an interview with the Post newspaper last week she pointed out that her amendment to Council to reduce the speed limit along all of Marine Parade to 40kph was lost. She stated that Cr Jeanes' flyer reprints a series of proposed safety measures that were approved by this council.

She mentioned that at that meeting the Chair, Mayor Dawkins did not permit Councillors to vote on individual clauses in the motion so she was given no option, and in order to keep a lower Marine Parade speed limit open as a live option, she felt she had to vote against all clauses.

She also mentioned that Cr Jeanes voted at a Works and Corporate Services Meeting to delete the Vera View Dog each, which provoked an angry response from residents.

Mr Sam Wainright, 21A Jarvis Street, O'Connor

- Q1: Has or will the Town request the state government to perform a benefit cost ratio analysis on the Perth Freight Link project?
- Q2: Is the Council and residents aware that, by Main Road's own estimate, 92% of vehicles using on Perth Freight Link will be private cars?
- Q3: Has the Town inquired as to the implications of the Perth Freight Link for the public transport in the south west of Perth?
- Q4: Has the Town considered the implications of Perth Freight Link for greenhouse gas emissions?

The Mayor took the questions on notice.

Mr David Capozzaio, 55 John Street, Cottesloe

- Q1: Have the MRWA provided any evidence for their statements?
- Q2: Have the MRWA provide a business case for the Perth Freight Link?
- Q3: Why do you trust the figures quoted by the Perth Freight Link?
- Q4: Have you taken into consideration the comments of Prof P. Newman regarding the Perth Freight Link?
- Q5: Why is this meeting given so short notice to the community?

The Mayor took the questions on notice.

Ms Patricia Carmichael, 14 – 116 Marine Parade, Cottesloe

Ms Carmichael stated that Council recently met with Main Roads WA (MRWA) to seek advice on the impacts of container traffic through Cottesloe resulting in the following claims: "*Negligible projected increase in traffic volumes on Curtin Avenue resulting from the PFL*".

- Q1: Where is the data which supports this claim?
- Q2: If Charges and routes will be regulated to control leakage, did Main Roads clarify which areas they intend to regulate the leakage in Cottesloe, what measures will be put in place to manage this and what routes do they intend to upgrade to accommodate the increase in vehicular movement throughout the district?
- Q3: "*Container trucks travelling on Port Beach Road currently 2% of all vehicles. No change will result from the PFL*". This statement "no change" links in their first claim so why will there be no change resulting from the PFL when we saw a 100% increase in container traffic over a period of 12 years.

The Mayor took the questions on notice.

Ms Philippa Wiggins, John Street, Cottesloe – Re. Item 10.1.2. – Indiana Tea House

As Cottesloe resident, Ms Wiggins stated her acknowledgement for Jack Walsh.

Q: What sort of time frame that Council has in mind regarding the start date and completion?

A: Mayor responded that the Indiana Tea House Redevelopment Business Plan was one of the items presented to tonight's council meeting. Depending on the outcome of that process it would then be followed by a tender process and the commencement of the redevelopment. These processes would determine the length of the program.

The CEO further responded that the Administration will continue to work as hard as it could on this project, but that it expected the time to completion would be at least 18 months.

Ms Yvonne Hart, 26 Mann Street, Cottesloe

Ms Hart spoke on behalf of the Residents and Ratepayers Association to acknowledge Cr Jack Walsh who is not standing for re-election to Council. She stated that Jack's service of 17 years of service to Cottesloe will leave a huge gap on Council.

Q: When and how will Cr Jack Walsh's service to the Cottesloe Community be publicly acknowledge?

A: The Mayor responded that Cr Walsh service will be recognised in the usual way, which is at the Volunteer Sundowner in May next year. Cr Walsh will be notified well in advance.

Ms Maureen Flynn, 62 Allen Street, East Fremantle

Q: Is the Council concerned that the construction of the PFL at the cost of in excess of \$2billion will facilitate the inevitable increase in container traffic through Fremantle Port and the resultant increase through the Western Suburbs, when construction of the outer harbor would remove vast container numbers of container trucks from densely populated communities across the metro area, including Cottesloe?.

The Mayor took the questions on notice.

Jack Walsh

Cr Walsh asked questions relating to two flyers delivered by the Mayor through Cottesloe yesterday to residents which was signed "Jo Dawkins, Mayor of Cottesloe."

Q1: Did you deliver to all residents or only those able to vote in this Council election?

In June 2015 the Director General Main Roads told a Senate Committee Enquiry that leakage from the PFL to local roads would be 42%. At last week's meeting with Main Roads, they told us there should be no leakages.

A1: The Mayor replied that she will be delivering to all of Cottesloe, it was not in any particular order, and everybody in Cottesloe will receive her letter.

Q2: Who is being misled – Cottesloe or Parliament?

You say in your flyer “there will be regulation on Curtin Avenue”. Given that Main Roads today sent us an email: “if for any unexpected reason there is demonstrable leakage....Main Roads will consider prohibiting access to those routes”. Also today – “trucks travelling on Port Beach Rd currently represent 2% of all vehicles and 11% of the total 3,000 truck movements to and from the Port; with PFL it is expected that these trucks will continue to travel northbound”.

Q3: When 3,000 movements increase to 13,000 and 11% go north, is it not logical that 11% of the 13,000 will go north? Is it logical that 3,000 goes to 13,000 will the number of trucks increase by a factor of 4?

A3: The Mayor stated that she cannot answer the question in technical terms but she believes the traffic will increase, with or without the Perth Freight Link.

Q4: Given the variations between Government position and Main Roads as I've described, and considering Main Roads email today saying they will consider prohibiting access to those routes and a likely versus an actual outcome, should you not have waited for the actual position before delivering your flyer stating, inter alia, that routes will be regulated?

A4: The Mayor responded that she had not received the email (at that time) so she based her answer on the information she received at the Main Roads' presentation. The information in her flyer is directly from the presentation. There are many unanswered questions with regards to what may or may not eventuate with the PFL, including whether it's actually happening or not, that she was unable to provide more answers.

5 PUBLIC STATEMENT TIME

Mr Barry Small, 9/25 Foss Street, Palmyra – Re. Item 10.3.1 – No.9 (Lots 25 & 26) Overton Gardens – Additions To Multiple Dwellings

Mr Small represented the owners and promoted the merits of adapting an existing building in an area undergoing rejuvenation.

The impetus for the upgrading is to convert the building to strata title, which requires building code compliance. There is also the need to repair or replace the roof. The owners decided to retain the current building fabric in order to be practical, affordable and in keeping with the Town's requirements.

The intent is to rebirth and enhance the building, including some additional internal space, which does not affect the overall mass, and incorporating the revised roof form. The amenity of the surrounding area will be maintained, while the building's footprint will be the same and its orientation will not impact on adjoining properties in terms of overshadowing or overlooking.

The proposal has been advertised with no objection and it is trusted that Council will support the application.

Cr Jeanes Personal Explanation – Re: Vera View Dog Beach

Cr Jeanes made a personal explanation in order to clarify his vote at the Committee meeting of his position in support of Vera View beach Dog Beach exercising area.

He pointed out that Committee meetings at the Town of Cottesloe are not the decision making bodies. They are only there to make recommendations to Council, in which Council then makes the decisions. Cr Jeanes stated that he realised he made a mistake in his voting at the committee meeting and after he sought clarification from Mr Mat Humfrey about the report, he was more than happy to second the amendment, which included the Vera View Dog Beach within the dog beach exercise area.

6 ATTENDANCE**Present**

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

Officers Present

Mr Mat Humfrey	Chief Executive Officer
Mr Garry Bird	Manager Corporate & Community Services
Mr Andrew Jackson	Manager Development Services
Mr Doug Elkins	Manager Engineering Services
Ms Lydia Halim	Executive 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

Cr Downes declared an impartiality interest in items 10.4.1 due to having a car participating in the Celebration of the Motorcar event.

8 CONFIRMATION OF MINUTES

Moved Cr Walsh, seconded Cr Rowell

[Minutes August 24 2015 Council.DOCX](#)

The Minutes of the Ordinary meeting of Council held on Monday, 24 August, 2015 be confirmed.

Carried 9/0

9 PRESENTATIONS

9.1 PETITIONS

Nil

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

10 REPORTS**10.1 REPORTS OF OFFICERS****10.1.1 PURCHASE OF RIGHT OF WAY 66 – BROOME STREET, COTTESLOE**

File Ref: SUB/306
Attachments: [ROW 66](#)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Garry Bird
Manager Corporate & Community Services

Proposed Meeting Date: 29 September 2015
Author Disclosure of Interest: Nil

SUMMARY

To grant authority to the Mayor and Chief Executive Officer to sign Transfer of Land documentation to acquire Right of Way (RoW) 66, Lot 69 Broome Street and appoint a settlement agent to process this transaction. Once settlement is completed, it is recommended that Council cede that portion of land to the Crown.

It is further recommended that the outstanding rates of \$5,523.92, applicable to the RoW be written off by Council as part of the settlement process.

BACKGROUND

In July 2005, Council considered an offer from the owners of RoW 66 to acquire this portion of land for an unspecified market value. Following discussion on this item, it was subsequently resolved as follows:

Moved Cr Miller, seconded Cr Strzina

That Council:

- 1. Not accept the offer to purchase Right of Way No. 66, between Broome Street and Avonmore Terrace, at market value; and*
- 2. Offer to purchase Right of Way No. 66, between Broome Street and Avonmore Terrace, for a nominal cost of \$50.00, plus meeting all costs associated with the transfer of ownership.*

Carried 10/0

It would appear that the owners were not satisfied with this resolution and no further action was taken until 2009 when the owners agreed to cede the land at no cost, on the condition that all settlement costs were met by Council.

The matter was then further progressed by Council however for an unknown reason was never finalised. As best as can be ascertained, it appears that the appropriate settlement paperwork was not signed by the owners of RoW 66 and the matter again stalled.

Following receipt of the 2015/16 rates notice for this parcel of land, the owners queried the status of the earlier settlement and requested Council Staff to recommence the settlement process.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council Policy Rights of Way/Laneways relates as follows:

1. *Council's attitude towards the status of ROW's/Laneways is that all such accesses should be Crown land, where they are used by the general public rather than for a specific restricted property access function.*
2. *Any sections of ROW's/Laneways owned by the Town of Cottesloe will be surrendered to the Crown under processes included in the Local Government Act. Any such sections owned by ratepayers of the Town of Cottesloe, which become available to Council for little or no cost, will also be surrendered to the Crown for Crown land.*

STATUTORY ENVIRONMENT

The following legislation is applicable to the Transfer of Land transaction:

- Local Government Act 1995
- Land Administration Act 1997
- Main Roads Act 1930
- Town Planning and Development Act 2007

If Council chooses to write off the outstanding rates balance of \$5,523.92, an Absolute Majority of Council will be required in accordance with 6.12 (1) (c) of the Local Government Act 1995.

FINANCIAL IMPLICATIONS

RoW 66 has been considered rateable land by the Town of Cottesloe, with the owner not having paid rates since the 2011/12 financial year. As at 22 September 2015, rates outstanding on the property are as follows;

Arrears	\$4,422.92
2015/16 Rates	\$1,033.00
2015/16 ESL	\$68.00
Total	\$5,523.92

The owner is of the understanding that outstanding rates would be written off by Council as part of the arrangement to acquire ownership.

Settlement costs for the transfer have been estimated at \$1,424.86.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Owners of Lot 69 Broome Street.
Secure Settlements

STAFF COMMENT

Nil

VOTING

Absolute Majority – Write Off Debts

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Angers

THAT Council, with respect to the request from the owners of Lot 69 Broome Street (Right of Way 66) to transfer ownership of this portion of land to Council:

- 1. Accept ownership of Lot 69 Broome Street for the nominal sum of \$1;**
- 2. Appoint Secure Settlements (WA) Pty Ltd to act as settlement agents acting on behalf of the Town of Cottesloe for this transfer;**
- 3. Authorise the Mayor and Chief Executive Officer to sign and seal all necessary documents required to enact this Transfer;**
- 4. Once all transfer processes are complete, cede this portion of land to the Crown to be created as a road reserve vested in the Town of Cottesloe; and**
- 5. Write off all rates and emergency service levies outstanding for this portion of land, totalling \$5,523.92 as at 23 September 2015.**

Carried 9/0

10.1.2 INDIANA TEA HOUSE – HEADS OF AGREEMENT AND BUSINESS PLAN

File Ref: SUB/992
Attachments: [Business Plan Indiana Tea House](#)
[Extract from Heads of Agreement Indiana Tea House](#)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Mat Humfrey
Chief Executive Officer
Proposed Meeting Date: 29 September 2015
Author Disclosure of Interest Nil

SUMMARY

Council is being asked to consider a Heads of Agreement between the Town and the Indiana Tea House Pty Ltd that will allow for the redevelopment of the site and a new lease arrangement to replace the existing Agreement. Further, Council is being asked to consider advertising the Business Plan attached and to call for public submissions on it.

BACKGROUND

For some time the Town has been seeking a solution to the ongoing issue of the public ablutions located within the Indiana Tea House. There have been two interrelated issues, being the general cleaning and appearance of the ablutions and the fact that the lease prevented the Town from taking any concrete action on the issue.

