

# TOWN OF COTTESLOE



## FULL COUNCIL MEETING MINUTES

ORDINARY MEETING OF COUNCIL  
HELD IN THE  
Council Chambers, Cottesloe Civic Centre  
109 Broome Street, Cottesloe  
7.00 PM, Monday, 23 March, 2015

**CARL ASKEW**  
Chief Executive Officer

30 March 2015

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## TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS.....	3
2	DISCLAIMER .....	3
3	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION .....	3
4	PUBLIC QUESTION TIME .....	4
	4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	4
	4.2 PUBLIC QUESTIONS.....	4
5	PUBLIC STATEMENT TIME .....	4
6	ATTENDANCE.....	7
	6.1 APOLOGIES.....	7
	6.2 APPROVED LEAVE OF ABSENCE .....	7
	6.3 APPLICATIONS FOR LEAVE OF ABSENCE.....	7
7	DECLARATION OF INTERESTS.....	8
8	CONFIRMATION OF MINUTES .....	8
9	PRESENTATIONS.....	8
	9.1 PETITIONS .....	8
	9.2 PRESENTATIONS.....	8
	9.3 DEPUTATIONS .....	8
10	REPORTS .....	10
	10.1 REPORTS OF OFFICERS .....	10
	10.2 REPORTS OF COMMITTEES.....	10
	10.3 DEVELOPMENT SERVICES COMMITTEE MINUTES - 16 MARCH 2015.....	10
	10.3.1 170 LITTLE MARINE PARADE – TWO-STOREY DWELLING WITH ROOF TERRACE AND FRONT BOUNDARY FENCE	10
	10.3.2 LOCAL PLANNING SCHEME NO. 3 - AMENDMENT NO. 3 - FINALISATION	23
	10.3.3 PLANNING INSTITUTE OF AUSTRALIA 2015 NATIONAL CONGRESS - GREAT PLACES	27
	10.4 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 17 MARCH 2015 .....	29

10.4.1	TOWN OF COTTESLOE CARBON INVENTORY REPORT 2013/2014	29
10.4.2	FINAL ADOPTION OF THE CORPORATE BUSINESS PLAN 2014 - 2018	33
10.4.3	ORDINARY ELECTION - APPOINTMENT OF STATE ELECTORAL COMMISSIONER AS RETURNING OFFICER FOR POSTAL VOTE ELECTIONS	38
10.4.4	EVENT APPLICATION – FUNDRAISING EVENT FOR SURF RESCUE HELICOPTER	42
10.4.5	2015 WHALEBONE CLASSIC	46
10.4.6	ADOPTION OF FIVE YEAR CAPITAL WORKS PLAN – INFRASTRUCTURE AND PLANT RENEWAL, EXPANSION AND UPGRADE	48
10.4.7	REMOVAL OF FIG TREE – CIVIC CENTRE MAIN LAWN	52
10.4.8	ADOPTION OF LOCAL RECOVERY ARRANGEMENTS FOR THE TOWN OF COTTESLOE	54
10.4.9	STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2014 TO 28 FEBRUARY 2015	57
10.4.10	SCHEDULES OF INVESTMENTS AND LOANS AS AT 28 FEBRUARY 2015	59
10.4.11	LIST OF ACCOUNTS PAID FOR THE MONTH OF FEBRUARY 2015	61
10.4.12	RATES AND SUNDRY DEBTORS REPORTS AS AT 28 FEBRUARY 2015	63
<b>11</b>	<b>ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....</b>	<b>65</b>
11.1	SMOKING BAN .....	65
<b>12</b>	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY: .....</b>	<b>68</b>
12.1	ELECTED MEMBERS.....	68
12.1.1	PURCHASE OF PEET & CO 1907 COTTESLOE HEIGHTS ESTATE POSTER	68
12.2	OFFICERS .....	69
<b>13</b>	<b>MEETING CLOSED TO PUBLIC .....</b>	<b>69</b>
13.1	MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	69
13.2	PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC .....	69
<b>14</b>	<b>MEETING CLOSURE .....</b>	<b>69</b>

**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 advised the Sculpture by the Sea was in the process of closing its exhibition on Monday 23 March. S x S figures assess an estimated 200,000 visitors to the exhibition over last 3 weeks.

Town of Cottesloe acquired two sculptures this year. The first one is Norton Flavel's work "lucky country", a WA artist well know last year for the "bulk carrier" (locally know as the goon bag), and the second one is Rebecca Rose's "sea anemone", large orange sculpture on which children can play safely. The location for the latter will be at the corner of Jarrad and Broome Street.

Sculpture by the Sea Key Findings:

- 90% of businesses throughout Cottesloe ranked the importance of the exhibition as being "good for Cottesloe" as more than 8 out of 10;
- Over 65% of their customers had either a 'Exceptional', 'Very Good' or "Good" response to the exhibition (the highest three ratings);
- Of businesses surveyed along the Cottesloe beach strip 30% received 100% increase in turnover during the exhibition and 45% had an increase of more than 20%.
- Of businesses surveyed in greater Cottesloe, 20% of businesses had 20% - 100% increase in turnover;

Announcement: Not Just a Name - Book Launch

As you know : Neville Green and the Cottesloe RSL have compiled and are launching the Book "Not Just A Name".

It gives brief profiles of nearly a thousand men and two women who enlisted to serve in the Great War of 1914-1918 are linked to the three districts – Cottesloe, Peppermint Grove and Mosman Park. The Book Launch will be at 6pm on Friday 10 April, at the Cottesloe War Memorial Town Hall

**4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Ms Patricia Carmichael, 14-116 Marine Parade, Cottesloe – Re. Item 10.3.1 - Nos 110-112 (Lot 6) Marine Parade - Five-Storey Mixed Use Development (Commercial and Residential)

Q1. As matter of urgency please advise whether or not the appropriate Government Department, Local or State, proposes to carry out a traffic management study to determine whether or not the Town of Cottesloe has sufficient parking space to support proposed additional increase in the number of apartments in and around the Cottesloe foreshore and if not, why not?

