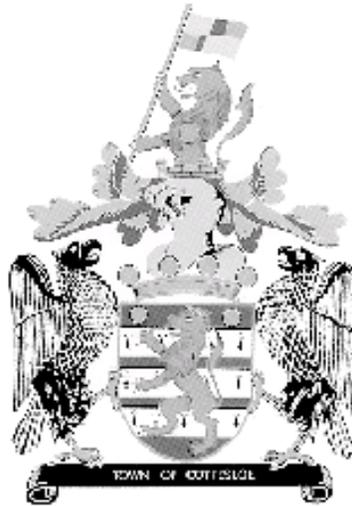


TOWN OF COTTESLOE



SPECIAL COUNCIL MEETING

MINUTES

**SPECIAL MEETING OF COUNCIL
HELD IN THE
COUNCIL CHAMBERS, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
7.00 PM, MONDAY, 09 MARCH, 2009**

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Mayor announced the meeting opened at 7:00pm.

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

Elected Members

Mayor Kevin Morgan
Cr Greg Boland
Cr Patricia Carmichael
Cr Dan Cunningham
Cr Jo Dawkins
Cr Bryan Miller
Cr John Utting
Cr Jack Walsh
Cr Ian Woodhill

Officers

Mr Carl Askew	Chief Executive Officer
Mr Graham Pattrick	Manager Corporate Services
Mr Geoff Trigg	Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Ms Krystal Shenton	Executive Assistant

Apologies

Cr Jay Birnbrauer
Cr Victor Strzina

Officer Apologies

Nil

Leave of Absence (previously approved)

Nil

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PUBLIC STATEMENT TIME

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Mayor opened the meeting by presenting Council with a piece of art titled "Bull Ant Chair" presented to the Town from Sculpture by the Sea to commemorate the 2009 Cottesloe Sculpture by the Sea Exhibition.

7.1 SUSPENSION OF STANDING ORDER 12.1 – MEMBERS TO RISE

Moved Cr Miller, seconded Cr Dawkins

BACKGROUND

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

Standing Orders 12.1 and 21.5 read as follows:

Members to Rise

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

Suspension of Standing Orders

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

RECOMMENDATION

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

Carried 9/0

8 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

MOTION FOR COMMITTEE OF THE WHOLE

In accordance with Council's Local Law No.1 – Standing Orders item 15.6 “That Council move into a Committee of the Whole – Effect of Motion”

This motion, having been carried, will allow free and open discussion on the matter before the meeting. Councillors will not be required to stand, nor will there be restrictions on the number of times each councillor may speak, provided that normal courtesy and order is maintained. Any decisions made during the time that the council sits in committee of the whole must be formally agreed by a substantive motion when the council moves out of the committee of the whole.

RECOMMENDATION

Moved Cr Miller, seconded Cr Boland

That Council move into a Committee of the Whole.

Carried 7/2

9. REPORTS OF OFFICERS**9.1 CHIEF EXECUTIVE OFFICER****9.1.1 WESROC STRATEGY - RISING TO THE CHALLENGE: REFORM OPTIONS FOR THE WESTERN SUBURBS**

File No: sub/000
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer

Proposed Meeting Date: 9-Mar-2009
Author Disclosure of Interest Nil

SUMMARY

A special meeting of the WESROC Board was held on Wednesday 18 February 2009.

The purpose of the meeting was to;

- discuss the Minister for Local Government's announcement on 5 February in relation to the Liberal-National Government package of Local Government reform strategies; and
- progress the recommendations contained within the WESROC report prepared by Professor Brian Dollery and Dr Andrew Johnson *Rising to the Challenge: Reform Options for the Western Suburbs*.

It was resolved that WESROC:

- 1. Endorse, in principle, the Dollery Report "Rising to the Challenge: Reform Options for the Western Suburbs" as a foundation planning document for WESROC and that the report be forwarded to and considered by each member Council.*
- 2. Support the appointment of a consultant, as per the previous resolution of WESROC, to review the recommendation of the Dollery report and, taking into account the Ministers Guidelines, prepare a proposal for WESROC and member Council's to consider submitting to the Minister in response to his restructuring of Local Government.*

This report recommends that Council consider and support the above position and recommendation from WESROC, and advise the Board accordingly.

BACKGROUND

The municipal authorities of the western suburbs of Perth (WESROC) have established a variety of initiatives to enhance regional cooperation and improve service delivery to their respective communities over a number of years. WESROC is a *collaborative partnership* of Councils which aims to facilitate and coordinate activities designed to promote community and economic development within the region and to enhance that capacity of member local governments.

The WESROC Board is comprised of the respective Mayors and Presidents of the member Councils and the board is supported by an Executive comprising of the local government Chief Executive Officers. Each year WESROC undertakes a number of joint initiatives/projects.

In 2008 Professor Brian Dollery and Dr Andrew Johnson (New England Education and Research Proprietary Limited) prepared for WESROC a comprehensive report on local government structural reform, regional resource sharing and cooperation. The report, some 250 pages in length, spans theory and research about local government performance, with a special emphasis on evaluating structural reform programs in Australia and local government cooperation. The report makes 17 recommendations and has been forwarded to all Councillors.