The current Indiana Tea House facility was constructed in 1994. It is the latest building on that site, which has had some form of building on it since the early 1900's, when the original Indiana Tea House was constructed. The original tea house was replaced by the Centenary Pavilion in 1929, which was in turn replaced by the Cottesloe Beach Pavilion in 1983. Large components of the 1983 pavilion, including the surf club boatshed and public ablutions, were kept and then expanded on in the 1994 version of the Indiana Tea House.

The lease created in 1994 is what is often referred to as a "ground lease". In effect, a ground lease provides a lease over the land as if it were vacant, allowing the Lessee to provide the buildings and any plant or alterations they so choose. In this instance, the Lessee, at their cost, provided the significant expansion of the facilities at this location. The lease fees payable on a ground lease are often significantly less than that which would be payable for a developed premises.

There were a number of issues regarding the lease, including an extension of the lease that was set in place as the result of the settlement of court action. The lease runs until 2041, with options to commence in August 2016 and August 2031. The lease provides that the Lessee has total control of the site and responsible for the site, including public amenities.

The lease has been assigned several times during its operation. The current Lessee, Indiana Tea House Pty Ltd acquired the lease in 2006.

STRATEGIC IMPLICATIONS

The Town's Strategic Community Plan lists a number of strategies that will be positively impacted by this project, being;

Priority Area 1 – Protecting and enhancing the wellbeing of residents and visitors

Major Strategy 1.5 – Continue to improve access and inclusion of aged persons and those with disabilities.

Priority Area 3 – Enhancing beach access and foreshore

Major Strategy 3.1 – Implement the 'Foreshore Redevelopment Plan' in consultation with the community.

Major Strategy 3.2 – Continue to improve beach facilities

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

As the proposed project is above the prescribed amount, the Town is required to prepare and advertise a Business Plan in accordance with section 3.59 of the Local Government Act 1995. Section 3.59 is as follows.

3.59. Commercial enterprises by local governments

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

but does not include anything referred to in paragraph (a) or (b) of the definition of land transaction.

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

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

FINANCIAL IMPLICATIONS

The financial implications are outlined in the attached Business Plan on page 17, under the title "The expected financial effect on the local government".

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Section 3.59 requires that the Town prepare and advertise a Business Plan for public comment prior to entering into a binding agreement. It is recommended that the Business Plan as attached would be advertised to satisfy this requirement.

Officers have also consulted heavily with the Town's Solicitors (Jackson MacDonald) in the preparation of the Heads of Agreement. Officers have also sought and obtained a detailed structural report on the building from Cardno.

In the development of the concept plan, Officers have consulted with Simon Rodriguez from RBA. He has provided design advice and the concept plans contained within the Business Plan attached. Using the concept plan prepared, Officers have engaged Slattery to provide an indicative costing of the project.

Lastly, Officers have liaised with the Lessee and its representatives during the development of the concept plan, the costings and the heads of agreement. While no commitments have been given, it was necessary to understand the terms and

conditions the Lessee would be willing to accept, as they currently have considerable time remaining on their lease.

STAFF COMMENT

There are several issues regarding maintenance and appearance of the Indiana Tea House at present. In order to properly resolve these issues, the lease needs to be re-organised. As the lease was prepared in 1994, and has been the subject of extension and several assignments, the easiest way to move forward was to have the lease redrawn.

Redrawing a lease with such a significant amount of time left to run on the lease is a difficult exercise, as neither party is likely to want to be worse off as a result of the new lease. In this particular circumstance however, there was seen to be some benefits in reassigning responsibility of components of the facility for each party.

The Heads of Agreement has been prepared by the Town's solicitors on the basis that the Town needs to advertise its intention to enter into a new agreement and seek public submissions on it, before the agreement can be finalised. In a commercial sense this can be difficult as parties to agreements usually like to discuss the agreements before advertising takes place.

To allow for this, the Heads of Agreement process was used, that broadly sets out the terms that both parties can agree on, before any formal documentation is developed or executed. In this particular case, one of the conditions of the Heads of Agreement is that the agreement is subject to public consultation and the Council must consider the results of that consultation before it can commit to the agreement. At present, the Town's advice is that it will not be bound to the agreement until such a time as the Agreement for Lease is executed – the Heads of Agreement merely sets out the terms that the Town is likely to accept. In the event the public consultation reveals any of the terms are unacceptable, then the Heads of Agreement process would need to be set aside, and then a new HOA developed.

Importantly, the Heads of Agreement also states that in the event that State funding is not forthcoming, the process will cease and the entire project will need to be revisited. The Mayor and Officers have had discussions with representatives of the State Government and have been provided advice that the contribution being sought will be considered in the preparation of the next State Budget. However, until the Budget is handed down, no firm commitment can be given.

The Heads of Agreement as presented does represent an improvement over the current lease for the Town. The rent on the premises will increase, and this will partially offset the costs of maintaining the ablutions and structure of the building. Aside the commercial areas, the Lessee will be surrendering the remainder of the facility to the Town. This includes the public facilities, surf club boat shed and the outdoor areas between the building and Marine Parade.

The concept plan presented in the Business Plan has been developed with two critical goals in mind. Firstly there had to be a significant improvement in the number and functionality of the public ablutions. Secondly, the interaction of the facility with Marine Parade needed to be improved.

The concept plan presented sees a near doubling of the public facilities available. The plan also sees the creation of a breezeway through the core of the building, which will significantly improve ventilation. Improvements have also been made at the northern and southern entrances to improve security and ventilation. Overall, there will be a significant improvement in the amenity provided by these facilities.

The interaction with Marine Parade will be improved by the creation of a level surface from Marine Parade to the restaurant level. This deck will house the kiosk/ café, which will be removed from the middle level to allow for increased ablutions and the breezeway mentioned above. The single level will provide a more inviting place for people to congregate and make accessing the facilities easier for all.

The Heads of Agreement covers the Terms of the new lease as well as the arrangements that may be set in place during the renovation works. These arrangements provide for the cessation of rent while the Lessor's works are under way as well as the timing of the Lessee's contributions. Attached to this report is a summary of the key terms of the Heads of Agreement.

While the Heads of Agreement is a confidential attachment, submissions may be made on the extract provided and members of the public are encouraged to contact the Town's Administration if they have any further questions. Within the Heads of Agreement there are commercially sensitive items that may affect the Tender process if they are released. We have endeavoured to provide as much information within the Business Plan itself and the extract of the Heads of Agreement as possible, to allow for the maximum level of consultation. However, as can be expected with a project of this size, certain elements cannot be released if we are to achieve the best outcome possible for the Town.

Officers are expecting a significant level of feedback on both the Business Plan and the Heads of Agreement information provided. During the 6 week advertising period, Officers will make themselves available to answer questions from any concerned residents or interested parties to ensure all views are heard.

VOTING

Simple Majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Birnbrauer

THAT Council

- 1. Authorise the Mayor and Chief Executive Officer to sign the Heads of Agreement contained within the confidential attachment**
- 2. Authorise the Chief Executive Officer to advertise the Business Plan attached and call for public submissions on the Business Plan, as required by section 3.59 of the Local Government Act 1995.7**

Carried 9/0

10.2 REPORTS OF COMMITTEES**10.3 DEVELOPMENT SERVICES COMMITTEE MINUTES - 21 SEPTEMBER 2015****10.3.1 NO. 9 (LOTS 25 & 26) OVERTON GARDENS - ADDITIONS TO MULTIPLE DWELLINGS**

File Ref:	3205
Attachments:	9 Overton Aerial 9 Overton Applicant Submission Existing and Proposed Street View 9 Overton Plans 9 Overton Property Photos
Responsible Officer:	Andrew Jackson Manager Development Services
Author:	Ronald Boswell Planning Officer
Proposed Meeting Date:	21 September 2015
Author Disclosure of Interest:	Nil
Property Owner:	John R R Morrow & Doreen J R Bunbury
Applicant:	Barry Small
Date of Application:	2 July 2015
Zoning:	Residential R60
Use:	P - A use that is permitted under this Scheme
Lot Area:	1120m²
M.R.S. Reservation:	Not applicable.

SUMMARY

This application is seeking the following variations to Council's Local Planning Scheme No. 3 (LPS 3) and the Residential Design Codes (RDC):

- Lot boundary setback.
- Building height.

These aspects are discussed in this report and refer to plans received on 10 July 2015. While the proposal does not routinely comply with LPS 3 and the RDC, it does retain and enhance the existing multiple dwellings. The additions to the multiple dwellings will modernise the building and satisfy the current building codes to allow the owners to change the Purple Titles to Survey Strata Titles.

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

PROPOSAL

This application is for additions to an existing two-storey multiple dwellings building. The proposed development comprises the following additions:

- Four patios to units 1 to 4.
- Extension to units 5 to 8:
 - Balconies.
 - Extending the heads of the existing windows.
 - Bi-fold doors.
- Mezzanine level to units 5 to 8:
 - Loft bedroom to all first-floor units.
 - Loft retreat to units 6 and 7.
 - Ensuite to all first-floor units.
- Colorbond Trimdeck re-roofing and new roof structure to facilitate mezzanine construction:
 - Includes Velux windows to the first-floor units.

BACKGROUND

Following discussions between the Town, the applicant and the owners, the architect has submitted revised plans which address the design and appearance of the multiple dwellings to present well to the streetscape and surrounding properties.

This application relies on LPS 3 Amendment No. 1 for additional building height, whereby clause 5.7.5 provides:

In the case of proposed alterations, additions or extensions to existing dwellings in the Residential, Residential Office, Town Centre, Local Centre, Foreshore Centre and Restricted Foreshore Centre zones, the local government may vary the maximum heights specified in Table 2 and clause 5.7.2, where in its opinion warranted due the circumstances and merits of the proposal, having regard to:

- (a) *The existing heights of the dwelling;*
- (b) *Any relevant Local Planning Policy or Design Guidelines;*
- (c) *Any heritage considerations relating to the dwelling;*
- (d) *Relevant planning considerations identified in clause 10.2;*
- (e) *Adequate direct sun into buildings and appurtenant open spaces;*
- (f) *Adequate daylight to major openings into habitable rooms;*
- (g) *Access to views of significance;*
- (h) *Building design to ameliorate the visual effects of height; and*
- (i) *The amenity of adjoining properties, including road and public open space reserves, and the character of the streetscape;*

and subject to the development:

- (a) *Not exceeding the existing number of storeys;*
- (b) *Not exceeding the height of the existing dwelling, unless the Council is satisfied with the design and its implications having regard to the above criteria; and*
- (c) *In the Foreshore Centre Zone, the development not exceeding the requirements of clause 6.4.3.1 (a) and (b).*

The existing older building is over-height by current Scheme standards and the design of the new roof maintains the same ridge height from NGL, but shifted towards the north-eastern side of the lot, as shown on the elevation plans. The roof is a hipped and skillion design to create a mezzanine level in the roof space for additional accommodation. No new storey is being proposed as the mezzanine is a supplementary level within a true storey.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY ENVIRONMENT

Local Planning Scheme No. 3 and Residential Design Codes.

HERITAGE LISTING

Nil.

APPLICATION ASSESMENT

Areas of non-compliance:

LPS 3

<i>LPS 3 Building Height</i>	<i>Permitted</i>	<i>Proposed</i>
Wall	6m	7.5m
Roof	8.5m	9.3m

RDC

<i>Design Element</i>	<i>Deemed-to-comply</i>	<i>Proposed</i>	<i>Design Principles</i>
5.1.3 Lot boundary setback	2.5m	0.9m (at closest point)	Clause P3.1 – Buildings setback from lot boundaries.
	1.3m	0.9m (at closest point)	
	1.4m	0.9m (at closest point)	
	3.5m	2m	

ADVERTISING OF PROPOSAL

This application was advertised by the Town to the six adjoining properties. One neighbour was sent a copy of the plans, with the permission of the subject owners. No submissions were received.

STAFF COMMENT

The following technical assessment is made with respect to the proposal:

Building height

The calculation of building height stems from the natural ground levels (NGL) of the site. Clause 5.7.1 of LPS 3 defines NGL as: *The maximum vertical distance between any point of NGL and the uppermost part of the building directly above that point.*

Variations may be permitted in the case of extensions to existing buildings, recognising the need or desire to match existing levels, create desirable space and improve built form. The existing building sits on a lot that slopes in two directions, hence it has raised limestone footings as is common to older dwellings in Cottesloe, which causes the building to exceed today's LPS 3 height parameters. Due to the first floor level of the existing building being up to 1.5m above NGL, the wall height extends up to 1.5m above the LPS 3 standard of 6m and the roof height extends up to 0.8m above the LPS 3 standard of 8.5m (refer to table above). These maximum height increases occur to the north-western end of the building which is raised most above the NGL of the sloping lot, while the height of the building tapers down towards the street.

The height may be considered acceptable as the additions to the building are architectural features, preserve and improve the building and provide more living space in the first-floor units. Furthermore, under the design principles of the RDC additional height may be permitted on the basis of:

Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains:

- Adequate access to direct sunlight into buildings and appurtenant open spaces;
- Adequate daylight to major openings into habitable rooms; and
- Access to views of significance.

Overton Gardens has a mix of single and multiple dwellings. The subject building is situated on an angle across two lots, with a total area of 1120m². The additional height will not be noticeable as it will be absorbed by the large lot. As explained, the proposal is to maintain the existing height, moving the ridge of the roof towards the north-eastern side of the lot. Also, the existing northern and southern wings of the building are to have the present pitched roof cut-back and replaced with a lower skillion to each portion, which alleviates the mass of the roof. This, together with the low angle of the west-facing new roof profile, will mean that the visual impact of the rebuilt roof is more streamlined, modern and less dominant.