To support the rationale behind her questioning, she noted that there has been a number of sites in the pipeline over and above the Il Lido, Sea Pines, OBH, Cott general store, which are currently being appraised for redevelopment.

A: *There are no plans to undertake a parking study of the Cottesloe main Foreshore area, as a response to the new building height limits allowed by Local Planning Scheme 3 ('Scheme'). The Scheme includes specific car parking requirements for common forms of development. In the case of the specific form of interest, the Scheme, at Table 3, requires a car park space to be provided in accordance with the Residential Design Codes, or as determined by the Scheme specifically for Residential Building development form (the latter being one space for each room used as a bedroom, plus a space for every 20m<sup>2</sup> of floor space of 'service building').*

*Accordingly, under the Scheme, a requirement of intensified residential development is the provision of parking. In the most recent example, this Scheme requirement resulted in an increase in residential parking from zero to ten bays, which is a net increase despite the intensification, as the current residential component of the site does not have parking.*

**4.2 PUBLIC QUESTIONS**

Nil

**5 PUBLIC STATEMENT TIME**

Mr John Hammond – 90 Railway Street, Cottesloe – Re. Indiana Toilet

Mr Hammond spoke in regards to the Indiana public toilets and stated that most complaints received by the Residents and Ratepayers Association, of whom he was the chair, was about the Indiana toilets.

Recently Kylie Minoque visited Cottesloe and went to the Cottesloe Beach Hotel. Its very fortunate that she did not visited the female toilet at the Indiana, where she would have been greeted with water on the floor, broken handrails,

broken basin, and a filthy mess. In relation to the male toilet, Mr Hammond stated that these toilets are below standard. Mr Hammond expressed the view that the lease should be enforced and that the owners of the Indianas should actually clean up the toilets and do something once in for all. A Notice of Breach should be issued to the owner of Indiana so that they can finally take this matter seriously because a visit to their lawyers to discuss the notice of breach would be more expensive than cleaning the toilet. So we would like something done, the pressure will not go away until something is done. I hope it doesn't get down to the point that the residents start cleaning the toilets themselves. Most residents know to stay away from the toilets.

The second point that Mr Hammond spoke to was in relation to the new 5-storey building which has been approved under the new LPS3 at last council meeting. I can personally say that it's a tragedy that the Premier said he wants to revitalised the beach front, we can make it really beautiful. The proposed building is ugly, sterile, and we can go to the middle of Hong Kong or Singapore if you want to see architecture like that. Those type of buildings are going to destroy Cottesloe beach, they are just simply ugly. If this is what the Premier wants for Cottesloe beach then he's got it wrong and If that building goes up I think he will get a backlash because its not what we want on the beach.

Yvonne Hart – 26 Mann Street, Cottesloe – Re. Indiana Toilet

Mrs Hart on behalf of the ratepayers association congratulated CEO Carl Askew on his appointment to the Kimberley District, there will be challenging and exciting times ahead and I am sure there will be occasions where you wish you were back in Cottesloe. She also welcomed Mat Humfrey, as acting CEO. I am sure you will be pleased that the uncertainty of amalgamation is over.

Mrs Hart also spoke about the Indiana public toilets. Cottesloe is one of the premier tourist beaches and people travel around the world to experience the best beach in the world. It is embarrassing that they have to experience the worst toilets. When was the last time that you had a pee in the Indiana toilet? When was the last time that you went inside and had a good look around? Have you seen inside from the tourist point of view?

As Cottesloe Residents and Ratepayers representative, Mrs Hart drew attention to the state of fixtures and fitting inside the toilets. Do not divert the issue away from the fixtures and fitting and focus on the lease agreement. It is not the lease agreement that is the problem. It is the failure of you as councillors to ensure that Indiana meet its responsibility to the Town and to the ratepayers. You are here as Councillors to act on behalf of the Cottesloe ratepayers yet if you do nothing to bring the Indiana toilet to an acceptable standard. You hide behind the grand plans to change the building, and rebuilt the toilet. The current lease should not be used as a tactic by Indiana nor by you as councillors to negotiate a new lease agreement or to plan a new building.

Mrs Hart referred to a number of photographs that she has circulated to elected members in relation to the condition of the toilets.

She referred to a nationally accredited asset maintenance package for cleaning premises and equipment designed specifically for hospitality and tourism industry and it clearly outlines how to keep premises clean. The Cottesloe Ratepayers Association have prepared a 13 page proposal for consideration relating to the maintenance pertaining to the Indiana toilet. The proposal itemised maintenance, cleanliness, checklist, and it provides an assessment as to what constitutes clean based on the nationally recognised document.

Mrs Hart also referred to research related to the cost of replacing some of the fittings. The Cottesloe Ratepayers Association is asking 3 things of you: do not talk about the lease agreement or reworking the current lease, and do not talk about plans for new building or plans to rebuilt the toilet, what we are asking you is issue a notice of default.

As a council you have a responsibility on behalf of the ratepayers to see that our public toilet facility is maintained in a proper state of repair and in a fit sanitary condition.

Mr Matthew Crawford – 140 Stirling Highway, North Fremantle – Re. 10.3.1  
170 Little Marine Parade – Two-Storey Dwelling with Roof Terrace and Front  
Boundary Fence

Mr Crawford stated that the application adheres to the height requirements as well as meets the overshadow requirement of the Residential Design Codes and the design takes advantage of the view. The main living areas are on the first floor above the garage, while the roof terrace is contained within the building height and has privacy screens added. The design is in keeping with the styles and the spirit of Little Marine Parade in relation to built form featuring subtle curved roofs and limiting overlooking with the view outlook being to the ocean rather than neighbours. The private courtyard is also screened. The front setback complies and a reduced setback is sought for a section of parapet wall on the northern boundary as an ocean view from the upper-level master bedroom is desired.