At its December 2008 meeting the WESROC Board was presented with a summary of the Dollery report and a recommended way forward. The Dollery report was put forward as the base plan to be developed into an operating plan for WESROC. Specifically, it was recommended that the WESROC Board implement recommendations 1 and 2 from the report immediately in order to bring a new resolve to the implementation of regional cooperative and resource sharing arrangements. These recommendations are;

- *Recommendation 1: WESROC consider establishing a dedicated Secretariat and CEO [Executive Manager WESROC] to ensure that adequate resources are available to assist in the increased work load.*
- *Recommendation 2: Given the pivotal role of the CEO [Executive Manager WESROC] special care is taken in appointing a suitable person.*

It was argued that with a dedicated staff resource a practical way forward could be found, including the attainment of “quick wins” and the increased involvement of the WESROC Board in decision-making processes. It was also proposed that the position be filled for a minimum of 3 years or until such time as the full resourcing implications were known following the development of a new WESROC operational plan.

The WESROC Board meeting of 4 March 2009 focused on the Structural Reform Guidelines developed by the Minister’s *Local Government Reform Steering Committee* and the implications for all WESROC Councils, including the request, amongst others, to complete and forward a detailed checklist by 30 April 2009 as well as a formal submission by 31 August 2009. The Board agreed that these matters required

significant consideration by each local government, including communication with their respective communities.

The Board resolved to engage, through its executive committee, suitably qualified consultant(s) to assess for comparison purposes, the likely costs and benefits of;

1. An amalgamation of the WESROC councils.
2. An amalgamation of Cottesloe, Mosman Park and Peppermint Grove Councils together with an amalgamation of Claremont and Nedlands Councils, with Subiaco remaining independent.
3. A fast tracked (2 – 3 year) maximization of regional cooperation and resource sharing amongst the WESROC Councils.

The assessment is to include consideration of matters the subject of the Structural Reform Guidelines and should assume that district boundary changes are a possibility irrespective of which if any of these options were to prevail. The Board also agreed to refer these matters to each member Council for noting and information.

CONSULTATION

WESROC Executive & Board.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The potential strategic implications for Council are significant. Whilst Council has a Future Plan for the period 2006 – 2010 and has endorsed action plans through the budget process in 2008-09 to achieve its goals, any future strategic planning and subsequent actions will need to address the issue of structural reform. The announcement by the Minister for Local Government in relation to reform strategies has brought into sharp focus the need for the Town to consider its position with regard to the Ministers call for;

- voluntary amalgamations to form larger local governments,
- reduce the total number of elected members to between six and nine and
- local governments to form appropriate regional groupings of councils to assist with the effective delivery of services.

The Town is required to formally respond to the Minister outlining its intentions on these matters by 31 August 2009. The Minister has established a Local Government Reform Steering Committee who will, through the Department of Local Government and Regional Development, be providing additional details with regard to the implementation of these strategies. A copy of the Minister's announcement and the Local Government Reform Steering Committee *Structural Reform Guidelines* are attached to this report.

STATUTORY REQUIREMENTS

Local Government Act 1995, particularly section 2.1 and Schedule 2.1.

*Division 1 — Districts and wards***2.1. STATE DIVIDED INTO DISTRICTS**

- (1) *The Governor, on the recommendation of the Minister, may make an order —*
 - (a) *declaring an area of the State to be a district;*
 - (b) *changing the boundaries of a district;*
 - (c) *abolishing a district; or*
 - (d) *as to a combination of any of those matters.*
- (2) *Schedule 2.1 (which deals with creating, changing the boundaries of, and abolishing districts) has effect.*
- (3) *The Minister can only make a recommendation under subsection (1) if the Advisory Board has recommended under Schedule 2.1 that the order in question should be made.*

Schedule 2.1 — Provisions about creating, changing the boundaries of, and abolishing districts

[Section 2.1(2)]

1. Interpretation

In this Schedule, unless the contrary intention appears —

“affected electors”, in relation to a proposal, means —

- (a) *electors whose eligibility as electors comes from residence, or ownership or occupation of property, in the area directly affected by the proposal;*
or
- (b) *where an area of the State is not within or is not declared to be a district, people who could be electors if it were because of residence, or ownership or occupation of property, in the area directly affected by the proposal;*

“affected local government” means a local government directly affected by a proposal;

“notice” means notice given or published in such manner as the Advisory Board considers appropriate in the circumstances;

“proposal” means a proposal made under clause 2 that an order be made as to any or all of the matters referred to in section 2.1.