The scale and extent of the proposed additions are relatively minor in comparison with the multiple dwellings development at the eastern end of Overton Gardens adjacent to the Civic Centre, recently approved by the Metro West Joint Development Assessment Panel.

In this setting, the view to the subject building from the west is partly obscured by buildings in front of it rising along Overton Gardens from Marine Parade, whilst the renovated building will have a backdrop of other buildings and the Civic Centre western wall. Hence the height of the building, which at its greatest is far back from the street and near the rear boundary, will not be so obvious.

The height variation results from an innovative roof design to create more living space in the first-floor units by the addition of a mezzanine, while still maintaining the appearance of a two-storey building. In summary, the heights of the proposal satisfy the LPS3 assessment criteria and the RDC design principles, and there will be no loss of amenity to the adjoining properties or streetscape, hence Council can support the height variations.

Front setback

The existing front setback of 8.73m minimum, which gradually increases due to the angled building, is substantial. It maintains a uniform setback with other older buildings in the street and serves to ameliorate the bulk and scale of the building. In contrast, for redevelopment the density code of R60 permits a front setback of 2m as the deemed-to-comply standard of the RDC.

Side setbacks to north-west and south-west boundaries

The proposed setback from the western boundary is 0.9m at its closest point, in lieu of a setback range of 1.4m-2.5m. However, this setback gradually increases from the western boundary due to the angled building on the lot. The north-eastern setback of 2m is in lieu of 3.5m as required under the deemed-to-comply standards of the RDC. The applicant requested that these setback variations be considered under the design principles of the RDC, which state:

Buildings set back from the lot boundaries so as to:

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

Following the initial assessment by the Town, the applicant was advised that the setbacks did not sufficiently satisfy the deemed-to-comply criteria of the RDC and was required to justify the design. Although a setback concession is being sought for the development, the existing wall at the north-western point of the building has a reduced setback at 0.9m from the western boundary. The proposed extension at the north-western side of the building merely aims to maintain the same setback to continue uniformity of the building.

The eave-line of the existing roof sits on the western boundary, which does not comply with today's building code requirements. The proposed new roof is setback from the western boundary in line with the wall setback, which makes the roof compliant with the building code.

Other development requirements

It is noted that the other relevant requirements of the RDC, including site cover, open space, shadowing and privacy are compliant and not of concern. Parking remains unaltered at one on-site bay per unit as originally provided.

CONCLUSION

This development application is to upgrade the existing multiple dwellings and can be supported by Council. The massing of the additions reflects modern dwellings in the locality emerging through redevelopments.

Apart from the heights and setbacks as described, the proposal is otherwise compliant and the variations sought can be supported as they will not adversely affect of the surrounding properties streetscape.

The renovation to the multiple dwellings will rejuvenate the appearance and amenity of the building and bring it up to a high standard that will present well in the street, which is undergoing gradual redevelopment. The additional wall and roof height sought will be absorbed into the large lot and will not adversely affect the streetscape or surrounding properties. The multiple dwellings will still have the appearance of a two-storey building and the addition of the mezzanine in the roof space can be supported by Council.

COMMITTEE COMMENT

Committee supported the proposal as a worthwhile improvement to the property and street, including the landscaping indicated. The Manager Development Services confirmed that the existing parking of one bay per unit would remain.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Downes

THAT Council GRANT approval to commence development for additions to existing multiple dwellings at Units 1-8 No. 9 (Lots 25 and 26) Overton Gardens, Cottesloe, in accordance with the revised plans received on 10 July 2015, subject to the following conditions:

- 1. All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. – Construction sites.**
- 2. The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.**
- 3. 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.**
- 4. The roof surface being treated to reduce glare if the Town considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.**
- 5. Air-conditioning plant and equipment shall be located closer to the building than adjoining dwellings, and suitably housed or treated as may be necessary to ensure that sound levels do not exceed those specified in the Environment Protection (Noise) Regulations 1997.**
- 6. The detailed design of the privacy screens to the upper-floor units 7 and 8, as shown on the south-western elevation plan, shall meet the requirements**

of the Residential Design Codes, to be a minimum of 1.6m high from the finished floor levels, and to have maximum visual permeability of 25% (ie minimum 75% obscured), to the satisfaction of the Town; the details of which shall be shown on the plans submitted for a Building Permit.

7. This approval excludes any new fencing to the front setback area. Any future such fencing requires a further development application and must comply with the Town's Fencing Local Law in being open-aspect.
8. The materials, finishes and colours of the additions shall be to the satisfaction of the Town. The details are required to be provided to the Town as part of the application for a Building Permit. The applicant is requested to liaise with the Town for any necessary guidance in this respect.

Advice Notes:

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

Carried 7/2

**10.3.2 LOCAL PLANNING SCHEME NO. 3 – RESTRICTED FORESHORE
CENTRE ZONE DESIGN GUIDELINES**

File Ref: SUB/335
Attachments: [Scheme Map](#)
[Subject Sites](#)
[Proposed Design Guidelines Sept 2015](#)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services
Proposed Meeting Date: 21 September 2015
Author Disclosure of Interest: Nil

SUMMARY

This report presents proposed Design Guidelines under Local Planning Scheme No. 3 (LPS3) for the Restricted Foreshore Centre Zone, to supplement the Scheme provisions. The Design Guidelines relate to only nine sites in the vicinity of the Marine Parade beachfront precinct.

The proposed Design Guidelines are attached and the recommendation is to advertise them for public comment.

BACKGROUND

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

5.9. Development requirements – Local Planning Policy Design Guidelines

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

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

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

2.2. Relationship of Local Planning Policies to Scheme

6 If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

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

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

Design guidelines address principles, standards or criteria for the design and assessment of proposed development, allowing for guided flexibility and discretionary decision-making. For the subject Zone design guidelines are necessary to enable development proposals to be formulated and determined.

RESTRICTED FORESHORE CENTRE ZONE

The Restricted Foreshore Centre Zone covers a relatively small number of sites adjacent to the main beachfront precinct, as a transition between the Marine Parade activity and development area (comprising the Foreshore Centre Zone, Hotel Zone and Development Zone 'A', all within Special Control Area 2) and the adjoining Residential Zone – attached maps refer. The sites have a density coding of R60, in keeping with surrounding density coding.

The sites are concentrated at the western end of Warnham Road and John Street, with another node at the north-west corner of Eric Street and Marine Parade opposite the Ocean Beach Hotel site. They are all developed with grouped or multiple dwellings ranging from two to five storeys. These existing built forms, heights and architectural styles reflect differing development over the decades under the previous Schemes. The older buildings are in time likely to undergo redevelopment, while the younger buildings may undergo renovations.

Under LPS3 the objectives of the Restricted Foreshore Centre Zone are to:

- *provide the opportunity for a range of residential and a limited range of low-key non-residential uses which are compatible with the character and amenity of the beachfront locality and surrounding residential development;*
- *ensure that the predominantly residential and recreational nature of the locality is maintained;*
- *ensure that the urban character, aesthetics, amenity and residential streetscape quality of the locality are not compromised by inappropriate land use or development; and*
- *give consideration to the maintenance and enhancement of important views to and from public places as a contributor to the character and amenity of the locality and the district overall.*

The various provisions of LPS3 and the Residential Design Codes (RDC) apply to the Restricted Foreshore Centre Zone. Table 2: Development Requirements of LPS3

lists specific requirements for particular zones and refers to design guidelines in a number of instances. The controls for the Restricted Foreshore Centre Zone are shown below, in which minimum boundary setbacks is the only parameter in need of design guidelines.

Setbacks are interrelated with the scale of buildings and for this zone the maximum height of (new) development steps down from the Marine Parade sites with greater maximum heights to the residential areas with a two-storey height limit.

ZONE	MAXIMUM PLOT RATIO	MAXIMUM SITE COVER	MINIMUM BOUNDARY SETBACKS	MAXIMUM HEIGHT (Refer clause 5.7.)
RESTRICTED FORESHORE CENTRE All development	0.8:1	75%	In accordance with Design Guidelines	3 storey and: 9m to top of wall; 10m to top of parapet; and 11.5m to top of roof ridge

In terms of land use, at present most of the lots in the zone are developed for residential purposes as grouped or multiple dwellings, whilst the site behind the Cottesloe Beach Hotel is developed as holiday chalets and also contains a small local office. LPS3 allows a range of low-key non-residential uses to be considered in the zone at Council's discretion, and for redevelopment prescribes predominantly non-residential use to the ground floor street-front. Hence consideration of land use and its arrangement has an influence on suitable setbacks.

DESIGN GUIDELINES PROPOSAL

The Design Guidelines are focussed on setbacks and respond to the relevant aspects of the Zone's objectives for appropriate development. In so doing they differentiate between the two nodes of sites in the Zone: Warnham Road / John Street and Eric Street / Marine Parade.

The draft Design Guidelines were prepared by staff in accordance with the framework of the Scheme aims, the Zone objectives and the clause 10.2 matters to be considered. Preparation involved site inspection, map information, consideration of other design guidance and the RDC, in order to appreciate the context and character of the existing and future development for each area.

The Design Guidelines document explains their role and purpose and prescribes the setback parameters for each area in relation to the Scheme provisions. This addresses: front setbacks and streetscape; side setbacks and boundary walls; interfaces with more intensive beachfront buildings and less intensive residential buildings; and building modulation; taking into account character, amenity (including privacy), aesthetics, quality development and views.

The tables below describe the setback patterns for the northern and southern nodes of the Restricted Foreshore Centre Zone; then the proposed setbacks, for which the basic principles are:

- Marine Parade and Eric Street frontages – permit building to street boundaries for corner site and on adjacent sites step setbacks to merge with adjoining residential sites.
- Residential street frontages – create harmonious or consistent setbacks.
- ROW boundaries – setbacks for vehicle accessibility as appropriate.
- Adjacent properties / side and rear boundaries – respect separation of buildings and recognise existing boundary walls.
- Solar access – setbacks to limit overshadowing.
- Privacy – setbacks for satisfactory privacy.
- Built form – modulated setbacks for building appearance and third storey setbacks to ameliorate bulk and scale.

NORTHERN NODE SETBACK INTERRELATIONSHIPS

Site	Existing	Adjacent
150 Marine Pde cnr Eric St	Multiple dwellings (apartments) built to both street frontages and western half of northern boundary.	152 Marine Pde to north and 6 Eric St to east – as described.
152 Marine Pde	Multiple dwellings built to Marine Pde frontage and portions of southern boundary; stepped away from adjacent properties to north and east.	150 Marine Pde to south and 6 Eric St to east – as described; three stepped grouped dwellings to north, setback from Marine Parade at front and ROW at rear, with narrow side setbacks.
6 Eric St	Multiple dwellings modulated along Eric St frontage; with rear garages to northern boundary (to adjacent vehicle access leg) and western boundary; also built to eastern boundary with ROW.	150 and 152 Marine Pde to west and vehicle access leg to north (No. 152) – as described; ROW to east with four dwellings opposite, two being close to ROW.

SOUTHERN NODE SETBACK INTERRELATIONSHIPS

Site	Existing	Adjacent
4 Warnham Rd	Multiple dwellings set back from street, rear and western side boundaries; and built to eastern boundary.	To west, Blue Waters beachfront site. 7 Warnham Rd to east – as described. To north, multiple dwellings and dwelling setback from that boundary.
6 Warnham Rd	Older multiple dwellings set back from street, rear and western boundaries; with eastern garages set back further from street and built to that boundary.	4 Warnham Rd to west – as described. To east, older multiple dwellings with mirror-image setbacks. To north, multiple dwellings setback from that boundary.
6 John St	Short-stay chalets built close to John St and Warnham Rd frontages; and built to both side	Cottesloe Beach Hotel rear courtyard and buildings to west; two dwellings to east, built to or

	boundaries.	near that boundary and setback from the two street frontages.
1 John St	7 Recent grouped dwellings, setback from street; built to western ROW and rear ROW boundaries; and close to eastern boundary.	To west, ROW and Seapines beachfront site. 5 John St to east – as described. To south, two dwellings across ROW, setback from rear.
5 John St	Multiple dwellings setback from street, rear ROW and side boundaries. (Catalina Villas – short-stay).	7 John St to east – as described. To south, grouped dwelling across ROW, with rear garages set back.
7 John St	Grouped dwellings setback from street, rear ROW and side boundaries.	5 John St to west – as described. To east, older multiple dwellings. To south, grouped dwelling across ROW, with rear garages set back.

On this basis generally the Design Guidelines prescribe more “urban” setbacks for significant street frontages with active ground floors and rely on the RDC setback standards for residential interfaces (ie typically side and rear boundaries).

STRATEGIC IMPLICATIONS

Nil.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

LPS3.

FINANCIAL IMPLICATIONS

Nil.

SUSTAINABILITY IMPLICATIONS

Nil.

CONSULTATION

The scheme policy process for the creation of design guidelines includes public advertising and consideration of submissions, similar to for a scheme amendment.

PROCEDURE

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

CONCLUSION

The subject Design Guidelines are required by the Scheme and will assist with development proposals in the Restricted Foreshore Centre Zone. Advertising of the draft Design Guidelines and consideration of any submissions will enable Council to refine and finalise them as a Local Planning Policy instrument under the Scheme.