The Mayor stated that in relation to the issue of Indiana Toilet she agreed that the Town has a problem with the public toilets - and has had for many years. This Council - as have preceding Councils, take them on board and address them as best we can. The letter sent from SOS to the CEO will be responded to.

This is a problem that the entire Cottesloe community are aware of and it's a matter of working through the issues. The external monitoring of maintenance and general cleaning are responsibility of administration under the term of the lease. We are all moving in the same direction. Although there are varying



views on how it can be achieved, we are all agreed the public toilet issues needs to be resolved. It is not a satisfactory Lease, as Mr Hammond knows having spent some time on the Lease some years ago. As we know, Council prior to this spent some time and money looking at putting freestanding toilets at the bottom of Napier Street and another set adjacent to Indianas. This was put by Council to the public and not accepted by SOS or the general community. Council did not proceed and is looking at other avenues of resolving the ongoing issue.

## 6 ATTENDANCE

### Present

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

### Officers Present

Mr Carl Askew	Chief Executive Officer
Mr Mat Humfrey	Manager Corporate & Community Services
Mr Andrew Jackson	Manager Development Services
Mr Doug Elkins	Manager Engineering Services
Ms Lydia Giles	Executive Officer

## 6.1 APOLOGIES

Cr Jay Birnbrauer

### Officer Apologies

Nil

## 6.2 APPROVED LEAVE OF ABSENCE

Nil

## 6.3 APPLICATIONS FOR LEAVE OF ABSENCE

**Moved Cr Jeanes, seconded Cr Rowell**

**That Cr Jeanes request for leave of absence from the April round of meetings be granted.**

**Carried 8/0**

Moved Cr Rowell, seconded Cr Burke

That Cr Rowell request for leave of absence from the May round of meetings be granted.

Carried 8/0

**7 DECLARATION OF INTERESTS**

Nil

**8 CONFIRMATION OF MINUTES**

Moved Cr Rowell, seconded Cr Angers

[Minutes February 23 2015 Council.DOCX](#)

The Minutes of the Ordinary meeting of Council held on Monday, 23 February, 2015 be confirmed.

[Minutes March 09 2015 Council.DOCX](#)

The Minutes of the Special meeting of Council held on Monday, 09 March, 2015 be confirmed.

Carried 8/0

**9 PRESENTATIONS**

**9.1 PETITIONS**

Nil

**9.2 PRESENTATIONS**

Nil

**9.3 DEPUTATIONS**

Nil

Personal Explanation

In accordance with Standing Orders Part 19 Cr Jeanes requested to make a personal explanation.

During a "resident's" address to the last council meeting Cr Sally Pyvis made a number of statements that I believe warrant a response.

While saying that five councillors supported a G5 motion she did not put this in context.

Over the preceding few years the council had consistently resolved several times with caveats in support of a G4 amalgamation.

At the time of the G5 resolution the Local Government Advisory Board was about to consider three amalgamation proposals put to it. Claremont's G4+, Cambridge and Mosman Park's G5 and the State Government's G7. There was no proposal for status quo.

It was obvious that the result was going to be a recommendation for either a G5 or G7. Taking into account council's consistent support for a G4, and faced with the prospect of the massive G7, five councillors, including me, felt a G5 was a compromise worth making to avoid something far worse -- a G7.

In the following month I realised going to a G5 was a step too far for Cottesloe and the motion was unanimously rescinded.

In her statement Cr Pyvis mentioned the Barnett Government and then said that the five councilors who supported the G5 made clear where their political allegiances lay. That cannot be true unless the allegiance was to Mosman Park or Cambridge because the five councillors supported a G5, not the Barnett Government's proposal for a G7.

The fact is that the five councillors demonstrated their independence. And that is the way it should be on Council.

Cr Pyvis said she voted on the issues and not on party lines. The five councilors were certainly not voting on party lines. Speaking for myself, I can say I have always voted on issues on their merits. And I am totally unaligned and independent.

At the last meeting Council showed it is against forced amalgamations. And believes residents should be entitled to a poll before any amalgamation. I supported that motion and am very comfortable with it.

For the benefit of the members of public present, the Presiding Member advised that no item from the Development Services Committee were withdrawn and were dealt with 'En Bloc'. Item 10.4.1, 10.4.2, 10.4.3, and 10.4.6 had been withdrawn from the Works and Corporate Services Committee and the remainder items were dealt with 'En Bloc'. Item 11.1 were dealt at the end of the meeting.

**10 REPORTS****10.1 REPORTS OF OFFICERS**

Nil

**10.2 REPORTS OF COMMITTEES****10.3 DEVELOPMENT SERVICES COMMITTEE MINUTES - 16 MARCH 2015****10.3.1 170 LITTLE MARINE PARADE – TWO-STOREY DWELLING WITH ROOF TERRACE AND FRONT BOUNDARY FENCE**

**File Ref:** 2944  
**Attachments:** [170 Little Marine Aerial](#)  
[170 Little Marine Applicant Submissions](#)  
[170 Little Marine Neighbour Submissions](#)  
[170 Little Marine Plans](#)  
[170 Little Marine Privacy Screen](#)  
[170 Little Marine Property Photos](#)

**Responsible Officer:** Andrew Jackson  
Manager Development Services

**Author:** Andrew Jackson  
Manager Development Services &  
Ronald Boswell  
Planning Officer

**Proposed Meeting Date:** 16 March 2015

**Author Disclosure of Interest:** Nil

**Property Owner:** Haydn Ross Robinson

**Applicant:** Matthew Crawford Architects

**Date of Application:** 28 May 2014

**Zoning:** Residential R20

**Lot Area:** 465m<sup>2</sup>

**MRS Reservation:** Not applicable

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**SUMMARY**

This application essentially complies with LPS3, much of the RDC and the Fencing Local Law, but is seeking the following variations under the RDC:

- Setbacks from the north, east and south boundaries.
- Fill.
- Visual privacy.