2. Making a proposal

- (1) *A proposal may be made to the Advisory Board by —*
-

- (a) *the Minister;*
 - (b) *an affected local government;*
 - (c) *2 or more affected local governments, jointly; or*
 - (d) *affected electors who —*
 - (i) *are at least 250 in number; or*
 - (ii) *are at least 10% of the total number of affected electors.*
- (2) *A proposal is to —*
- (a) *set out clearly the nature of the proposal and the effects of the proposal on local governments;*
 - (b) *be accompanied by a plan illustrating any proposed changes to the boundaries of a district; and*
 - (c) *comply with any regulations about proposals.*

3. *Dealing with proposals*

- (1) *The Advisory Board is to consider any proposal.*
- (2) *The Advisory Board may, in a written report to the Minister, recommend* that the Minister reject a proposal if, in the Board's opinion —*
- (a) *the proposal is substantially similar in effect to a proposal on which the Board has made a recommendation to the Minister within the period of 2 years immediately before the proposal is made; or*
 - (b) *the proposal is frivolous or otherwise not in the interests of good government.*
- * Absolute majority required.*
- (3) *If, in the Advisory Board's opinion, the proposal is —*
- (a) *one of a minor nature; and*
 - (b) *not one about which public submissions need be invited,*
- the Board may, in a written report to the Minister, recommend* that the Minister reject the proposal or that an order be made in accordance with the proposal.*
- * Absolute majority required.*
- (4) *Unless it makes a recommendation under subclause (2) or (3), the Advisory Board is to formally inquire into the proposal.*

4. *Notice of inquiry*

- (1) *Where a formal inquiry is required the Advisory Board is to give —*
- (a) *notice to affected local governments, affected electors and the other electors of districts directly affected by the proposal; and*
 - (b) *a report to the Minister.*
- (2) *The notice and report under subclause (1) are to —*
- (a) *advise that there will be a formal inquiry into the proposal;*
-

- (b) *set out details of the inquiry and its proposed scope; and*
- (c) *advise that submissions may be made to the Board not later than 6 weeks after the date the notice is first given about —*
 - (i) *the proposal; or*
 - (ii) *the scope of the inquiry.*
- (3) *If, after considering submissions made under subclause (2)(c), the Advisory Board decides* that the scope of the formal inquiry is to be significantly different from that set out in the notice and report under subclause (1), it is to give —*
 - (a) *another notice to affected local governments, affected electors and the other electors of districts directly affected by the proposal; and*
 - (b) *another report to the Minister.*
- (4) *The notice and report under subclause (3) are to —*
 - (a) *set out the revised scope of the inquiry; and*
 - (b) *advise that further submissions about the proposal, or submissions about matters relevant to the revised scope of the inquiry, may be made to the Board within the time set out in the notice.*

** Absolute majority required.*

5. Conduct of inquiry

- (1) *A formal inquiry is to be carried out, and any hearing for the purposes of the inquiry is to be conducted, in a way that makes it as easy as possible for interested parties to participate fully.*
- (2) *In carrying out a formal inquiry the Advisory Board is to consider submissions made to it under clause 4(2)(c) and (4)(b) and have regard, where applicable, to —*
 - (a) *community of interests;*
 - (b) *physical and topographic features;*
 - (c) *demographic trends;*
 - (d) *economic factors;*
 - (e) *the history of the area;*
 - (f) *transport and communication;*
 - (g) *matters affecting the viability of local governments; and*
 - (h) *the effective delivery of local government services,*

but this does not limit the matters that it may take into consideration.

6. Recommendation by Advisory Board

- (1) *After formally inquiring into a proposal, the Advisory Board, in a written report to the Minister, is to recommend* —*

- (a) *that the Minister reject the proposal;*
- (b) *that an order be made in accordance with the proposal; or*
- (c) *if it thinks fit after complying with subclause (2), the making of some other order that may be made under section 2.1.*

** Absolute majority required.*

- (2) *The Advisory Board is not to recommend to the Minister the making of an order that is significantly different from the proposal into which it formally inquired unless the Board has —*

- (a) *given* notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation of its intention to do so;*
- (b) *afforded adequate opportunity for submissions to be made about the intended order; and*
- (c) *considered any submissions made.*

** Absolute majority required.*

7. *Minister may require a poll of electors*

In order to assist in deciding whether or not to accept a recommendation of the Advisory Board made under clause 6, the Minister may require that the Board's recommendation be put to a poll of the electors of districts directly affected by the recommendation.

8. *Electors may demand a poll on a recommended amalgamation*

- (1) *Where the Advisory Board recommends to the Minister the making of an order to abolish 2 or more districts (“**the districts**”) and amalgamate them into one or more districts, the Board is to give notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation about the recommendation.*
- (2) *The notice to affected electors has to notify them of their right to request a poll about the recommendation under subclause (3).*
- (3) *If, within one month after the notice is given, the Minister receives a request made in accordance with regulations and signed by at least 250, or at least 10%, of the electors of one of the districts asking for the recommendation to be put to a poll of electors of that district, the Minister is to require that the Board's recommendation be put to a poll accordingly.*
- (4) *This clause does not limit the Minister's power under clause 7 to require a recommendation to be put to a poll in any case.*

9. *Procedure for holding poll*

Where, under clause 7 or 8, the Minister requires that a recommendation be put to a poll —

- (a) *the Advisory Board is to —*
 - (i) *determine the question or questions to be answered by electors; and*
 - (ii) *prepare a summary of the case for each way of answering the question or questions;*
- and*
- (b) *any local government directed by the Minister to do so is to —*
 - (i) *in accordance with directions by the Minister, make the summary available to the electors before the poll is conducted; and*
 - (ii) *conduct the poll under Part 4 and return the results to the Minister.*