COMMITTEE COMMENT

The Manager Development Services confirmed that the draft design guidelines in the attachment would be advertised to the subject property owners as well as the wider community.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Angers

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

Carried 9/0

10.3.3 PLANNING FOR THE COTTESLOE TOWN CENTRE AND ADJACENT RAILWAY LAND

File Ref: SUB/935
Attachments: [Preliminary Structure Plan](#)
[Previous Reports](#)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services
Proposed Meeting Date: 21 September 2015
Author Disclosure of Interest: Nil

SUMMARY

At its meeting on 24 August 2015 Council considered a notice of motion to undertake structure planning for the railway lands in relation to the Town Centre locality, and resolved:

That the Chief Executive Officer prepare a report for the September 2015 Development Services Committee meeting providing recommendations on the following:

- 1. Extension of the Station Street concept plan project, to develop a Town Centre Activity Plan covering the whole of the Cottesloe Town Centre, including the adjacent railway land;*
- 2. The feasibility, resource implications and cost of developing a structure plan for the railway reserve within the Town of Cottesloe; and*
- 3. That the structure plan should consider the feasibility of sinking the railway through Cottesloe as a part of developing the railway reserve.*

This report addresses the matter, and in so doing it overviews:

- Council's strategic direction and progress in past years;
- the current planning framework within which to continue; and
- a renewed approach to achieve Council's objectives.

BACKGROUND**Strategic priorities**

Planning for the Town Centre locality in relation to the railway line and station, Curtin Avenue, east-west connectivity and Government landholdings ("railway lands") along the railway is an ongoing strategic focus for Council. This is encapsulated in the Strategic Community Plan 2013-2023, which outlines the situation as Priority Area 2 - Achieving connectivity between east and west Cottesloe, including major strategies as follows:

- *Proactively pursue solutions for Curtin Avenue and the railway.*

- *Produce a draft Structure Plan for consultation purposes showing the sinking of the railway and realignment of Curtin Avenue together with 'what's possible' in terms of sustainable redevelopment and pedestrian and traffic links and Town Centre integration.*
- *Promote an engineering and financial feasibility study within the preferred solution.*

Priority Area 4 - Managing development relates and includes a major strategy to: *Consider undeveloped Government-owned land for higher density development provided there is both public support and benefit for the Cottesloe community.*

Priority Area 5 - Providing sustainable infrastructure and community amenities, also relates and contains a major strategy to: *Implement the Town Centre Public Domain Infrastructure Improvement Plan (TCPDIIP).* The Corporate Business Plan lists four actions to achieve this strategy:

- *Revise and update the TCPDIIP, in consultation with stakeholders, such as ProCott.*
- *Complete the streetscape improvement works within Napoleon Street.*
- *Begin negotiations with the Public Transport Authority (PTA) to develop the train station interface with the Town Centre.*
- *Undertake amendments to LPS3, where necessary, to prompt development within the Town Centre Precinct.*

A number of Town Centre improvement projects have ensued and Council's latest resolution responds to this strategic vision.

Local Planning Strategy

The Local Planning Strategy is the precursor to the Local Planning Scheme, which when written identified actions to then and the view to planning for the subject area:

... the Town Centre Study undertaken by the Council in 2005 as part of the scheme review process ... produced a concept plan to realign Curtin Avenue alongside the railway and between it and the Western Power substation at Jarrad Street. This is in order to resolve this decades-old planning issue and to achieve a superior urban development outcome in terms of land use and transport integration, opportunity for transit-oriented development and liveable neighbourhoods, and removing urban blight to enhance amenity and create certainty. Subsequently the Council has worked with the DPI and consultants to examine this proposal in more detail including engineering design plans, with a view to seeking Government agency support for the proposal to be implemented via an MRS Amendment and reflected in LPS3.

The Town Centre Study also looked at the prospect of transit-oriented development in the longer term once the Curtin Avenue is resolved, whereby the town centre could be revitalised capitalising on a redeveloped railway station with public land on the western side being utilised for housing development and local open space.

The future of Curtin Avenue has been explored in the Enquiry by Design process undertaken in association with LPS3 and is documented in the Cottesloe Enquiry by Design Report dated March 2009. As a result Council has resolved to pursue a preferred solution for Curtin Avenue in consultation with the relevant State Government agencies as part of structure planning for the locality.

The future of Stirling Highway is the subject of the Stirling Highway Activity Corridor Study (SHACS) being undertaken since 2008 by the Department of Planning in consultation with relevant State Government agencies and Local Governments. The SHACS is comprehensively considering the function and form of the highway in relation to land use integration, access control and urban design, for a final report and recommendations on implementation over time.

Local Planning Scheme No. 3

Over several years Local Planning Scheme No. 3 (LPS3) was the main vehicle to advance the objective of structure planning for the subject area. The scheme review entailed the Enquiry by Design (EbD) consultative exercise, which amongst other things produced a Preliminary Structure Plan for the Town Centre and adjacent railway lands area. LPS3 includes this central railway land as Development Zone ‘E’.

The objectives of the generic Development zone are to:

- *provide for detailed planning to guide the use and development of land or buildings that are of a size, location, nature, character or significance warranting a comprehensive, coordinated and integrated approach to planning and design;*
- *ensure that land use and development within the zone is compatible with the amenity of the surrounding locality;*
- *ensure that any development does not unduly adversely affect the amenity of the adjoining and surrounding properties or locality, including by reason of height, built form, overshadowing, traffic, parking or other relevant aspects;*
- *allow for land use and development to contribute to the provision or enhancement of community facilities and services and to the public domain; and*
- *give consideration to the maintenance and enhancement of important views to and from public places as a contributor to the character and amenity of the locality and the district overall.*

More specifically, Schedule 14 - Development Zone Provisions, for area ‘E’ provides as follows:

<p>'E' - Crown Reserves 3399, 3438, 25367, 33606, 33607, 30397, bounded by</p>	<ul style="list-style-type: none"> • Comprehensive planning for the area shall be undertaken through the preparation and approval of a Structure Plan, in accordance with Clause 6.2, to guide subdivision and development. • Land uses shown on the Structure Plan shall apply in
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Curtin Avenue and railway line.	<p>accordance with Clause 6.2.8.</p> <ul style="list-style-type: none"> • The Structure Plan will apply to the entire site and will provide for additional residential development comprising a range of dwelling types, sizes and densities to take full advantage of the opportunity for more intense urban infill on this site, particularly with regard to its close proximity to regional public transport routes and the potential for integration with the nearby Town Centre zone on the eastern side of the railway line.
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Under LPS3 a formal structure planning process is required in order to implement land development. Initially Council may choose to prepare an informal structure plan at a conceptual level, before moving to a more definitive structure plan for adoption as a basis for detailed planning and implementation.

The imminent *Planning and Development Regulations 2015* are to commence on 19 October and will alter the status and content of, and streamline the process for, structure plans in relation to local planning schemes.

Previous Council reports and resolutions

In parallel with the scheme review and stimulated by the EbD, Council has further explored broad planning for the subject area in a series of reports and resolutions. These are listed and summarised below, and the most relevant are attached in full. They provide considerable information, track the evolving situation, including liaison with the State Government, and express Council's aspirations accordingly.

October 2006 – Curtin Avenue in Cottesloe – Council Resolution

This report recommended a Council Resolution to facilitate solving the alignment of Curtin Avenue through Cottesloe. Council's work on the scheme review, including the Town Centre Study, and the release of the draft Leighton Oceanside Landscape Masterplan, had focused attention on the need to settle the alignment and design for Curtin Avenue, so that a range of land use planning, regional and local transport and recreational opportunities can be pursued, rather than continue to be constrained by uncertainty about the road. It was resolved:

That Council informs the WAPC Sustainable Transport Committee that it:

Supports resolution of the regional road reservation issue in order to assist with planning for the whole of Cottesloe, but in particular the Town Centre and surplus Government-agency lands;

Supports in-principle the establishment of a north-south regional road reservation through Cottesloe immediately west of the railway, provided that overall it is of no more than 23m in width and lowered;

Supports the concept of a regional road that has connections to the local road system at Eric Street and at Wellington Street, but not at Jarrad Street or at Salvado Street, which shall remain connected over the lower regional road in order to manage traffic and improve east-west links;

Accepts that it is the current policy of Main Roads WA that the new regional road should be capable of accommodating over-dimensional vehicles and that this will necessarily influence the road design to achieve the above outcomes. Unless this is agreed, over-dimensional loads should use other routes; and

Seeks a comprehensive solution that will successfully integrate land use and transport (for all modes), including the opportunity in time for transit-oriented development around the Cottesloe Town Centre, consistent with ensuring the orderly and proper planning and the amenity of the area.

June 2007 – Draft Town Planning Scheme No. 3 – Indicative Development Potential of Railway Lands and Comparative Density Increases

This report provided estimated dwelling and population yields in the district, including the potential of the railway lands. In requesting the report Council also resolved to advise the Western Australian Planning Commission (WAPC) that:

Council's Town Centre Study undertaken as part of the scheme review explored the potential of this area to be redeveloped in connection with the town centre, railway station and integration with the residential area to the west.

To that end Council has actively pursued a planning and design solution for Curtin Avenue with the DPI and Main Roads WA.

Furthermore, this background has led to a prospective Enquiry by Design exercise between Council and the DPI for more detailed planning of a Transit-Oriented Development (TOD) as the next step towards realising the vision through the statutory processes, structure planning and urban design.

The gist of Council's resolution on the report information was to:

Note the primary opportunity for the railway lands to provide substantially for new residential development in the district and in support of a number of important local and regional planning aims.

Consider how it may wish to apply this information and ongoing related endeavours in:

- o pursuance of Draft TPS3;*
- o planning for the Town Centre and railway lands;*
- o addressing a solution for Curtin Avenue; and*
- o managing residential development in the district generally.*

September 2007 – Curtin Avenue – MRWA Road Design Options – Status Report

This report updated Council on the liaison towards a solution for Curtin Avenue. Council had considered the overall situation and potential alignments for Curtin Avenue in October 2006, when it resolved to make recommendations on the matter to the Sustainable Transport Committee (STC) of the WAPC. In forming its views in this regard Council resolved that:

Notes the resolution of the Sustainable Transport Committee of the WAPC and seeks an explanation of the rationale for excluding Option 1 and including Option 2 together with a copy of any reports to the STC on both options.

Advises the Government agencies that a one-way-pair as per Options 3 and 4 are not acceptable to Council.

Requests consideration of a new Option 5 with Curtin Avenue and the railway line both being lowered to go under Jarrad Street.

Seeks three-dimensional illustrations from MRWA for Options 1 and 2 only, upon which it will give further consideration to the following in order to provide feedback to the Government agencies towards a solution for Curtin Avenue:

- o The pros and cons of the options for the alignment and design of Curtin Avenue through Cottesloe;*
- o The implications for land use, urban development and transport connectivity affecting the district;*
- o The particular implications for the Town Centre and railway land areas in light of Council's planning for these areas; and*
- o A course of action, including community consultation and ongoing liaison, to reach agreement on the matter.*

A subsequent agenda report considered draft LPS3 for advertising with modifications, and instigated Council liaising with the WAPC and the Minister to discuss an enquiry by design, the beachfront, foreshore plans and re-alignment of Curtin Avenue.

March 2008 – Planning for Future Curtin Avenue – Update Report and Next Steps

This report updated Council regarding progress towards a solution for future Curtin Avenue. It overviewed the recent consideration of design options for parts of the route and outlined a suggested approach for Council to pursue a preferred outcome. Council resolved to note the report pending a detailed report to the April meeting.

April 2008 – Curtin Avenue – Report on Detailed Considerations of Options

This was a key report consolidating Council's position in relation to Curtin Avenue. It overviewed the planning perspective for urban regeneration, analysed three technical studies prepared on engineering feasibility, noise assessment and road network options, and outlined the role of the EbD in this regard. It was resolved that Council:

Confirms its support in-principle for the alignment of future Curtin Avenue immediately west of the Town Centre as a two-lane road located between the railway line and the Western Power substation.

To achieve the primary objective of improving local connectivity, support the complete grade-separation of Jarrad Street from the railway and Curtin Avenue, and assert that neither the trench option nor the subway option deals satisfactorily with local connectivity.

Promote that an option of both sinking the railway and the realigned Curtin Avenue, in order to enable full integration of land use and transport, to facilitate transit-orientated development of the Town Centre, and to optimise the development potential of the western land, be further explored with the State Government agencies to ensure the best long term planning outcomes for the area having regard to Network City objectives and principles for activity centres and corridors.

Acknowledge the subway option as preferable to the trench option in terms of achieving local connectivity, but note that the subway option would have its own physical and visual impacts.

Pursue the Enquiry-by-Design process with the DPI as guided by Local Planning Scheme No. 3 to deliver a far-sighted and sustainable structure plan for the area.

Approach relevant consultants (ie town planning, urban design, engineering, community engagement, place-making, and so on) to assist Council and the State agencies in the matter.

Subject to reaching agreement with the State Government agencies regarding a detailed design solution for Curtin Avenue in relation to the railway, Jarrad Street and the Town Centre, seek amendment of the Metropolitan Region Scheme to define the road and rail alignments and land requirements for this section of the route.

Advise the Department for Planning and Infrastructure, Main Roads Western Australia, the Western Australian Planning Commission and Minister for Planning and Infrastructure accordingly.