These aspects are discussed in this report and refer to revised main plans received on 23 February 2015.

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

## PROPOSAL

The proposed two-storey dwelling comprises:

- Four bedrooms, two bathrooms, WC, powder room and two living areas.
- Cantilevered dining area.
- Raised garden/courtyard on north side towards rear.
- Roof terrace with external staircase on south side.
- Four-car garage.
- Though-driveway between street and ROW.
- Open-aspect front fencing.

## BACKGROUND

Following the initial application in May 2014 and discussions with the applicant, the Town advised that the design be significantly amended to reduce building height, setbacks and to limit the number of boundary walls in order to satisfy building height under LPS3 and the RDC, thereby limiting the visual impact of the development on the street and adjoining properties.

Discussions ensued; however, the application remained pending revised plans. In Late 2014 the Town received notification that the application had been referred to the SAT for review due to non-determination.

Officers attended the first SAT mediation session on 26 November 2014. The owner and architect were advised that the Town and the SAT are required to approve development within the bounds of LPS3 and the RDC, and were encouraged to continue liaison with the Town to achieve a satisfactory design.

Additional mediation sessions have explored the planning parameters and potential design improvements to that end, as well as neighbour comments. This has culminated in revised plans which the SAT has now referred to the Town for consideration.

## STATUTORY ENVIRONMENT

- LPS3
- RDC
- Fencing Local Law

## APPLICATION ASSESSMENT

### AREAS OF NON-COMPLIANCE

#### Residential Design Codes

<i>Design Element</i>	<i>Permitted</i>	<i>Proposed</i>	<i>Performance Criteria</i>
<b>5.1.3 Lot boundary setbacks</b>	1.1m	1m	Clause P3.1
	1.1m	1m	
	2.5m	1.77-2.03m	
	2m	1.5m (ROW)	
	1.2m	1m	
	2.8m	1.63m	
	1.1m	1m	

	1.5m	1m	
	1.9m	1.4m	
	3.3m	1.5m (ROW)	
	4.9m	4.1m	
	4.9m	4.4m	
	Height: maximum 3.5m, average 3m. Length: 9.1m (parapet wall)	Height: 6m, 4.95m. Length: 10.47m (parapet wall)	Clause P3.2
<b>5.3.7 Site works</b>	Fill to 0.5m from NGL	4.6m from NGL.	Clause P7.1 – P7.2
<b>5.4.1 Visual privacy</b>	7.5m cone of vision from roof terrace	4.2 and 4.5m cone of vision	Clause P1.1 – P1.2

### ADVERTISING OF PROPOSAL

The application was advertised by letter to six adjoining property owners. Three submissions were received from the northern and southern neighbours and the comments are summarised below:

#### D & H Austin, 2 Grant St

- Objects to reduced setback on their northern boundary as the dwelling is 1m from it.
- Objects to the height and excessive bulk of the dwelling, which would have a detrimental effect on enjoyment of their ground-floor, north-facing living area, outdoor entertainment area and swimming pool.
- Objects to loss of privacy due to the open stairs and the roof terrace, which would overlook their outdoor area.

#### M Slee, 4 Grant St

- Objects to the dwelling overshadowing their pool area.
- Objects to the reduced setback to their northern boundary.

#### B Brine, 172 Little Marine Pde (three letters received)

- Objects to excessive bulk and reduced setback on their southern boundary – length and height that far exceeds building guidelines and would have an adverse affect on their property.
- Objects to the unscreened roof terrace that relies on horizontal screening.
- Concerned there would be a loss of natural light to the southern side of their dwelling and that due to the proximity of both homes a wind tunnel would be created.
- Concerned the roof terrace would overlook their own roof terrace and spa area. A visual privacy screen would assist here.
- The plans incorrectly present the proximity of both dwellings.
- Concerned about how the curved roof attached to the parapet wall will manage drainage.

- Concerned about overlooking from the west facing master bedroom window.

Officers have liaised with the submitters regarding their comments, in particular the owners of No. 172 Little Marine Parade, whose concerns are responded to by specific conditions recommended to address privacy and roof drainage. In this respect the architect has provided a supplementary plan received on 12 March 2015 which indicates a privacy screen to the eastern end of the roof terrace as well as design provision for a box gutter to the northern boundary wall roof.

### **APPLICANT'S JUSTIFICATION**

The applicant has considered the Town's advice and the submissions, and in response provided justification in support of the latest revised plans. This is summarised below and elaborated upon in two illustrated letters from the architect attached to this report.

#### Setbacks

The setbacks of the dwelling from the southern boundary range from 1m to 3.6m. No. 2 Grant St benefits from the proposed 6m front setback, which decreases bulk and scale by 30% compared with the existing dwelling. The ground level of No. 2 Grant St sits significantly higher than No.170 Little Marine Pde, while the roof of the proposed dwelling curves away from the southern property to alleviate bulk.

A setback variation to the northern boundary is sought based on the RDC design principles. No. 172 Little Marine Pde has been built sufficiently close to the southern boundary such that no major openings have been included. The proposed dwelling also proposes no major openings facing this boundary.

Officer comment: The original plans had a longer northern boundary wall extending further to the east, but the design review process has resulted in the rear section of the dwelling being reconfigured to be setback from the northern boundary and otherwise reduce the bulk and scale of that section of the dwelling as it presents to the north and east. This is a substantial change and improvement.

#### Bulk and scale

The curved roof design will alleviate any imposing bulk and scale, while the dwelling occupies only two thirds of the No. 2 Grant St boundary.

#### Overshadow

Overshadow complies with the RDC deemed-to-comply requirement so is not an issue.

#### Fill

The raised garden/courtyard has been created because the main living areas of the dwelling are on the first-floor level. The garden/courtyard provides a valuable and meaningful outdoor living area with direct access from the main habitable rooms. Due to overshadowing by the northern dwelling (No. 172 Little Marine Pde), which

exceeds 25% of the subject lot, the raised garden/courtyard is designed to maximise northern light for the outdoor living area.