10. Minister may accept or reject recommendation

- (1) *Subject to subclause (2), the Minister may accept or reject a recommendation of the Advisory Board made under clause 3 or 6.*
- (2) *If at a poll held as required by clause 8 —*
 - (a) *at least 50% of the electors of one of the districts vote; and*
 - (b) *of those electors of that district who vote, a majority vote against the recommendation,**the Minister is to reject the recommendation.*
- (3) *If the recommendation is that an order be made and it is accepted, the Minister can make an appropriate recommendation to the Governor under section 2.1.*

10A. Recommendations regarding names, wards and representation

- (1) *The Advisory Board may —*
 - (a) *when it makes its recommendations under clause 3 or 6; or*
 - (b) *after the Minister has accepted its recommendations under clause 10,**in a written report to the Minister, recommend the making of an order to do any of the things referred to in section 2.2(1), 2.3(1) or (2) or 2.18(1) or (3) that the Board considers appropriate.*
- (2) *In making its recommendations under subclause (1) the Advisory Board —*
 - (a) *may consult with the public and interested parties to such extent as it considers appropriate; and*
 - (b) *is to take into account the matters referred to in clause 8(c) to (g) of Schedule 2.2 so far as they are applicable.*

11. Transitional arrangements for orders about districts

- (1) *Regulations may provide for matters to give effect to orders made under section 2.1 including —*
 - (a) *the vesting, transfer, assumption or adjustment of property, rights and liabilities of a local government;*
 - (b) *the extinguishment of rights of a local government;*
-

- (c) *the winding up of the affairs of a local government;*
 - (d) *the continuation of actions and other proceedings brought by or against a local government before the taking effect of an order under section 2.1;*
 - (e) *the bringing of actions and other proceedings that could have been brought by or against a local government before the taking effect of an order under section 2.1;*
 - (f) *if the effect of an order under section 2.1 is to unite 2 or more districts, the determination of the persons who are to be the first mayor or president, and deputy mayor or deputy president, of the new local government;*
 - (g) *the continuation of any act, matter or thing being done under another written law by, or involving, a local government.*
- (2) *Subject to regulations referred to in subclause (1), where an order is made under section 2.1 any local governments affected by the order (including any new local government created as a result of the order) are to negotiate as to any adjustment or transfer between them of property, rights and liabilities.*
- (3) *Where an order is made under section 2.1 the Governor may, by order under section 9.62(1), give directions as to any of the matters set out in subclause (1) if, and to the extent that, those matters are not resolved by regulations referred to in that subclause or by negotiation under subclause (2).*
- (4) *A contract of employment that a person has with a local government is not to be terminated or varied as a result (wholly or partly) of an order under section 2.1 so as to make it less favourable to that person unless —*
- (a) *compensation acceptable to the person is made; or*
 - (b) *a period of at least 2 years has elapsed since the order had effect.*
- (5) *The rights and entitlements of a person whose contract of employment is transferred from one local government to another, whether arising under the contract or by reason of it, are to be no less favourable to that person after the transfer than they would have been had the person's employment been continuous with the first local government.*
- (6) *If land ceases to be in a particular district as a result of an order under section 2.1, any written law that would have applied in respect of it if the order had not been made continues to apply in respect of the land to the extent that its continued application would be consistent with —*
- (a) *any written law made after the order was made; and*
 - (b) *any order made by the Governor under subclause (8).*
- (7) *Regulations may make provision as to whether or not, or the modifications subject to which, a written law continues to apply in respect of land under subclause (6).*
- (8) *The Governor may, in a particular case, by order, vary the effect of subclause (6) and regulations made in accordance with subclause (7).*

[Schedule 2.1 amended by No. 64 of 1998 s.52.]

SUSTAINABILITY IMPLICATIONS

The final outcome in regard to the Dollery report and the Minister's reform agenda may have an impact upon Council's future objectives and plans however this is unknown at this stage.

FINANCIAL IMPLICATIONS

Council currently contributes, as part of its annual budget, to a number of WESROC initiatives. The budgeted allocation for 2008/09 is \$64,631 however the current proposal from WESROC, including the appointment of an Executive Manager and/or secretariat support, may involve a modest increase in that allocation.

The resources required to address the issues contained within the Dollery report may have a significant impact upon Council's future budgets whilst the potential cost of any future amalgamation or shared services arrangement is unknown.

In the immediate term there will be significant human resource costs (officer time) to Council in responding to the Minister's Structural Reform agenda.

STAFF COMMENT

The Dollery report provides a sound foundation document and plan for the continuation of resource sharing and cooperation across the western suburbs. The recommendations put forward by WESROC will, if all Council's participate and provide a united front to the Minister, demonstrate a commitment to reform and resource sharing whilst maintaining local participation and democracy.

Local governments in the Western Suburbs have previously been singled out for potential amalgamation and all councils will be forming their own views on amalgamation proposals in the next few months. At the mayoral level within WESROC there is little enthusiasm for a creating a large single Western Suburbs Council or alternatively, creating another level of government at a formal regional level without knowing the net benefits that are to be gained in terms of improved governance, cost savings and service improvements. It has also been acknowledged that elected member representation *could* be reduced at the local Council level and that local government boundaries *could* be redrawn to better align with existing, rather than historic, communities of interest. However these are matters that should properly be addressed at local council and community level rather than at the WESROC level in the first instance.