March 2009 – Cottesloe Enquiry by Design Report

This is the published study report of the EbD. As part of the scheme review the EbD produced an indicative foreshore plan, draft beachfront development controls and a preliminary structure plan for the railway lands (attached).

The intensive examination of the railway lands, Curtin Avenue and the Town Centre was a watershed in conceiving solutions to the transport, connectivity, land use, development and amenity aspects involved. It interrogated four options for the railway and regional road:

- A - sinking and realigning the rail, while retaining the Curtin Avenue alignment.

- B - creating a combined road/rail corridor east of the substation and over-passing Jarrad Street.
- C - Realigning Curtin Avenue west of the substation, with the rail over-passing Jarrad Street.
- D – Combining and lowering the road and rail east of the substation.

The study report records the comprehensive investigation of transport and land use planning factors influencing the future of the area. It demonstrates how these elements could be restructured to be more functional, efficient, safe, sustainable, productive and attractive.

9 March 2009 – Proposed Local Planning Scheme No. 3 – Enquiry by Design – Outcomes Reports and Scheme Proposals – Follow-up Report to Council

This report dealt with the formulation of LPS3, and in relation to the EbD findings for the railway lands Council resolved:

Agrees to pursue the Preliminary Structure Plan for Development Zone 'E' of proposed Local Planning Scheme No. 3, including a preferred solution for future Curtin Avenue, overall improved connectivity and indicative future development of the railway lands, through further liaison with relevant agencies towards an agreed structure plan to be formalised under the Scheme after it becomes operative. That a supplementary report be sought from Rawlinsons that reconsiders costings for option 2, within the Town Centre Transport Options section of the report, on the basis that the rail line cover does not need to extend from Jarrad Street to Forrest Street, but is confined to a traffic bridge over Jarrad Street and a pedestrian bridge between Napoleon Street and Station Street above the new railway station, and addresses Cr Cunningham's other concerns related to traffic management.

October 2009 – Planning for Cottesloe Town Centre and Environs – Status Report

This report updated Council on the status of planning initiatives for the Town Centre and environs for information and direction. Council's resolution included to:

Receive as soon as possible the supplementary report from Rawlinsons to address all of Cr Cunningham's concerns, as per Council's resolution of 9 March 2009, with a view to finalising the EbD Report and putting it out for community consultation.

December 2009 – Development Zone 'E' – Curtin Avenue and Railway Planning Update

This report further updated Council about the approach to planning and consultation for the railway lands, including Curtin Avenue and the railway line/station. It overviewed liaison with Main Roads WA and the Town's cost consultants, commencement of the Town Centre Public Domain Infrastructure Improvement Plan study and an ongoing course of action. Council resolved to:

... note the update advice contained in this report and resolves to pursue preliminary structure planning for Development Zone E in accordance with the

first part of its 9 March 2009 resolution, without the need for any additional costings at this juncture.

July 2010 – Government Request for Surplus Land Information

This report addressed the State Government's request of all Local Governments to identify surplus public land availability to facilitate housing land supply. The report overviewed the situation in Cottesloe in relation to metropolitan population growth, housing targets and denser urban infill. The crux of Council's resolution in reply read:

. . .

Council is, however, through proposed Local Planning Scheme No. 3 (LPS3) and associated actions planning for a number of future residential redevelopment prospects, including several Government landholdings, to provide additional and more diverse housing in the district.

The railway lands locality including the accommodation of Curtin Avenue west of the Town Centre is the primary opportunity which in recent years Council has been examining in conjunction with Government agencies and is keen to progress. Under LPS3 this is provided for as a Development Zone and a preliminary structure plan has been prepared as part of the related Enquiry by Design consultative exercise.

November 2010 – Briefing on Directions 2031 Regional Planning Strategies

This report briefed Council on the State Government's metropolitan planning strategy and associated measures, in general plus with particular reference to Cottesloe, which had been prepared by the WAPC; including *Directions 2031 and Beyond: metropolitan planning beyond the horizon*, the draft *Central Metropolitan Sub-regional Strategy* and *State Planning Policy 4.2: Activity Centres for Perth and Peel*. Council's resolution expressed at length its intentions for balancing regional and local planning requirements, the main points being:

The findings of these initiatives, which involved Council, the community, landowners, consultants and state government agencies, has provided a solid framework for Council and the community to continue to engage with state government agencies and other stakeholders towards realising the opportunities for addressing the proposed regional transport routes, east-west connectivity, town centre enhancement, new urban precincts, infill residential development, the supply and diversity of housing, the beachfront/foreshore recreational destination and additional matters which may arise.

Council will be seeking to pursue these initiatives through finalisation of Local Planning Scheme No. 3 (LPS3), further studies, structure planning, other local planning tools, and detailed planning, design and development control, in collaboration with relevant parties and subject to stakeholder and community participation.

In particular, the railway lands area west of the Town Centre, which includes the railway line/station and Curtin Avenue in their current alignments and is classified as a Development Zone in LPS3, exhibits strong potential for detailed structure

planning (based on the Preliminary Structure Plan and related studies already undertaken) for a demonstration transit-oriented development that solves the alignment and impact of these routes, improves east-west connectivity, delivers new and diverse housing towards achieving the desired target and fosters the town activity centre. In this regard the option examined in depth which is strongly preferred by Council involves sinking Curtin Avenue and the railway line in a common trench between the Western Power sub-station and Railway Street, including possible partial covering of the trench to gain useable land and optimise returns, together with a grade-separated road crossing for Jarrad Street (thereby overcoming the existing inefficient and hazardous level-crossing), similarly improved pedestrian and cyclist connections, integration of the train station with the Town Centre, and freeing-up as well as maximising the unused railway lands for urbanisation with a focus on a consolidated transit-oriented development, multiple activities, housing supply and choice, quality public domain spaces and sustainability.

In terms of implementation, a cooperative approach with local governments is advocated rather than the imposition of unpalatable measures or unrealistic demands, and one which respects the individual character, heritage value and amenity of each district or locality, whereby the social composition, local planning approach and community aspirations are considered before any changes are made. In this regard it will be important to take into account the extensive previous community consultations undertaken in relation to the planning and development of Cottesloe, as well as the established planning mechanisms which have achieved the qualities of the built environment and public domain, in order to avoid adverse impacts and to ensure the most appropriate improvements within the district.

Special funding arrangements, including assistance to local government, appears essential to enable planning actions and facilitate infrastructure and development projects in order to realise the strategies, policies and targets envisaged.

In designing and developing new housing or activity centre areas the provision of at least 10% public open space as accessible local parks and arrangements for traffic management and parking supply will be important considerations to be taken into account through structure planning and detailed proposals.

September 2011 – Town Centre Public Domain Infrastructure Improvement Plan

This report submitted the completed *Town Centre Public Domain Infrastructure Improvement Plan* for ratification as a reference in considering planning, development and works proposals affecting the Town Centre and environs, and was supported by Council for this purpose.

August 2012 – Planning for Town Centre – Update report

This report updated Council on planning for the Town Centre and environs in looking to the next phase of actions. It overviewed studies and plans produced, the railway line/lands and Curtin Avenue, Stirling Highway, parking, and Town Centre improvement proposals and projects. Council's resolution included:

Review the planning undertaken by the Town over recent years regarding Curtin Avenue, the railway line, railway lands and east-west connectivity, including in relation to planning for the Town Centre, and report to Council on a way forward working with the State Government to prepare an agreed detailed structure plan for the locality as a basis for a redevelopment project to achieve an integrated transport infrastructure, land use, built form and urban design solution.

Approach Department of Transport and Public Transport Authority regarding the prompt installation of the Principal Shared Path through Cottesloe.

Council studies and improvement projects

Against this background of sub-regional planning and the scheme review Council has also been involved in or undertaken various studies relating to transport routes and infrastructure and Town Centre development and enhancement:

- WESROC Railway Stations Study Report (2004)
- WESROC Stirling Highway Revitalisation (2005)
- Town Centre Study and Concept Plan (2005), with Department of Planning and Infrastructure.
- Station Street Design Study (2008).
- Lots 2-8 & 18-24 Station Street: Design Guidelines (2009/10) – Council car park corner of Railway Street and Council sump site at highway end.
- Lots 2-8 Station Street Detailed Concept Design (2013) – Council car park corner of Railway Street.
- Town Centre Public Domain Infrastructure Improvement Plan (2010).
- Town Centre car parking strategy review (2012).

Arising from this Council has carried-out Town Centre improvement projects as follows:

- Conversion of the former sump site at the eastern end of Station Street to a Council car park with underground drainage.
- A Business Plan for the future of Council's car park site on the corner of Station and Railway Streets.
- Streetscape rejuvenation of Napoleon Street.

In this regard, on 27 July 2015 Council, in deciding to not dispose of the corner car park site at present, resolved (paraphrased) to:

Engage a town planning consultancy to:

- Assess the redevelopment options for Station Street;
- Prepare a concept plan that shows how parking, the interface with the train station and the overall functionality of Station Street can be improved;
- Engage with property owners to assess the overall appetite for redevelopment *in Station Street; and*

- *Consider and where appropriate recommend changes to the Local Planning Scheme to allow for appropriate redevelopment within Station Street;*

and that staff report back on the above to Council for its consideration.

Also, that the Town begin discussions with the Public Transport Authority on improvements to the interaction between Cottesloe Train Station and the Town Centre.

Current regional planning

The State Government is not especially focussed on planning for the railway and Curtin Avenue through Cottesloe at present, as the locality is not a high priority for restructuring and development, albeit identified as having longer term potential for urban intensification and transport integration. This reflects competing demands for transport infrastructure and redevelopment precincts, requiring extensive planning, detailed engineering and urban design, budgeting, tendering and works-programming.

Nonetheless, the overarching regional planning framework for metropolitan growth, including activity centres, transit-oriented development and infill housing, promotes pathways to achieve such goals.

With this in mind, in December 2014 the Town's representatives met with the Department of Planning to discuss a collaborative planning approach for the Town Centre and environs. The Department was receptive to this and the in-principle agreement was that:

- The Town commence by preparing its preferred concept structure plan based on the background material and current considerations.
- The Town then liaise with the Department, transport agencies and adjoining councils towards producing a formal activity centre structure plan for the locality.
- The activity centre structure plan would embrace regional and local planning requirements and recommend ideal solutions for the transport routes, east-west connectivity (including between the Town Centre and beachfront), and land use and urban development in the centre (including the railway lands).
- The Department would assist with implementation of the activity centre structure plan, involving coordination of Government agencies, statutory amendments to the Metropolitan Region Scheme and LPS3, and ultimately infrastructure and development projects.

The WAPC's State Planning Policy 4.2 (SPP4.2) – Activity Centres for Perth and Peel is the regional planning mechanism governing and guiding the planning and development of activity centres, and is applicable to Cottesloe, which is classified as a District centre.

The Policy prescribes how Council may prepare an activity centre structure plan in accordance with the Policy provisions and guidelines. Such a plan for a district centre

under 20,000sqm shop/retail floor-space may be adopted by Council without WAPC approval.

Activity centre structure plans form the basis of zoning, development and subdivision controls and the coordination of infrastructure and redevelopment projects to strengthen, enhance and manage centres as integrated nodes of land use and transport activity.

STRATEGIC IMPLICATIONS

- Key strategic initiative shaping the Town Centre, transport corridors and environs.

POLICY IMPLICATIONS

- Relates to policies governing Town's operations.
- New local planning policies may be required for detailed planning and implementation.

STATUTORY ENVIRONMENT

- Metropolitan Region Scheme
- Regional planning and policies
- Local Planning Scheme No. 3
- Planning and Development (Local Planning Schemes) Regulations 2015

FINANCIAL IMPLICATIONS

- Costs of structure planning phase.
- Costs of subsequent detailed planning and implementation phases.

STAFFING IMPLICATIONS

- Key project involving senior staff working with consultants, community and stakeholders.
- Possible project management staff for future implementation.

SUSTAINABILITY IMPLICATIONS

- Major opportunity for sustainability gains in terms of transport (various modes), greening and environmental design, and urban development innovation.

CONSULTATION

- Structure planning is a consultative process.
- Statutory implementation also entails consultative procedures.

STAFF COMMENT

Summation of previous deliberations

During the course of the scheme review Council gave substantial consideration to planning for the subject area, working with the community, consultants and State Government agencies. The issues and options were thoroughly explored to the level of preliminary structure planning and feasibilities. All of this provides a wealth of

information as a foundation for a renewed effort to define preferred solutions and confirm ways forward.

This matter is a top priority for Council following the finalisation of LPS3, the progress of improvement plans and projects for the Town Centre and the opportunity to fulfil regional planning requirements as the development of metropolitan Perth becomes more sophisticated and innovative.

Council's aim is to achieve a more tangible structure plan for the Town Centre in relation to the railway lands and to overcome the serious deficiencies of the railway and Curtin Avenue in Cottesloe, for long term benefits to east-west connectivity, Town Centre development, infill housing, sustainability and amenity.

Components of Council's current resolution

A Town Centre Activity Plan

Extension of the Station Street concept plan project, to develop a Town Centre Activity Plan covering the whole of the Cottesloe Town Centre, including the adjacent railway land.

The Station Street concept plan project just underway is a discrete task for a concept plan to guide urban domain improvements (in keeping with Napoleon Street) and to foster adjacent development, having regard to the Town Centre as a whole and the interrelationship with the present railway station.