#### Visual privacy

The roof terrace has been designed to provide privacy. The usable area is well set back from the perimeter on all sides. Owing to the height differences between the roof terrace and the rear of the adjacent dwellings, the curved roof provides horizontal screening to protect the privacy of their outdoor entertaining areas.

All overlooking from the roof terrace to the north falls onto the roof of No. 172 Little Marine Pde. The stairs to the roof terrace will be screened similarly to the screens on the stairs to the roof terrace of No. 172 Little Marine Pde, hence privacy will be provided.

#### Cantilever design

The proposed dwelling has been designed with a cantilevered element on the southern side, due to a Water Corporation easement directly below (subject to its approval for access). A structural engineer will be engaged for this aspect of the design, which adds interest to the dwelling.

### **STAFF COMMENT**

The following technical assessment is made in respect of the proposal:

#### **Building height**

To comply with building height, the dwelling is a combined curved and a flat roof design with a roof terrace contained within the maximum. The street facade has a similar appearance to the dwelling on the north. Most dwellings in Little Marine Pde have been designed in optimise height to gain ocean views. As such the built form of the proposed dwelling also exhibits a degree of bulk and scale to the streetscape, including the cantilever and parapet wall elements.

By way of compliance, however, the wall height does not exceed 6m from NGL for a pitched roof, 7m from NGL for a flat roof and 8.5m from NGL overall, in accordance with LPS3.

#### **Setbacks**

The applicant is seeking setback variations as follows:

#### Side setbacks to northern boundary

	<b><i>Required Setback</i></b>	<b><i>Actual Setback</i></b>
Ground floor:		
Earth fill to bedroom 4	1.1m	1m
Northern boundary – First floor:		
Bedroom 1	Parapet wall	Parapet wall
Bedroom 3/garden	1.2m	1m



Total wall length	2.8m	1.63m
Northern boundary – Roof terrace:		
Roof terrace	4.9m	4.1m

Rear setback to eastern boundary

	<b>Required Setback</b>	<b>Actual Setback</b>
Ground floor:		
Stairs at rear	1.1m	1m
Courtyard to stairs	2.5m	1.77m to 2.03m
Eastern boundary – First floor:		
Stairs at rear	1.1m	1m

Side setback to southern boundary

	<b>Required Setback</b>	<b>Actual Setback</b>
Ground floor:		
Total	2m	1.5m (ROW)
First floor:		
Dining room to powder room	1.5m	1m
Dining room to stairs to roof terrace	1.9m	1.4m
Walkway/Total wall length	3.3m	1.5m (ROW)
Roof terrace:		
Roof terrace	4.9m	4.4m

The applicant requests that all of these setback variations be considered under the design principles of the RDC, which state:

*Buildings set back from 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.*

*Buildings built up to boundaries (other than the street boundary) where this:*

- *makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- *does not compromise the design principle contained in clause 5.1.3 P3.1;*
- *does not have any adverse impact on the amenity of the adjoining property;*
- *ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and*
- *positively contributes to the prevailing development context and streetscape.*

It is assessed that the setback variations to the northern boundary are relatively minor in themselves and would not unduly affect the northern property, albeit that as a two-storey element the boundary wall does not meet the deemed-to-comply

standard of the RDC (ie single storey). Nonetheless, only one boundary wall is proposed and would not affect the northern property by way of shadow, reducing direct sunlight or creating overlooking.

As mentioned, the rear section of the dwelling has been redesigned to reduce the length of the northern boundary wall and to be set back from the adjacent property.

All eastern setback variations are also relatively minor and can be supported as not unduly affecting that property, while the proposed building sits below or at the fence level of the southern property. These setbacks do not affect privacy.

### **Fill**

The proposed dwelling has a raised courtyard/garden element towards the rear, which involves the following fill:

<i>Permitted</i>	<i>Proposed</i>
0.5 from NGL	4.6m from NGL

The applicant requests that this localised fill to a void be considered under the design principles of the RDC, which state:

- *Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.*

The proposed dwelling will require an amount of fill to form a raised garden/courtyard at the first floor level. While it would create an oasis for the inhabitants, it would also impose a solid wall 1m from the northern boundary. However, the Town can support the proposed fill to create the raised garden/courtyard as it would not be seen from the street, it is a design feature of the dwelling and it allows for more natural light into the outdoor living area, which would otherwise be overshadowed by the northern dwelling. As mentioned, the main living areas of the dwelling are located on the first floor with all habitable rooms opening out onto the outdoor living area. If the garden/courtyard was at ground level it would be non-usable space.

### **Visual privacy**

The roof terrace has 4.2m and 4.5m cones of vision to the northern and southern boundaries respectively, in lieu of a 7.5m cone of vision required under the deemed-to-comply standards of the RDC. The applicant therefore requests that visual privacy be considered under the design principals of the RDC, which state:

*Maximum visual privacy to side and rear boundaries through measures such as:*

- *offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;*
- *building to the boundary where appropriate;*
- *setting back the first floor from the side boundary;*

- *providing higher or opaque and fixed windows; and/or*
- *screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).*

The dwelling design has created horizontal screening to prevent lines of sight into the outdoor living areas of adjacent dwellings. All overlooking at the horizontal level would be onto the roof of the northern dwelling and the wall of the southern dwelling, which exceeds the 7.5m cone of vision distance. On this basis there is no direct overlooking into habitable outdoor living spaces or rooms within the 7.5m cone of vision.

Despite this design and assessment, given the concern of the northern neighbour, Officers and the architect have discussed introducing opaque glass screens to the eastern end of the roof terrace where the outdoor kitchen is located. The screens would be to the standard height of 1.65m from the finished floor level, extending 3m along the northern edge, entirely along the eastern edge and over 1.5m along the southern edge to the stairway landing. This is shown on a supplementary plan received on 12 March 2015 and added to the attached plans. These screens would be well set back from all boundaries so as to not be a visible built form concern and may be treated as minor projections providing a desirable privacy function. A condition is recommended for this purpose.