Rather than potentially delay things with the preparation and implementation of a case for the formalisation of WESROC as an organisation, it was recommended that as a matter of urgency the WESROC Board place before each of the member local governments the matter of increased regional resource sharing and regional cooperation by adopting the recommendation outlined below.

In addition, the WESROC Board has also recently resolved to engage, through its executive committee, suitably qualified consultant(s) to assess for comparison purposes, the likely costs and benefits of;

- an amalgamation of the WESROC councils
- an amalgamation of Cottesloe, Mosman Park and Peppermint Grove Councils, together with an amalgamation of Claremont and Nedlands Councils, with Subiaco remaining independent
- a fast tracked (2 – 3 year) maximization of regional cooperation and resource sharing amongst the WESROC Councils and,

that any assessment is to include consideration of matters the subject of the Structural Reform Guidelines and should assume that district boundary changes are a possibility irrespective of which if any of these options were to prevail.

The officer recommendation is made with a view to specifically acknowledging the government's reform agenda.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Mayor Morgan, seconded Cr Cunningham

That Council:

1. Endorse, in principle, the Dollery Report "Rising to the Challenge: Reform Options for the Western Suburbs" as a foundation planning document for WESROC member council's and use it to support a submission to the Minister, in response to his proposed reform strategies for restructuring of Local Government.
2. Advise WESROC of its position.
3. Note that the WESROC Board has resolved to engage, through its executive committee, suitably qualified consultant(s) to assess for comparison purposes, the likely costs and benefits of;
 - 3.1 an amalgamation of the WESROC councils,
 - 3.2 an amalgamation of Cottesloe, Mosman Park and Peppermint Grove Councils, together with an amalgamation of Claremont and Nedlands Councils, with Subiaco remaining independent,
 - 3.3 a fast tracked (2 – 3 year) maximization of regional cooperation and resource sharing amongst the WESROC Councils, and
 - 3.4 that the assessment is to include consideration of matters the subject of the Structural Reform Guidelines assuming that district boundary changes are a possibility irrespective of which if any of the above options were to prevail.

AMENDMENT

Moved Mayor Morgan, seconded Cr Cunningham

That recommendation 3 (3.4) be amended by deleting the numerical reference 3.4 and the words “*that the*” and replacing them with the word “*This*”, so that the last paragraph relates to the entire resolution.

Carried 8/1

AMENDMENT

Moved Mayor Morgan, seconded Cr Dawkins

That an additional part 4 be included to read “*Request a report by April 2009 on two possible options to reduce elected member numbers in the Town of Cottesloe; (i) eight members over four wards and (ii) six members with no wards, both options exclusive of a directly elected Mayor with no changes before the elections in October 2011*”.

Carried 9/0

AMENDMENT

Moved Cr Cunningham, seconded Cr Carmichael

That point 4 of the amended Council resolution be further amended for the officer report to consider possible options to reduce elected members numbers “*for either the 2009 or 2011 October elections*”.

Carried 5/4

AMENDMENT

Moved Cr Walsh, seconded Cr Woodhill

That after the words “*the likely costs and benefits*” in part 3 of the recommendation, the following additional words be included “*(including social costs and benefits)*”.

Carried 9/0

THE SUBSTANTIVE MOTION WAS PUT

Carried 9/0

COUNCIL RESOLUTION

That Council:

- 1. Endorse, in principle, the Dollery Report “Rising to the Challenge: Reform Options for the Western Suburbs” as a foundation planning document for WESROC member council’s and use it to support a submission to the Minister, in response to his proposed reform strategies for restructuring of Local Government.**
- 2. Advise WESROC of its position.**

- 3. Note that the WESROC Board has resolved to engage, through its executive committee, suitably qualified consultant(s) to assess for comparison purposes, the likely costs and benefits (including social costs and benefits) of;**
 - 3.1 an amalgamation of the WESROC councils,**
 - 3.2 an amalgamation of Cottesloe, Mosman Park and Peppermint Grove Councils, together with an amalgamation of Claremont and Nedlands Councils, with Subiaco remaining independent, and**
 - 3.3 a fast tracked (2 – 3 year) maximization of regional cooperation and resource sharing amongst the WESROC Councils.**

This assessment is to include consideration of matters the subject of the Structural Reform Guidelines assuming that district boundary changes are a possibility irrespective of which if any of the above options were to prevail.

- 4. Request a report by April 2009 on two possible options to reduce elected member numbers in the Town of Cottesloe; (i) eight members over four wards and (ii) six members with no wards, both options exclusive of a directly elected Mayor, for either the 2009 or 2011 October elections”.**

9.2 MANAGER DEVELOPMENT SERVICES**9.2.1 PROPOSED LOCAL PLANNING SCHEME NO. 3 – ENQUIRY BY DESIGN – OUTCOMES REPORTS & SCHEME PROPOSALS – FOLLOW-UP REPORT TO COUNCIL**

File No: SUB/719 & SUB/720
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services

Proposed Meeting Date: 9-Mar-2009
Author Disclosure of Interest Nil

BACKGROUND

Council at its February 2009 meeting received a report on the outcomes of the Enquiry by Design (EbD) and resolved to:

Note the status report on the draft outcomes and progress of the Enquiry by Design so far and agree to recommit this item to a special Meeting of Council, tentatively scheduled for Monday 9 March 2009, to enable completion of the consultant reports and formulation of agreed proposed Building Design Controls, for consideration of approval to advertise the proposed Building Design Controls and to pursue the other components of the Enquiry by Design.