The project is relatively confined and differs from a wider activity centre plan for the Town Centre and adjacent railway land, but has a bearing on and will need to be mindful of the latter. The Station Street concept plan is a shorter-term project leading to urban design improvement works, so should proceed as-is. It will be completed within a few months, after which Council can consider upgrading the public domain, which in turn will provide impetus to development proposals for Council or private properties.

A more major Town Centre Activity Plan would encompass this Station Street concept plan and previous studies/plans for the area, as well as the surrounding regional transport routes and the railway lands. The plan would demonstrate the functional integration of the Town Centre, adjacent railway land and transport routes and the form of urban development envisaged, including movement networks, land use, density, scale, streetscapes, open space, etc.

An activity plan would be complex and detailed, including intended implementation measures and programmes. It would be coordinated by the Town using primarily planning, transport and engineering consultants, together with specialist input such as economic development, architecture and place-making. Liaison with State Government agencies and consultation with property owners, businesses and the community would occur.

This plan would build on the Napoleon Street and Station Street improvements and proposals to preserve the character and amenity of the Town Centre precinct whilst strengthening its function, guiding its development and addressing the overall

precinct including the railway land. Therefore, it should be commenced following completion of the present Station Street plan.

A structure plan for the railway reserve

The feasibility, resource implications and cost of developing a structure plan for the railway reserve within the Town of Cottesloe.

Whilst the railway land adjacent to the Town Centre is of immediate interest, restructuring the railway and Curtin Avenue through this core area relates to the railway reserve land extending north and south. A holistic structure plan would consider the effect on the railway leading into and out of the Town Centre, connectivity and crossings along its route, the other stations and their precincts, additional urban development and urban landscaping.

Such a structure plan would have an emphasis on transport infrastructure engineering, traffic planning, land usage, the pattern of development and indicative cost estimates. Outside the Town Centre core area there would be less certainty and a variety of considerations, involving the residential areas, local stations, Curtin Avenue and neighbouring local governments. The structure plan would logically have two levels of detail: firstly a fairly firm conceptual plan narrowing-down on the main aspects and options; and secondly a series of more detailed plans for sub-areas and elements. Other components would be feasibility assessments and an implementation strategy.

The exercise could become consuming, prolonged, unwieldy and expensive, due to the many dimensions at play – regional and local planning, State Government agencies, community consultation, the mass of background material and current information needs, the range of consultants and studies required, project management, implementation unknowns, and so on. From inception to completion a structure plan project of this magnitude would be spread over at least 9-12 months and would be likely to cost in excess of \$200,000. It would require a large amount of staff and elected member time and resources, as well as governance arrangements to administer the project.

In 1991 the State Government through the then Asset Management Taskforce in conjunction with the Town undertook the Cottesloe Railway Lands Study, which sought to identify potentially surplus railway and regional road land for long term land use and development strategies in relation to the transport corridor, and how that could be realised. The study was essentially a hypothetical status report on what may be possible as envisioned. It has not been pursued for the purposes of detailed planning and implementation.

Sinking the railway through Cottesloe

That the structure plan should consider the feasibility of sinking the railway through Cottesloe as a part of developing the railway reserve.

Sinking of the railway (whether trenched and/or tunnelled) is the solution offering the greatest gains to a restructured area, providing grade-separated connectivity, land availability, flexibility for development and superior urban amenity. It would be a

catalyst for building-up the Town Centre, supplying housing that is transit-oriented in proximity to an activity centre, facilitating pedestrian and cycle networks and open space, and boosting the economic and social wellbeing of the locality as a mixed-use precinct for employment, retail and business, leisure and residing.

However, other options should still be reviewed in order to understand the dynamics of what may or may not be achieved depending on the circumstances and over what prospective timeframes.

Recommended action

It would be timely that Council prepare a Town Centre activity plan in order to guide the next phase of Town Centre development and to be proactive about the fundamental structural issues needing to be resolved so that the Town Centre precinct and adjacent railway lands can meet local and regional planning objectives. The Town Centre activity plan would become the basis for preparing a formalised activity centre plan for the Cottesloe district centre.

Council would then be in a better position to entertain structure planning for the railway and Curtin Avenue extending north and south of the Town Centre, which would be undertaken in relation to the completed Town Centre plans, rather than to embark on extensive structure planning for the entire railway and Curtin Avenue reserves at present.

At whatever stage, that structure planning exercise would by nature be somewhat speculative and contentious, as well as resources-demanding and expensive. Also, there is no guarantee that the structure plan would lead to agreement with the State Government agencies or gain community support, which would be necessary for it to proceed to statutory planning implementation, civil works and land development.

Therefore, it is concluded that the best approach would be to concentrate on a Town Centre activity plan to begin with, which would evolve from previous and current plans and projects and would inform both more detailed planning for the Town Centre and ongoing structure planning for the greater railway and road reserve area.

If Council concurs with the above analysis, staff would formulate a project proposal and brief for consultants for a Town Centre Activity Plan, outlining the purpose, methodology, resources, timeframe and anticipated cost, for Council endorsement.

COMMITTEE COMMENT

Committee expressed a preference for a staged approach to planning for the area starting with the Town Centre then expanding to a wider structure plan for the railway land. The Manager Development Services provided an elaborated suggested recommendation accordingly.

VOTING

Simple Majority

OFFICER RECOMMENDATION

THAT Council:

1. Notes this report on the background to planning for the Town Centre, railway lands and Curtin Avenue, and the advice herein regarding a continued planning approach.
2. Requests staff to formulate a project proposal and brief for consultants to prepare a Town Centre Activity Plan, outlining the purpose and scope, methodology, resources, timeframe, anticipated cost and administration, for Council endorsement. The Plan is to be premised on the improvement projects for Napoleon Street and Station Street in order to preserve the character and amenity of the Town Centre precinct whilst strengthening its function, guiding its development and addressing the overall precinct including the railway land. The Plan is to be commenced following completion and adoption of the Station Street concept plan project.

ALTERNATE MOTION & COMMITTEE RECOMMENDATION

Moved Mayor Dawkins, seconded Cr Jeanes

THAT Council:

1. Notes this report on the background to planning for the Town Centre, railway lands and Curtin Avenue, and the advice herein regarding a continued planning approach.
2. Requests staff to formulate a project proposal, for Council consideration, for consultants to prepare a detailed Town Centre Activity Plan, as follows:
 - a) The Plan is to take into account the improvement projects for Napoleon Street and Station Street, in order to preserve the character and amenity of the Town Centre whilst strengthening its function, guiding its development and addressing the overall precinct including the adjacent railway land.
 - b) The Plan is to be coordinated with the Station Street concept plan project currently underway (anticipated to be completed around the end of March 2016) and should aim to be completed around mid-2016.
3. Requests staff to formulate a project proposal, for Council consideration, for consultants to prepare, following completion of the Town Centre Activity Plan, a broad Structure Plan for the main extent of the Cottesloe railway lands and Curtin Avenue, as follows:
 - a) The Structure Plan is to encompass the area from the Eric Street to the Salvado Street railway crossings.
 - b) The Structure Plan is to be undertaken in consultation with relevant State Government agencies (including potential funding and resources assistance) and the community.

- c) The Structure Plan is to take into account the Town Centre Activity Plan and other Council studies, plans and projects for the area.
- d) The Structure Plan should be substantially completed by the end of 2016.

AMENDMENT

Moved Cr Walsh, seconded Mayor Dawkins

That the following be added to the end of 3 b): "This is appropriate given the degree of State Government involvement required and the financial gain to the State Government on the development of the Railway Land."

Carried 6/0

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Angers

THAT Council:

1. **Notes this report on the background to planning for the Town Centre, railway lands and Curtin Avenue, and the advice herein regarding a continued planning approach.**
2. **Requests staff to formulate a project proposal, for Council consideration, for consultants to prepare a detailed Town Centre Activity Plan, as follows:**
 - a) **The Plan is to take into account the improvement projects for Napoleon Street and Station Street, in order to preserve the character and amenity of the Town Centre whilst strengthening its function, guiding its development and addressing the overall precinct including the adjacent railway land.**
 - b) **The Plan is to be coordinated with the Station Street concept plan project currently underway (anticipated to be completed around the end of March 2016) and should aim to be completed around mid-2016.**
3. **Requests staff to formulate a project proposal, for Council consideration, for consultants to prepare, following completion of the Town Centre Activity Plan, a broad Structure Plan for the main extent of the Cottesloe railway lands and Curtin Avenue, as follows:**
 - a) **The Structure Plan is to encompass the area from the Eric Street to the Salvado Street railway crossings.**
 - b) **The Structure Plan is to be undertaken in consultation with relevant State Government agencies (including potential funding and resources assistance) and the community. This is appropriate given the degree of State Government involvement required and the financial gain to the State Government on the development of the Railway Land.**

- c) The Structure Plan is to take into account the Town Centre Activity Plan and other Council studies, plans and projects for the area.
- d) The Structure Plan should be substantially completed by the end of 2016.

Carried 9/0

**10.4 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 22
SEPTEMBER 2015**

Cr Downes declared an impartiality interest in item 10.4.1, due to having a car participating in the event and stated that as a consequence there may be a perception that her impartiality may be affected and declared that she would consider this matter on its merits and vote accordingly.

10.4.1 CELEBRATION OF THE MOTORCAR - 2015

File Ref: SUB/2042
Attachments: [Celebration of the Motorcar Event Application Form](#)
[Event Map](#)
[Event Management Plan](#)
Responsible Officer: Garry Bird
Manager Corporate & Community Services
Author: Sherilee Macready
Community Development Officer
Proposed Meeting Date: 22 September 2015
Author Disclosure of Interest: Nil

SUMMARY

Celebration of the Motorcar is a motoring exhibition event held in the grounds of the Cottesloe Civic Centre. Paul Blank from Automotive Events Management is seeking approval for the fourth Celebration of the Motorcar event, in its modern format to be held at the Cottesloe Civic Centre, on Sunday 22 November 2015, between 10.30am and 3.30pm. The original event was held annually from 1993 until 2003.

BACKGROUND

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

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

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

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

100% of admission fees, after costs, are donated to the organisation's chosen charity organisation, Wheels for Hope.

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

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

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Outdoor Concerts and Large Public Events Policy

Event Classification Policy

STATUTORY ENVIRONMENT

Environmental Protection (Noise) Regulations 1997

FINANCIAL IMPLICATIONS

The fees associated with Public Events / Multiple Area Events for over 500 people, as per the Town's Schedule of Fees and Charges for the year ending 30 June 2016 are as follows:

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

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

However, the organisers are contributing 100% of the admission fees collected, after costs, to their chosen charity, Wheels for Hope, which supports WA families with disabilities who do not have the benefit of mobility. As such it is recommended that Council classify this event as a "charitable" event – which has no fees. The Town has not charged fees in the past for this event.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

In order to limit the impact on neighbours from potential noise generated from the event, no activity will take place in the Secret Garden, and noise limits will be put into place for activities on the Lower Lawn, with no vehicle activity at the Civic Centre before 8.30am or after 6.00pm on Sunday 22 November 2015.

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

STAFF COMMENT

The 2012, 2013, and 2014 events were well organised and drew interest from local residents, who appreciated the type and value of the cars on display. Officers verified that 100% of net admission fees from the event went to the organiser's 2014 charities, Wheels for Hope, and Bridging Communities Inc. The Town did not receive any formal noise complaints from surrounding residents to the Cottesloe Civic Centre following the 2014 event, and as such is supportive of the event.

Event organisers have advised officers that event signage will be at a minimum and will consist primarily of directional signage. Event signage will also consist of one 'Celebration of the Motorcar' banner as per the 2014 event, and specific car trade display signage, which will be restricted to individual car sites. With the focus of the event being the cars themselves, advertising will be kept to an absolute minimum.

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

On the Saturday 21 November, between 10.00am and 2.00pm, some cars will be delivered to the Lower Lawn and Main Lawn in preparation for their display placement. Event organisers will be required to keep the noise associated with this to a minimum. A security guard will be in place overnight to guard the vehicles.

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

The cars will leave the Civic Centre between 3.45pm and 5.45pm on Sunday 22 November, with all activity ceased for the evening by 6.00pm. This again should minimise noise impacts on nearby residents.

The event is open to the public between 10.30am and 3.30pm.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council approve the application to hold the Celebration of the Motorcar event at Cottesloe Civic Centre, on Sunday 22 November 2015, from 10.30am to 3.30pm, with the following conditions:

- 1. Adequate arrangements are made for rubbish collection and removal, including the provision for recycling;**
- 2. Compliance with the *Environmental Protection (Noise) Regulations 1997*;**
- 3. Compliance with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*;**
- 4. Class this event as a “charitable” event and charge no hire fees;**
- 5. Any additional applicable fees are to be paid prior to the event, including fees to cover additional costs of cleaning the public toilets and ranger services (if required);**
- 6. Provision of ‘certificates of currency’ to certify that organisers have adequate public liability and event insurance, to the satisfaction of the Chief Executive Officer, prior to the event;**
- 7. Provision of an ‘event management plan’ and ‘risk assessment document’, to the satisfaction of the Chief Executive Officer, prior to the event;**
- 8. That support vehicles are parked at Harvey Field and not in public parking areas;**
- 9. No vehicle activity at the Civic Centre before 8.30am and after 6.00pm on Sunday 22 November 2015; and**
- 10. Neighbouring properties to the Cottesloe Civic Centre are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required.**

Carried 9/0

10.4.2 FUNDRAISER CONCERT FOR CANCER SUPPORT WA

File Ref: SUB/1913
Attachments: [Event Application](#)
[Event Description](#)
Responsible Officer: Garry Bird
Manager Corporate & Community Services
Author: Sherilee Macready
Community Development Officer
Proposed Meeting Date: 22 September 2015
Author Disclosure of Interest Nil

SUMMARY

An application has been received from Cancer Support WA to host an afternoon concert at Cottesloe Civic Centre, called 'Afternoon Delights', on Sunday 28 February 2016, from 3.00pm to 6.30pm. The event raises funds for Cancer Support WA's programs and services.