The stairs to the roof terrace are a transition zone and under the RDC do not require screening; however, 1.6m high privacy screens are included to prevent overlooking to the south.

## **CONCLUSION**

The design of the dwelling has been significantly modified to ensure that it conforms to the LPS3 building heights, the RDC design principles and the character of the street. Although there are several setback variations these are generally of a minor amount and are assessed as acceptable.

The dwelling would be set back further from the front boundary than the existing dwelling and represents another unique addition to the streetscape – the dwellings along Little Marine Parade feature diverse architectural styles, which has created an eclectic enclave of dwellings in this locality.

## **COMMITTEE COMMENT**

Committee discussed the proposal in some detail. Initial queries were raised seeking clarification of the NGLs and closure of the former ROW pedestrian access, which officers undertook to advise upon.

Discussion focussed on the northern boundary wall and setbacks, with Officers explaining the RDC requirements, the extent of the section on the boundary and the variations involved, noting that the rear section had been revised to be setback as an improvement. Officers advised that privacy was provided along the northern side and by the roof terrace screening. Committee concluded that the upper-level of the boundary wall to the main bedroom should be setback, which could be achieved by revising the internal layout.

There was also brief discussion involving the southern neighbours, who arrived during the meeting, regarding the relationship of the proposed dwelling to their

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property. Overall, Committee was supportive of the proposal subject to the above change.

The MDS advised that following Council's approval accordingly the SAT would be advised of the outcome and if the applicant is satisfied he would withdraw the appeal.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

Moved Cr Jeanes, seconded Cr Downes

THAT Council GRANT its approval to Commence Development for the proposed two storey dwelling with roof terrace and a front boundary fence at 170 Little Marine Parade, COTTESLOE in accordance with the plans received 28 May 2014 (survey plan), 27 January 2015 (overshadow plan), 23 February 2015 (floor plans and elevations) and 12 March 2015 (roof terrace privacy screens), 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 Council.
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 Council 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 dwelling 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 finish and colour of the boundary wall facing the northern neighbour shall be to the satisfaction of the Manager Development Services in consultation with the Town; the details of which shall be included in the application for a Building Permit.
7. In accordance with the Town's Fencing Local Law, fencing to the front boundary is to ensure that the infill between the brick piers has a minimum space of 50mm and minimum open-aspect of 50%.
8. The adjoining right of way shall be paved and drained for the full width of the property abutting the eastern boundary at the applicant's expense and to the satisfaction of the Manager Engineering Services, with details of the proposed

works being submitted in accordance with Council guidelines and approved prior to the issue of a Building Permit.

9. The applicant shall apply to the Town for approval to modify or reconstruct the crossover, in accordance with the Town's specifications, as approved by the Manager Engineering Services or an authorised officer.
10. The roof terrace shall incorporate privacy screens to its eastern end, being obscure glass to a height of 1.65m from the finished floor level, for the extents along the northern, eastern and southern edges as shown on the supplementary plan received on 12 March 2015; the details of which shall be included in the application for a Building Permit and to the satisfaction of the Manager Development Services.
11. The west-facing window to the master bedroom shall be either:
  - i. of such size to be a minor opening in accordance with the Residential Design Codes; or
  - ii. obscure-glazed to a minimum height of 1.65m from the finished floor level; or
  - iii. screened on its northern and bottom edges to prevent overlooking of the northern property; the details of which shall be included in the application for a Building Permit and to the satisfaction of the Manager Development Services.
12. The application for a Building Permit shall include detailed plans and information demonstrating to the satisfaction of the Town the design and construction of the northern boundary wall and roof in order to capture stormwater runoff from the building and to minimise stormwater runoff affecting the northern adjacent property.
13. The application for a Building Permit shall include detailed, dimensioned plans which demonstrate accurate compliance with the wall and building height standards of Local Planning Scheme No. 3, to the satisfaction of the Manager Development Services.

Advice Notes:

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible to apply to the Town for a Demolition Permit and to obtain approval prior to undertaking demolition of the existing development.
3. The owner/applicant is responsible for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.
4. Any hazardous substances (i.e. asbestos removal) is to be undertaken in accordance with the relevant regulations.

## AMENDMENT

Moved Cr Walsh, seconded Cr Angers

That a condition be added requiring the proposed northern boundary wall to Bedroom 1 on the upper level to be setback a minimum of 1.0m.

Carried 5/1

**COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Jeanes, seconded Cr Downes

**THAT Council GRANT its approval to Commence Development for the proposed two storey dwelling with roof terrace and a front boundary fence at 170 Little Marine Parade, COTTESLOE in accordance with the plans received 28 May 2014 (survey plan), 27 January 2015 (overshadow plan), 23 February 2015 (floor plans and elevations) and 12 March 2015 (roof terrace privacy screens), 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 Council.**
- 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 Council 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 dwelling 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 finish and colour of the boundary wall facing the northern neighbour shall be to the satisfaction of the Manager Development Services in consultation with the Town; the details of which shall be included in the application for a Building Permit.**
- 7. In accordance with the Town's Fencing Local Law, fencing to the front boundary is to ensure that the infill between the brick piers has a minimum space of 50mm and minimum open-aspect of 50%.**
- 8. The adjoining right of way shall be paved and drained for the full width of the property abutting the eastern boundary at the applicant's expense and to the satisfaction of the Manager Engineering Services, with details of the**

proposed works being submitted in accordance with Council guidelines and approved prior to the issue of a Building Permit.