This follow-up report adds to the previous report, which is an attachment and should be read for the detailed background. This follow-up report addresses the:

- Completed main report by Hames Sharley on the EbD findings.
- Formulated draft Building Design Controls (BDC) intended for incorporation into proposed Local Planning Scheme No. 3 (LPS3).

These products are the result of further liaison between the Town, Department for Planning and Infrastructure (DPI) and Hames Sharley. They have been agreed to in-principle to enable reporting back to Council to endorse the next steps, in particular advertising the draft BDC towards finalisation of LPS3.

The required outcomes from the EbD comprise:

1. BDC for the two beachfront hotel sites, to be incorporated into LPS3 via Special Control Area 2.
 2. A Foreshore Concept Plan for the public domain foreshore, as an adjunct to LPS3 to be implemented via separate means.
 3. A Preliminary Structure Plan for the railway lands west of the Town Centre to address Curtin Avenue, connectivity and development, as the basis for a future formalised structure plan via Development Zone E of LPS3.
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Hence the focus of this officer report is to now propose:

- Advertising of the draft BDC to be considered for inclusion in LPS3.
- Ongoing actions to pursue those matters extending beyond the Scheme.

MAIN REPORT

The main report by Hames Sharley has been refined in terms of format and technical content to be more streamlined and detailed, to the satisfaction of the Town and the DPI. The upgraded version:

- Identifies the record of the EbD proceedings by Estill & Associates, the facilitators, as an accompanying report.
- Contains as an appendix the supplementary report by Rawlinson Quantity Surveyors on cost estimates of the rail and road options examined, together with supporting explanatory material.
- Contains as an appendix the indicative BDC and related graphics as formulated under guidance by the Town and DPI.

Most of the refinements are to section 4 about the two beachfront hotel sites, in order to ensure comprehensiveness, clarity, consistency and accuracy, as this section is the foundation for the BDC. The sections dealing with the foreshore and railway lands have needed little alteration.

Overall the report conveys the enquiry framework, planning context and proposals arising as the background study document to the enquiry outcomes. It is now sufficiently finalised to enable advertising of the draft BDC and any fine-tuning can be carried out as part of the public advertising process. Note that it is the proposals from the EbD which are to be advertised rather than the report itself.

DRAFT BUILDING DESIGN CONTROLS

The previous report described the nature and construct of the envisaged BDC and demonstrated how they would appear and operate in the scheme text. Since then considerable liaison has occurred between the Town and DPI to finalise thorough and specific BDC, having regard to conclusions of the Hames Sharley report and the way in which LPS3 works.

The revised appendix comprises the following components which would incorporate the draft BDC in the scheme text:

- Proposed core provisions in clause 6.4, comprising the key BDC drawn from the EbD, regarding height, setbacks, parking, vehicular access, use, dwelling size, short-stay accommodation, subdivision/strata subdivision and building design. Also included are operational provisions governing discretion, precedence and correlation with other clauses.
- Proposed revised Schedule 14 in respect of Development Zone 'A' for the Ocean Beach Hotel site, as the BDC overtake the current provisions to some extent.

- Proposed new Schedule 15, which contains the expanded BDC from the Hames Sharley report, including the building envelope diagrams controlling the extent of development on the two hotel sites as stipulated in the core provisions. These guidelines cover design principles and development criteria which apply in conjunction with the core provisions.

APPENDIX: DRAFT BUILDING DESIGN CONTROLS TO BE ADVERTISED
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PROPOSED CORE PROVISIONS:**6.4. Special Control Area 2 – Cottesloe Beach Hotel and Ocean Beach Hotel**

6.4.1 The objectives of this Special Control Area are to —

- (a) ensure that development of these sites is compatible with the beachfront location, surrounding development and amenity of the locality; and
- (b) Building Design Controls are formulated to guide and manage built form, bulk and scale, streetscape character, amenity impacts and other relevant considerations accordingly.

6.4.2 In this Special Control Area, the following development standards or requirements shall apply as Building Design Controls, and shall not be subject to any variation provided for by clauses 5.5 or 7.5 or any other provision of the Scheme. The Building Design Controls comprise specific controls that apply in addition to any other applicable provision or development standard or requirement under the Scheme. Where there is any inconsistency between a specific Building Design Control and any more general provision or development standard or requirement of the Scheme, the more specific Building Design Control shall prevail.