BACKGROUND

Cancer Support WA is a not-for-profit organisation based at the Cancer Wellness Centre in Railway Street, Cottesloe. For more than 30 years, Cancer Support WA has supported many thousands of Western Australian's living with cancer, and their families, at every stage of their cancer journey. One of their primary services includes providing the only 24 hour cancer phone support service in Western Australia. Cancer Support WA are pioneers of the "wellness approach" to cancer, and continue to be a leading authority on cancer wellness strategies in the community. The majority of the income that is needed to run Cancer Support WA's programs and services is generated from their own in-house fundraising efforts, as well as donations to the organisation.

The fundraiser concert event has been held annually at North Cottesloe Primary School oval since 2012, primarily as an evening concert, and since then has started to grow a following in the Cottesloe community. Since North Cottesloe Primary School has completed extensive renovations to their property to house the Wanslea Early Learning Centre, Cancer Support WA staff have determined that the venue is unfortunately no longer suitable for their annual fundraising concert, primarily due to logistics and access to the venue site. Cottesloe Civic Centre has been chosen as a potential venue for their 2016 concert.

The primary aim of the 2016 event is to raise funds for Cancer Support WA's programs and vital services, while providing a family-friendly concert for the community. Members of the public are invited to bring a picnic and low chairs or a blanket and come along and enjoy an afternoon of music on the Main Lawn at the Cottesloe Civic Centre. Performing musicians are primarily drawn from local West Australian musicians, mainly in the genres of jazz, classical and modern contemporary.

Cancer Support WA staff and volunteers would like to set up 2 or 3 small fundraising stalls at the event to sell baked goods and other small items, with proceeds going to

Cancer Support WA. The appropriate environmental health permits from Council will be in place for the event.

Organisers are expecting approximately 300 paid concert goers.

Proposed general public event admittance fees for the 2016 concert are as follows:

Adults admission	\$25
Concession admission	\$20
Children under 12	Free

Rubbish bins are required for the event, which can be supplied by Council in support of this charitable event.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Outdoor Concerts and Large Public Events Policy

Event Classifications Policy

STATUTORY ENVIRONMENT

Environmental Protection (Noise) Regulations 1997

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Officers contacted the Principal Environmental Health Officer for comment on any potential noise regulations associated with this event. It was advised, that Cultural Events that have a benefit to the community, as stated under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997*, can be exempted by the Chief Executive Officer from having to comply with the standard noise regulations.

In addition, noise related conditions may be placed on the approval, and these may include:

- Noise levels that must not be exceeded during the event;
- Restrictions on times approved for music;
- A letter drop to neighbouring residents advising of the one-off, non-complying event with contact details for complaint management; and

- Noise monitoring or payment towards noise monitoring fees.

STAFF COMMENT

Permission is requested from the organisers to set up 3 small fundraising stalls at the event. The appropriate environmental health food permits from Council will need to be in place. The stalls are low key and proceeds of the sales go directly to Cancer Support WA, as such they are supported.

In order to limit the potential impact on neighbours from noise generated from the event, the officer recommendation does contain restrictions on the location and time of the event. Other measures will be encouraged to be put in place during the concert, such as consideration given to the orientation of speakers by the organisers, and a recommendation that neighbouring properties be advised of the event taking place (if approved), including providing them with a mechanism to provide feedback if required.

As the primary aim of the event is to raise funds for Cancer Support WA's programs and services, the recommendation is to approve the event.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council approve the application to hold the 'Afternoon Delights' Fundraiser Concert for Cancer Support WA at Cottesloe Civic Centre, on Sunday 28 February 2016, from 3.00pm to 6.30pm, subject to the following conditions:

- 1. Adequate arrangements are made for rubbish collection and removal, including the provision for recycling;**
- 2. Compliance with the *Environmental Protection (Noise) Regulations 1997*;**
- 3. Compliance with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*;**
- 4. Class this event as a "charitable" event and charge no fees;**
- 5. All appropriate environmental health food and beverage permits are in place prior to the event;**
- 6. Provision of 'certificates of currency' to certify that organisers have adequate public liability and event insurance, to the satisfaction of the Chief Executive Officer, prior to the event;**
- 7. Provision of a 'risk assessment document' or 'event management plan', to the satisfaction of the Chief Executive Officer, prior to the event;**

- 8. Neighbouring properties to the Cottesloe Civic Centre are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required;**
- 9. No activity to take place in the Secret Garden or Lower Lawn; and**
- 10. All concert music ceasing by 7.00pm on Sunday 28 February 2016.**

Carried 9/0

10.4.3 EVENT APPLICATION - CONNECT AND CELEBRATE BEACH EVENT

File Ref: SUB/1929
Attachments: [Lululemon Event Application](#)
[Event Proposal](#)
Responsible Officer: Garry Bird
Manager Corporate & Community Services
Author: Sherilee Macready
Community Development Officer
Proposed Meeting Date: 22 September 2015
Author Disclosure of Interest: Nil

SUMMARY

An application has been received from Lululemon Athletica (Western Australia) seeking approval for a community based beach event, called 'Connect and Celebrate' to take place at Cottesloe Beach on Saturday 7 November 2015 between 4.00pm and 9.00pm.

BACKGROUND

The 'Connect and Celebrate' event is a new event to Cottesloe. The purpose of the event is to provide a free event at Cottesloe Beach for members of the Cottesloe and Perth community, and to celebrate in Cottesloe where their first shop opened. Organisers have indicated that members of the Cottesloe "fitness" community significantly supported them when they were starting out in Cottesloe in 2007, primarily by creating a "buzz" about their products through word-of-mouth communication. Therefore, Lululemon Athletica would like to thank members of the Cottesloe community for their contribution and support by inviting them to attend the event.

Organisers have indicated that their preferred location for the event is north of the Indiana Tea House building. A draft map of the event layout has been provided.

The event is comprised of three components: A Float Up; a Silent Yoga Class; and a Silent Disco and Beach Lounge. Members of the public are invited to participate in the beach event free of charge.

Component 1: The Float Up – 4.00pm to 5.00pm – Participants are invited to float in the ocean on lilos or swim rings, to relax and welcome in the summer season. Participants will be encouraged to supply their own floating devices, and a limited number of floating devices will be provided by the event organisers. Organisers are expecting about 200 people to take part in this component of the event.

Component 2: Silent Yoga Class – 5.30pm to 6.40pm – Participants are invited to take part in a 60 minute yoga class, followed by a relaxing communal moment watching the sunset over the ocean. Yoga mats will be set up on the grassed tiers and on the sand on the north side of Indiana. The pedestrian path in front of the grassed tiers will remain free of equipment to ensure pedestrian access the beach. Headphones will be distributed to all participants in the yoga class for the purpose of hearing the instructor's commentary. No amplified commentary or music will take

place. Organisers are expecting about 300 people to take part in this component of the event.

Component 3: Silent Disco and Beach Lounge – 7.00pm to 9.00pm – Two areas will be set up for participants, both situated next to each other on the sand. Participants in the silent disco will be provided with headphones and can choose from three different channels to listen to, with the music being provided by three Disc Jockeys. In the beach lounge section, lounge couches and bean bags will be set up for participants to relax on and enjoy a selection of acoustic live music. No amplified music will be used as part of the silent disco or beach lounge component of the event. Organisers are expecting about 300 to 400 people to take part in this component of the event.

Signage will be limited to directional signage and a signage featuring the list of the proposed event schedule, an example of which is attached. No giveaways or stalls are included in this event.

Local businesses located on Marine Parade will be invited to be included in the event, to perhaps provide easy takeaway options that participants can purchase. This in turn supports local businesses in the area.

With approximately 400 participants expected, extra toilet facilities will be provided by the organisers. Rubbish bins, including the provision for recycling will be provided by the organisers.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Beach Policy

Event Classification Policy

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

The fees associated with Public Events / Multiple Area Events / or events attracting over 500 people, as per the Town's Schedule of Fees and Charges for the year ending 30 June 2016 are:

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

Event organisers have indicated that they are anticipating approximately 400 participants to the event – which would attract a fee of \$3,000 if classified as a “Commercial Event”.

Under the Town’s Event Classification Policy, if considering this event as a “Community Event”, the event must satisfy at least two of the components to be classified as a Community Event. This event satisfies three of the components of the event, which are as follows:

1. The cost of participating in the event covers the cost of organising the event – that is event organisers are not seeking to make a profit;
2. The primary purpose of the event is to provide an opportunity for local community members to participate in the event; and
3. Spectating at the event is free.

Organisers are not charging participants a fee to be a part of the event.

As such the recommendation is to classify this event as a “Community Event”, and charge \$550 per day for beach hire.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Adequate arrangements are made for rubbish collection and removal of recyclable materials.

CONSULTATION

It is anticipated that support for the event will be provided by Cottesloe Surf Life Saving Club, however, formal support has not been provided at this stage.

STAFF COMMENT

There is no amplified music or amplified PA systems being used at the event, as such it is supported. Headphones will be distributed to participants taking part in the Silent Yoga Class for the purpose of hearing the instructor’s commentary. Headphones will also be distributed to participants taking part in the Silent Disco for them to hear the music through. A selection of acoustic live music will be played in the Beach Lounge component of the event.

Signage will be limited to directional signage and a signage featuring the list of the proposed event schedule. No giveaways or stalls are included in this event.

As the event satisfies three of the components of the “Community Event” classification in the Town’s Event Classification Policy, the officer recommendation to approve the event as a “Community Event” and charge a fee of \$550 per day.

As organisers are providing a free event for the community, and the event is taking place early in the summer season, and it is situated on the north side of Indiana

which is a lower traffic area of the beach, the officer recommendation is to approve the event.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Committee considered the event application at length and were of the opinion that the silent disco and beach lounge component may cause a number of issues due to lack of security, sufficient lighting and the unknown number of participants.

OFFICER RECOMMENDATION

Moved Mayor Dawkins, seconded Cr Angers

THAT Council approve the application from Lululemon Athletica to host a 'Connect and Celebrate' beach event at Cottesloe Beach on Saturday 7 November 2015, from 4.00pm to 9.00pm, subject to the following conditions:

1. Formal support for the event is provided from Cottesloe Surf Life Saving Club;
2. Adequate arrangements for rubbish collection and removal, including the provision for recycling;
3. Class this event as a "Community" event and charge the fee of \$550 per day, and a bond of \$1,000, to be paid prior to the event commencing;
4. The event complies with the *Environmental Protection (Noise) Regulations 1997*;
5. 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*;
6. Compliance with additional relevant sections of the Beach Policy;
7. The event complies with the Town's *Beaches and Beach Reserves Local Law 2012*;
8. Provision of 'certificates of currency' to certify that organisers have adequate public liability and event insurance, provided prior to the event;
9. All signage to be approved by the Chief Executive Officer one month prior to the event; and
10. Organisers supply three male and three female toilets to cater for the 400 participants.

AMENDMENT

Moved Mayor Dawkins, seconded Cr Pyvis

That the words "from 4.00pm to 9.00pm" be removed and replaced with "concluding at 7.00pm".

Carried 5/0

COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Cr Downes

THAT Council approve the application from Lululemon Athletica to host a 'Connect and Celebrate' beach event at Cottesloe Beach on Saturday 7 November 2015, concluding at 7.00pm, subject to the following conditions:

1. **Formal support for the event is provided from Cottesloe Surf Life Saving Club;**
2. **Adequate arrangements for rubbish collection and removal, including the provision for recycling;**
3. **Class this event as a "Community" event and charge the fee of \$550 per day, and a bond of \$1,000, to be paid prior to the event commencing;**
4. **The event complies with the *Environmental Protection (Noise) Regulations 1997*;**
5. **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*;**
6. **Compliance with additional relevant sections of the Beach Policy;**
7. **The event complies with the Town's *Beaches and Beach Reserves Local Law 2012*;**
8. **Provision of 'certificates of currency' to certify that organisers have adequate public liability and event insurance, provided prior to the event;**
9. **All signage to be approved by the Chief Executive Officer one month prior to the event; and**
10. **Organisers supply three male and three female toilets to cater for the 400 participants.**

AMENDMENT

Moved Cr Birnbrauer, seconded Cr Sally Pyvis

That item 3 of the Committee Recommendation the words "Community" event and charge the fee of \$550" be replaced with "Commercial" event and charge the fee of \$3000".