9. The applicant shall apply to the Town for approval to modify or reconstruct the crossover, in accordance with the Town's specifications, as approved by the Manager Engineering Services or an authorised officer.
10. The roof terrace shall incorporate privacy screens to its eastern end, being obscure glass to a height of 1.65m from the finished floor level, for the extents along the northern, eastern and southern edges as shown on the supplementary plan received on 12 March 2015; the details of which shall be included in the application for a Building Permit and to the satisfaction of the Manager Development Services.
11. The west-facing window to the master bedroom shall be either:
  - i. of such size to be a minor opening in accordance with the Residential Design Codes; or
  - ii. obscure-glazed to a minimum height of 1.65m from the finished floor level; or
  - iii. screened on its northern and bottom edges to prevent overlooking of the northern property; the details of which shall be included in the application for a Building Permit and to the satisfaction of the Manager Development Services.
12. The application for a Building Permit shall include detailed plans and information demonstrating to the satisfaction of the Town the design and construction of the northern boundary wall and roof in order to capture stormwater runoff from the building and to minimise stormwater runoff affecting the northern adjacent property.
13. The application for a Building Permit shall include detailed, dimensioned plans which demonstrate accurate compliance with the wall and building height standards of Local Planning Scheme No. 3, to the satisfaction of the Manager Development Services.
14. The proposed northern boundary wall to Bedroom 1 on the upper level shall be setback a minimum of 1.0m, which shall be shown in the Building Permit plans, including the detail of any revised internal layout.

**Advice Notes:**

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible to apply to the Town for a Demolition Permit and to obtain approval prior to undertaking demolition of the existing development.

3. The owner/applicant is responsible for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.
4. Any hazardous substances (i.e. asbestos removal) is to be undertaken in accordance with the relevant regulations.

Carried 8/0



**10.3.2 LOCAL PLANNING SCHEME NO. 3 - AMENDMENT NO. 3 - FINALISATION**

**File Ref:** SUB/1909  
**Attachments:** [Submissions](#)  
**Responsible Officer:** Carl Askew  
**Chief Executive Officer**  
**Author:** Andrew Jackson  
**Manager Development Services**

**Proposed Meeting Date:** 16 March 2015  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

On 8 December 2014 Council received a report on this proposed Scheme Amendment and resolved to adopt the Amendment for the purpose of advertising and to undertake the statutory procedures accordingly.

Advertising has been completed and four submissions were received. Council is now required to make a recommendation to the Western Australian Planning Commission (WAPC) on the outcome of the Amendment, which this report addresses.

**BACKGROUND**

LPS3 was introduced with revised height controls evolved from former Town Planning Scheme No. 2 (TPS2) and is generally more restrictive. In this respect Council has recently adopted Amendment No. 1 for final approval, to restore a degree of guided discretion for extensions to existing dwellings and heritage buildings.

In TPS2 the maximum building height prescription for single storey development was simply *Roof Height: 6m*, which allowed for wall heights up to 6m depending on the design. This facilitated design flexibility whilst managing bulk and scale, as a tall single storey would still be significantly under the heights for two or three storeys.

LPS3 is more definitive about single storey heights:

- *Building Height – 6.0 metres maximum height;*
- *Wall Height (to level of roof) – 3.0 metres maximum height;*
- *Wall Height (to top of a parapet) – 4.0 metres maximum height;*

with the intent being to distinguish between walls in relation to pitched or flat roofs, similar to how heights are specified for two or more storeys.

However, it is apparent that this is unintentionally restrictive to a range of design possibilities and varying circumstances, whether for extensions or new development, such as:

- Sloping sites where a single storey wall element exceeds 3m.
  - Combined one and two storey buildings where the transition requires greater single storey wall height.
-

- Single storey spaces with higher ceilings, such as atrium-style rooms, voids and sometimes mezzanines.
- Design features such as porticos, high patios, indoor/outdoor rooms, garages with overhead storage, etc.

While modest project homes on flat sites may be able to achieve a single storey 3m wall height, larger and more complex architect-designed dwellings on sloping sites tend to have many elements and often seek single storey walls over 3m high. Also, for non-residential development, including commercial premises and public buildings, a 3m single storey wall height can be insufficient.

The TPS2 measure of 6m worked effectively, affording scope for design and catering to diverse situations, and in view of the above was recommended to be reinstated, with refinement, via this Amendment, as an appropriate and practical maximum wall height for single storey buildings.

### **AMENDMENT PROPOSAL**

The maximum building and wall height prescription for single storey development is proposed to be amended to overcome the current restriction and to incorporate an improved version of the TPS2 standard consistent with the expression of the LPS3 text.

This provides the desired design flexibility yet retains the overall maximum building height, within which wall heights and built form can respond to development needs and site conditions.

The change is technically straightforward and desirable for the operation of the Scheme to readily accommodate today's designs and developments.

### **STRATEGIC IMPLICATIONS**

Nil.

### **POLICY IMPLICATIONS**

Nil.

### **STATUTORY ENVIRONMENT**

Planning & Development Act.  
Town Planning Regulations.  
LPS3.

### **FINANCIAL IMPLICATIONS**

Nil.

### **SUSTAINABILITY IMPLICATIONS**

Nil.

### **CONSULTATION**

Following environmental clearance and notifying the WAPC as required, the Amendment was advertised for public comment for a period of 42 days by:

- placing a copy of the notice in the *Post* newspaper, on the Town's noticeboard/s and website, and at the Library; and
- placing a copy of the proposed amendment on display at the Town's office, on the Town's website and at the Library.

The four submissions received are similar and are from owners looking to undertake single storey development, which is dependent upon the proposed change for single storey dwellings to be dealt with as under former TPS2. As such the submissions do not suggest any modification.

## PROCEDURE

Following the advertising period, the Regulations require Council to:

- consider any submissions and resolve to adopt the Amendment, with any modifications;
- execute the Amendment documents by signing and affixing the Town's seal; and
- lodge the Amendment documents with the WAPC.

The WAPC then assesses the Amendment and submits it to the Minister for Planning for final approval. After that the Town is notified and final approval of the Amendment is published in the Government Gazette whence it comes into effect.