- (a) the height of all development for any use, at the Marine Parade frontage, shall be a maximum of three-storey in order to avoid -
 - (i) adverse building bulk impacts;
 - (ii) adverse overshadowing impacts; and
 - (iii) adverse streetscape character impacts;

and shall conform to the requirements for three-storey development as set out in clause 5.7.2;

- (b) the maximum extent of development of each site which may be approved shall comply with the building envelope diagrams for the Cottesloe Beach

Hotel and Ocean Beach Hotel sites in Schedule 15, notwithstanding the requirements of Table 2 or any other provision of the Scheme;

(c) in respect of vehicle parking requirements, the provisions of Table 3 and the Residential Design Codes are modified as follows –

- (i) Hotel or Motel use: 0.5 spaces for each room used as a bedroom to be held in-common on the site for the exclusive use of the occupiers of such bedrooms;
- (ii) Grouped Dwelling or Multiple Dwelling use: a maximum of 1 space per dwelling for dwellings of no more than 100 square metres of plot ratio floor area, with no visitor parking required, and a maximum of 2 spaces per dwelling for dwellings of more than 100 square metres of plot ratio floor area, with no visitor parking required; and
- (iii) all other uses: in accordance with Table 3, except that a maximum of 10 per cent of the required spaces shall be provided on-site with the balance being provided as cash in lieu pursuant to Clause 5.8;

(d) the average dwelling size calculated over the whole of each site shall be a maximum of 100 square metres of plot ratio floor area;

(e) For the Cottesloe Beach Hotel site:

- (i) the maximum height of development shall be four storeys and 15 metres in accordance with the building envelope diagram in Schedule 15, including the following specific measures:
 - to the Marine Parade frontage, the maximum three-storey height of development;
 - to the John Street frontage, a maximum height of development of three storeys and 12 metres;
 - to the Warnham Road frontage, a maximum height of development of four storeys and 15 metres;
 - to John Street and Warnham Road, the minimum boundary setbacks for development shall be 1.8m for the first two storeys and 3.6m for the third or fourth storeys, however, subject to the approval of the local government, balconies to the second storey may project to the street boundary and balconies to the third storey may project to the 1.8m setback;
 - any basement for parking which projects above- ground shall conform to the requirements of clause 5.7.1;
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all designed so as to avoid adverse building bulk impacts, adverse overshadowing impacts, adverse streetscape character impacts and adverse impacts on public views from the Cottesloe Civic Centre grounds.

- (ii) notwithstanding the use permissions in Table 1, Multiple Dwelling may be permitted as an 'A' use on the rear portion of the site as defined on the building envelope diagram in Schedule 15, but only subject to and concurrently with conservation and redevelopment to the satisfaction of the local government of the existing hotel building on that portion of the site as shown on the building envelope diagram in Schedule 15, and that redevelopment shall incorporate a minimum of 50 hotel rooms, which shall be managed together with the hotel;
 - (iii) no building or structure shall be constructed that protrudes over any portion of the existing hotel building as shown on the building envelope diagram in Schedule 15; and
 - (iv) no vehicular ingress from or egress to Marine Parade is permitted;
 - (v) subdivision or strata subdivision shall not be permitted unless conservation and redevelopment of the "Hotel" portion of the site as shown on the building envelope diagram in Schedule 15 is carried out to the satisfaction of the local government, and the "Hotel" portion of the site shall remain as one lot and shall not be strata-subdivided; and
- (f) For the Ocean Beach Hotel site:
- (i) the maximum height of development shall be five storeys and 18 metres in accordance with the building envelope diagram in Schedule 15, and no development above three storeys shall be permitted unless the existing hotel accommodation building known as the Chocolate Box fronting Marine Parade is demolished, and including the following specific measures:
 - to the Marine Parade frontage, the maximum three-storey height of development;
 - to the Eric Street and Eileen Street frontages, a maximum height of development of three storeys and 12m;
 - to the Gadsdon Street frontage, a maximum height of development of two storeys and 9m;
 - to Marine Parade, the minimum boundary setback may be nil, however, a setback or variety of setbacks may be required to the first storey or more, in order to provide for
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alfresco space, subject to detailed design and the approval of the local government;

- to Eric Street and Eileen Street, for non-residential development, the minimum boundary setback may be nil, subject to the approval of the local government;
- to Eileen Street and Gadsdon Street, for residential development, the minimum boundary setback for the first storey shall be 3m, however, subject to the approval of the local government, balconies to the second storey may project to the street boundary and balconies to the third storey may project to the 3m setback;
- any basement for parking which projects above- ground shall conform to the requirements of clause 5.7.1;

all designed so as to avoid adverse building bulk impacts, adverse overshadowing impacts and adverse streetscape character impacts.

- (ii) notwithstanding any other provision of the Scheme, Single House use is not permitted, and within Areas A, B1 and B2 as defined on the building envelope diagram in Schedule 15, Grouped Dwelling or Multiple Dwelling use is not permitted;
- (iii) no vehicular ingress from or egress to Marine Parade is permitted;
- (iv) no subdivision or strata subdivision shall be permitted unless in accordance with a Structure Plan adopted pursuant to clause 6.2; and
- (v) no development, subdivision or strata subdivision shall be permitted unless a minimum of 80 hotel and short-stay accommodation rooms are provided in Areas A, B1 and B2 as defined on the building envelope diagram in Schedule 15, including a minimum of 50 hotel rooms managed together with the hotel within Area A, and no subdivision or strata subdivision of Area A shall be permitted.

6.4.3 In addition to the provisions of clause 6.4.2, this Special Control Area is subject to Building Design Controls as set out in Schedule 15 – Building Design Controls for Special Control Area 2: Cottesloe Beach Hotel and Ocean Beach Hotel sites.

6.4.4 All applications for planning approval in Special Control Area 2 shall address the provisions of clause 6.4 and Schedule 15 – Building Design Controls applicable to the site, to the satisfaction of the local government.