Carried 6/3

AMENDMENT

Moved Cr Birnbrauer, seconded Cr Sally Pyvis

That a new condition 11 be added to the Committee Recommendation to read: "Confine Component 2. Silent Yoga Class - 5-30pm to 6.40 pm "to the sand north of Indiana"

Lost 2/7

COUNCIL RESOLUTION

THAT Council approve the application from Lululemon Athletica to host a 'Connect and Celebrate' beach event at Cottesloe Beach on Saturday 7 November 2015, concluding at 7.00pm, subject to the following conditions:

1. Formal support for the event is provided from Cottesloe Surf Life Saving Club;
2. Adequate arrangements for rubbish collection and removal, including the provision for recycling;
3. Class this event as a "Commercial" event and charge the fee of \$3000 per day, and a bond of \$1,000, to be paid prior to the event commencing;
4. The event complies with the *Environmental Protection (Noise) Regulations 1997*;
5. 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*;
6. Compliance with additional relevant sections of the Beach Policy;
7. The event complies with the Town's *Beaches and Beach Reserves Local Law 2012*;
8. Provision of 'certificates of currency' to certify that organisers have adequate public liability and event insurance, provided prior to the event;
9. All signage to be approved by the Chief Executive Officer one month prior to the event; and
10. Organisers supply three male and three female toilets to cater for the 400 participants.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 8/1

10.4.4 APPOINTMENT OF CONSULTANT – FORESHORE REDEVELOPMENT

File Ref: SUB/2022
Attachments: [Confidential Attachment Submitted Prices](#)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Doug Elkins
Manager Engineering Services
Proposed Meeting Date: 22 September 2015
Author Disclosure of Interest: Nil

SUMMARY

Council is asked to engage Cardno to progress the design of the Cottesloe Foreshore Redevelopment.

BACKGROUND

Included in the Depot Funds Strategy is the upgrading of the Cottesloe Foreshore, between Forrest Street and Eric Street. Council has previously adopted a Master Plan for the Cottesloe Foreshore in anticipation of future works. To progress the Master Plan, it is necessary for Council to appoint a multidisciplinary consultancy lead by a landscape architect.

In order to provide flexibility to Council, officers have used the Western Australian Local Government Association ('WALGA') Town Planning Consultancy Services tender panel. Using this tender panel, officers have selected a number of urban design consultancies, considered to be suited to the project, to provide project proposals. Based on an assessment of experience, capacity, understanding of the project and proposed methodology, officers prepared a shortlist. The shortlisted consultancies have made a presentation to Councillors in a workshop setting. Based on the presentation, Councillors attending the workshop have determined a preference for one of the consultancies.

The consultancies that prepared a project proposal were:

- Town Planning Group;
- RPS;
- Cardno;
- Whelans; and
- GHD.

The price submitted for each proposal has been included in a confidential attachment.

Council is now asked to endorse the appointment of Cardno for the progression of the Cottesloe Foreshore redevelopment.

STRATEGIC IMPLICATIONS

The implementation of the Foreshore Master Plan is an identified community priority in the Strategic Community Plan.

POLICY IMPLICATIONS

The appointment of a consultant does not have any policy implications. However, Council has a number of policies that will need to be considered when developing the concept and detailed plans.

STATUTORY ENVIRONMENT

Clause 11. (2) of the *Local Government (Functions and General) Regulations 1996* exempt Council from using a tender process for contracts likely to exceed \$100,000 where the services are to be obtained through the Council Purchasing Service of WALGA. Although Council has not called a tender for the consultancy services, the appointment to the WALGA panel is through an open tender process.

FINANCIAL IMPLICATIONS

The ultimate project investment is dependent on external funding. Although Council has capacity to make a significant financial contribution to the project, achieving the level of amenity expected for Cottesloe beach will require external financial contributions.

STAFFING IMPLICATIONS

Within the suite of projects proposed to be funded under the Depot Funds Strategy, an allowance has been made to hire a project manager. At this stage, the workload does not justify the investment into an additional human resource and it is proposed to manage this project with current staff. However, this may change into the future.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The officer recommendation to appoint Cardno is based on feedback received from Councillors who attended the presentations. Officers are comfortable with the outcome so there is little to add. During the workshop, however, there were a number of questions asked regarding the process moving forward and the scope of the current consultancy – below, clarification is provided.

The proposed consultancy is broken up into three major components. The first component is for the development of a detailed concept design. This design will refine the Master Plan for the entire project length, being from Forrest Street to Eric Street. As a result of this process, a plan will be created that will show what is to be built and where it is to be built, without the detail required to actually build it. From this plan, surface materials and colours, locations of artworks and artefacts, placement of gardens and the alignment of roads and paths will all be determined.

The next major component is detail design of the section of the project between Forrest Street and Napier Street. As noted above, the Town's capacity to pay for construction is limited, and the project will require grant funding. In order to ensure progression of the project, a staged approach to construction has been adopted. Furthermore, as the second stage will require a longer concept design period, due to

Council's desire to re-visit the car park two area, staging the project will enable detailed design and concept design to be undertaken in parallel. Stage one of the project is considered the highest priority, being the section adjacent to the main Cottesloe Beach, and also being the section that surrounds Indiana Tea House, which is also likely to be redeveloped.

In addition to the project stages, elected members sort to understand the public consultation processes (consultation with the community) incorporated into the consultancy scope. The project brief asked for the consultants to undertake target consultation with key stakeholder groups. Large scale public consultation, such as opportunities to comment published in local newspapers, have purposely been retained in the control of the Town. As the WALGA contract allows easy scope adjustments, if the consultants are required for large scale public consultation processes, this can be facilitated.

The final major project element is contract administration and supervision of construction for stage one.

The consultancy brief has been structured to allow each major project element to be commenced at the leisure of the Town. Relevantly, unless funding is secured, the contract administration and supervision component of the consultancy will not be required. In addition, using the WALGA contract allows easy scope enhancements in the case that the second stage of the project can progress to detailed design and construction.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council authorise the Chief Executive Officer to engage Cardno to complete the detailed concept design for the Cottesloe Foreshore Redevelopment, and authorise the Chief Executive Officer to further engage Cardno, for subsequent stages of the Cottesloe Foreshore Redevelopment at the Chief Executive Officer's discretion, as the project requires.

Carried 9/0

10.4.5 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – FINANCIAL ASSISTANCE GRANTS TO LOCAL GOVERNMENT

File Ref: SUB/1939
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Garry Bird
Manager Corporate & Community Services
Proposed Meeting Date: 22 September 2015
Author Disclosure of Interest: Nil

SUMMARY

To consider a request from the Australian Local Government Association (ALGA) with respect to federal funding provided to Local Government through the Financial Assistance Grants program (FAGs).

Specifically, ALGA has requested:

1. Adopting a resolution stating the importance of FAGs to the long term financial sustainability of the Town of Cottesloe; and
2. Write to the Deputy Prime Minister and the Minister for Infrastructure and Regional Development, the Hon Warren Truss MP, raising the importance of the FAGs to Councils Budget and urging Mr Truss to support the restoration of the indexation of FAGs as soon as possible.

BACKGROUND

The Federal Government determined in the 2014 Federal Budget to freeze the indexation of FAGs for three years beginning in the 2014/15 financial year. Over the three year period, this is estimated to cost local government \$925 million in lost revenue.

STRATEGIC IMPLICATIONS

5.4 Maximise income from non-rates sources.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

There are no financial implications upon the Council's current Budget; however a freeze on Financial Assistance Grants will impact on Council's Long Term Financial Plan. WALGA has advised that freezing FAGs at their current level until 2017-2018 will result in a permanent reduction of the FAGs base by 13%.

The Town of Cottesloe has budgeted to receive \$178,197 in FAGs in the 2014/15 financial year. If this value was to be indexed to the rate of inflation (average 2.5% per annum over the three year period) the estimated loss of income will be \$13,700.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Australian Local Government Association and State Local Government associations are seeking the support of Council for advocacy to have the Federal Government reverse the decision to freeze the indexation of FAGs. While the FAGs are paid through each States Local Government Grants Commission, the funding originates with the Commonwealth and it is important it is recognised as such. The Town of Cottesloe and every other Council in Australia have been asked to pass a resolution acknowledging the importance of the Commonwealth's Financial Assistance Grants program in assisting Councils to provide important community infrastructure.

Council is also being asked to acknowledge the receipt of Financial Assistance Grants from the Commonwealth in media releases and Council publications including its Annual Report and to highlight to the media a Council project costing similar size to the FAGs received by Council, such that the importance and impact of the grants can be more broadly appreciated.

The Officer is in full support of the request from ALGA.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council:

- 1. Acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of Councils services and infrastructure;**
- 2. Acknowledges that the Town of Cottesloe will receive \$178,197 funding from the program in 2014/15;**
- 3. Will ensure that this federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in Council publications, including Annual Reports; and**

4. Write to the Deputy Prime Minister and the Minister for Infrastructure and Regional Development, the Hon Warren Truss MP, raising the importance of the FAGs to Councils Budget and urging Mr Truss to support the restoration of the indexation of FAGs as soon as possible.

Carried 9/0

**10.4.6 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2015
TO 31 AUGUST 2015**

File Ref: SUB/1878
Responsible Officer: Garry Bird
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 22 September 2015
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present the Statutory Financial Statements and other supporting financial information to Council for the period 1 July 2015 to 31 August 2015.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Statement of Financial Activity on page 1 of the attached Financial Statements shows operating revenue of \$21,867 or 5% less than year to date budget which is in most part due to the timing of the Financial Assistance Grant funding as outlined in the Variance Analysis Report on pages 7 to 9 of the attached Financial Statements. Operating expenditure is \$497,904 or 24% less than year to date budget and the main factor contributing towards this is the fact that depreciation is not able to be processed until the finalisation of the financial statements for the year ended 30 June 2015 which is expected in October 2015. Capital expenditure, which is detailed on pages 26 to 32 of the attached Financial Statements, is \$158,457 or 40% more than

year to date budget due in most part to timing of expenditure of Street Furniture Construction at the Town Centre.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council receive the Statutory Financial Statements including other supporting financial information as submitted to the 22 September 2015 meeting of the Works and Corporate Services Committee.

Carried 9/0

10.4.7 SCHEDULES OF INVESTMENTS AND LOANS AS AT 31 AUGUST 2015

File Ref: SUB/1878
Responsible Officer: Garry Bird
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 22 September 2015
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present to Council the Schedule of Investments and the Schedule of Loans as at 31 August 2015, as included in the attached Financial Statements.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on page 21 of the attached Financial Statements shows a balance of \$11,592,848.80 as at 31 August 2015. Approximately 37% of these funds were invested with Bankwest, 30% with National Australia Bank, 17% with Commonwealth Bank and 16% with Westpac Bank.

The Schedule of Loans on page 22 of the attached Financial Statements shows a balance of \$5,147,327.01 as at 31 August 2015. Included in this balance is \$232,890.62 that relates to self supporting loans.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council receive the Schedule of Investments and the Schedule of Loans as at 31 August 2015. These schedules are included in the attached Financial Statements as submitted to the meeting of the Works and Corporate Services Committee on 22 September 2015.

Carried 9/0

10.4.8 LIST OF ACCOUNTS PAID FOR THE MONTH OF AUGUST 2015

File Ref: SUB/1878
Responsible Officer: Garry Bird
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 22 September 2015
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present to Council the list of accounts paid for the month of August 2015, as included in the attached Financial Statements as presented to the meeting of the Works and Corporate Services Committee on 22 September 2015.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The list of accounts paid for the month of August 2015 is included on pages 10 to 17 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 the quarterly contribution to the Grove Library
- \$26,810.35 for a new utility vehicle
- \$46,011.69 to Cobblestone Concrete for the installation of footpaths
- \$43,958.84 to Perthwaste Green Recycling for the collection/disposal of waste

- \$400,000.00, \$400,000.00 and \$400,000.00 to the Town investment account held with National Australia Bank
- \$480,000.00 and \$475,000.00 being new term deposits held with National Australia Bank
- \$480,000.00 to the Commonwealth Bank of Australia for a new term deposit

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council receive the list of accounts paid for the month of August 2015 as included in the attached Financial Statements, as submitted to the 22 September 2015 meeting of the Works and Corporate Services Committee.

Carried 9/0

10.4.9 RATES AND SUNDRY DEBTORS AS AT 31 AUGUST 2015

File Ref: SUB/1878
Responsible Officer: Garry Bird
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 22 September 2015
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present to Council the Rates and Sundry Debtors Reports as at 31 August 2015, as included in the attached Financial Statements as submitted to the meeting of the Works and Corporate Services Committee on 22 September 2015.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report on pages 23 and 24 of the attached Financial Statements shows a total balance outstanding of \$186,813.73 as at 31 August 2015. Of this amount, \$54,777.00 relates to a non current loan debtor with a community organisation, and of the remaining balance \$59,394.26 is under sixty days old with the balance of aged debtors being \$72,642.47.

The Rates and Charges Analysis on page 25 of the attached Financial Statements shows a total balance outstanding of \$5,191,347.43 as at 31 August 2015 of which \$177,079.27 and \$771,971.77 relates to deferred rates and outstanding emergency

services levies respectively. The Statement of Financial Position on page 4 of the attached Financial Statements shows total rates outstanding as a current asset of \$5,655,661 as compared to \$5,815,639 this time last year.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council receive the Rates and Charges Analysis Report and Sundry Debtors Report as at 31 August 2015 as submitted to the 22 September 2015 meeting of the Works and Corporate Services Committee.

Carried 9/0

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

Nil

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

12.1 ELECTED MEMBERS

Nil

12.2 OFFICERS

Nil

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

Nil

14 MEETING CLOSURE

The Mayor announced the closure of the meeting at 8:31 PM.

CONFIRMED MINUTES OF 29 September 2015 PAGES 1 – 80 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

DATE: / /