6.4.5 The local government shall, in determining an application for planning approval, have due regard to the aims of the Scheme, the objectives of Special Control Area 2, the objectives and provisions of the zone, the objectives of the adjacent zones, the matters to be considered under clause 10.2 and any other relevant provisions applicable to the subject site.

PROPOSED REVISED SCHEDULE 14:

Schedule 14 — Development Zone Provisions

[clause 6.2.]

Pursuant to clauses 6.2.3.2 and 6.2.3.4 of the Scheme the development provisions for the Development Zones are contained in this Schedule 14.

Development Zone	Provisions
'A' – Lots bound by Marine Parade, Eric, Gadsdon and Eileen Streets – Ocean Beach Hotel site	<ul style="list-style-type: none"> • This Development zone is subject to Special Control Area 2 and associated provisions – refer clause 6.4. • 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, strata subdivision and development. • Land uses shown on the Structure Plan shall apply in accordance with clause 6.2.8 and clause 6.4, and where there is any inconsistency clause 6.4 shall prevail. • The Structure Plan will provide for the ground floor being limited to non-residential uses, recognising the Council's aim of maintaining the socially 'active' nature of the area.

PROPOSED NEW SCHEDULE 15:

Schedule 15 – Building Design Controls for Special Control Area 2: Cottesloe Beach Hotel and Ocean Beach Hotel

[clause 6.4]

Pursuant to clause 6.4 of the Scheme, additional Building Design Controls for Special Control Area 2 – Cottesloe Beach Hotel and Ocean Beach Hotel, are contained in this Schedule.

1. Cottesloe Beach Hotel

In addition to compliance with the specific provisions of clause 6.4, development proposals (including changes of use) for the Cottesloe Beach Hotel site or buildings are to be formulated and determined having regard to the following Building Design Controls (as applicable to a particular proposal).

Notes:

- Building Design Guidelines and Building Envelope Diagram are as per the Hames Sharley Report – Appendix IV.

2. Ocean Beach Hotel

In addition to compliance with the specific provisions of clause 6.4, development proposals (including changes of use) for the Ocean Beach Hotel site or buildings are to be formulated and determined having regard to the following Building Design Controls (as applicable to a particular proposal).

Notes:

- Building Design Guidelines and Building Envelope Diagram are as per the Hames Sharley Report – Appendix IV.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Mayor Morgan, seconded Cr Walsh

That Council:

1. Agrees to advertise the draft Building Design Controls for Special Control Area 2 of Local Planning Scheme No. 3, as set out in this report and illustrated in the Hames Sharley report, for three weeks during March and April 2009 as outlined in the previous report.
2. 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.
3. Agrees to pursue realisation of the Foreshore Concept Plan on an ongoing basis, through further examination of the indicative proposals for the preparation and approval of detailed plans and implementation programs.

In relation to point 2 of the Officer recommendation, and in particular the estimated costs for the railway option contained within the Hames Sharley report, (specifically appendix (iii)), Cr Cunningham proposed the following amendment:

AMENDMENT

Moved Cr Cunningham, seconded Cr Dawkins

That recommendation, point 2 be amended to include the following:

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.

Carried 9/0

AMENDMENT

Moved Cr Boland, seconded Cr Cunningham

In recommendation 1, after the words, "*as set out in this report and illustrated in the Hames Sharley report*" the following words be added (*subject to the fourth dot point in schedule 14 being revised to accord with the uses shown on page 64 of the report*).

Carried 9/0

THE SUBSTANTIVE MOTION WAS PUT

Carried 9/0

COUNCIL RESOLUTION

That Council:

- 1. Agrees to advertise the draft Building Design Controls for Special Control Area 2 of Local Planning Scheme No. 3, as set out in this report and illustrated in the Hames Sharley report, (subject to the fourth dot point in schedule 14 being revised to accord with the uses shown on page 64 of the report) for three weeks during March and April 2009 as outlined in the previous report.**
- 2. 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.**
- 3. Agrees to pursue realisation of the Foreshore Concept Plan on an ongoing basis, through further examination of the indicative proposals for the preparation and approval of detailed plans and implementation programs.**

MOTION FOR COMMITTEE OF THE WHOLE

In accordance with Council’s Local Law No.1 – Standing Orders item 15.6 “That Council move into a Committee of the Whole – Effect of Motion”

This motion, having been carried, will allow free and open discussion on the matter before the meeting. Councillors will not be required to stand, nor will there be restrictions on the number of times each councillor may speak, provided that normal courtesy and order is maintained. Any decisions made during the time that the council sits in committee of the whole must be formally agreed by a substantive motion when the council moves out of the committee of the whole.

RECOMMENDATION

Moved Cr Miller, seconded Cr Boland

That Council move out of a Committee of the Whole.

Carried 9/0

THE ABOVE TWO SUBSTANTIVE MOTIONS 9.1.1 AND 9.2.1 WERE THEN PUT

Moved Cr Miller, seconded Cr Boland

Carried 9/0

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

Nil

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

Nil

12 MEETING CLOSURE

The Mayor announced the closure of the meeting at 8:55pm

CONFIRMED: MAYOR DATE: / /