## CONCLUSION

Amendment of the Scheme is required in order to ensure that single storey design and development is not unduly constrained, by providing a building/wall height maximum of 6m. This will reflect how TPS2 functioned successfully.

The Amendment has attracted support and is in order for final approval.

## COMMITTEE COMMENT

Committee supported finalisation of the Scheme Amendment.

## VOTING

Simple Majority

## OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Downes

THAT Council

1. In pursuance of Section 75 of the Planning and Development Act 2005, hereby resolves to amend the Town of Cottesloe Local Planning Scheme No. 3 in respect of maximum wall heights for single storey buildings, by amending the Scheme Text to delete clause 5.7.2 (a) (i) to (iii) as written and replace clause 5.7.2 (a) with:

- |                     |  |
|---------------------|--|
| <i>(a) 1 storey</i> | <i>(i) Building Height (inclusive of wall and roof height; including to top of</i> |
|---------------------|--|

*a parapet) – 6.0 metres maximum height.*

2. **Adopt the Amendment, without modification.**
3. **Authorise the Mayor and Chief Executive Officer to sign the Amendment documents and affix the Town's seal thereto.**
4. **Forward the Amendment documents, together with a copy of Council's resolution on final approval and particulars of the steps taken to advertise the Amendment, to the Western Australian Planning Commission for presentation to the Minister for Planning for final approval of the Amendment.**

**Carried 8/0**

**10.3.3 PLANNING INSTITUTE OF AUSTRALIA 2015 NATIONAL CONGRESS - GREAT PLACES**

**File Ref:** SUB/38  
**Responsible Officer:** Andrew Jackson  
Manager Development Services  
**Author:** Ed Drewett  
Senior Planning Officer

**Proposed Meeting Date:** 16 March 2015  
**Author Disclosure of Interest:** Author is nominee to attend conference

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**SUMMARY**

Every year a major national congress is arranged by the Planning Institute of Australia (PIA). For the 2015 congress, delegates will hear from national and international leaders talking about innovative solutions to the challenges facing planners and planning. The conference will be held in Melbourne from 13 - 15 May 2015.

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

**STATUTORY ENVIRONMENT**

Relates to the global town planning system.

**POLICY IMPLICATIONS**

Council's *Conferences Policy* applies.

**STRATEGIC IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

The estimated cost of registration, accommodation, meals and travel for the congress is \$2900 (including 'early bird' savings) and can be met by the current budget for training and conferences for Planning staff.

**BACKGROUND**

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

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

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

- Planning from the community's perspective;
  - Public transport – integrating public spaces with light rail;
  - Global trends in mixed-use developments;
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- Metropolitan thinking – case studies;
- Local town centre ‘place-making’;
- Planning and design for health; and
- Building the New Melbourne.

There are a number of additional papers being delivered and several concurrent sessions with a range of themes and speakers, as well as field trips. Virtually all the topics listed cover a worthwhile combination of strategic and practical aspects.

### **STAFF COMMENT**

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

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

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

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

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

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

### **COMMITTEE COMMENT**

Committee supported this peak professional development opportunity.

### **VOTING**

Simple Majority

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

**Moved Cr Jeanes, seconded Cr Downes**

**THAT Council APPROVE the attendance of the Senior Planning Officer at the Planning Institute of Australia 2015 National Congress in Melbourne from 13-15 May 2015, and request that a report on the congress be provided within two months of attending the event.**

**Carried 8/0**

**10.4 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 17 MARCH 2015****10.4.1 TOWN OF COTTESLOE CARBON INVENTORY REPORT 2013/2014**

**File Ref:** SUB/1161  
**Attachments:** [Town of Cottesloe Carbon Inventory Report 2013 2014](#)  
**Responsible Officer:** Andrew Jackson  
Manager Development Services  
**Author:** Melissa Rachan  
Sustainability Officer  
**Proposed Meeting Date:** 17 March 2015  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The Town of Cottesloe Carbon Inventory Report summaries the findings from the most recent greenhouse gas inventory. The inventory calculates emissions released as a result of the Town's operation in the 2013/2014 financial year. Annual data collection and reporting is necessary to track progress and highlight areas for improvements. In its fifth consecutive year of carbon accounting, the Town is on track to becoming carbon neutral by the target date of 2015.

The 2013/2014 inventory calculated 294 tonnes of Carbon Dioxide equivalent (CO<sub>2</sub>-e). This compares to a baseline greenhouse gas footprint of 806 tonnes of CO<sub>2</sub>-e for the baseline year of 2009/2010. This significant reduction can be attributed to both increased efficiency in the way the Town operates as well as reporting changes in accordance with the Department of the Environment. Having decreased emissions by over 60% since baseline reporting, the Town is well positioned to purchase carbon offsets as part of the final requirement in the four-step process to becoming a carbon neutral council.

**BACKGROUND**

On 21 June 2011, Council was presented with the baseline measurements of the Town's carbon footprint. The document identified sources of emissions, summarised the Town's greenhouse gas profile, and concluded that the Town had a carbon footprint of 806 tonnes CO<sub>2</sub>-e for that year. The development of the inventory marked the completion of Step 1 in the process to become carbon neutral.

Subsequent inventories presented to Council have demonstrated a continued reduction in emissions. The carbon footprint for 2010/2011 was recorded as 724 tonnes of CO<sub>2</sub>-e, in 2011/2012 this was further reduced to 478 tonnes CO<sub>2</sub>-e and in 2012/2013 the Town's carbon footprint amounted to 372 tonnes CO<sub>2</sub>-e. In June 2012 Step 2 of the process was completed with the development of a Greenhouse Gas Reduction Plan, presented to Council on 17 July 2012. This document set emissions reduction targets and recommended an approach to carbon abatement.

Step 3 is an ongoing process of implementing abatement actions in order to reduce greenhouse gas emissions as much as practical. Several large scale emissions abatement initiatives have been undertaken by the Town since the commencement

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of voluntary reporting. Such initiatives include the installation of a 15 kilowatt solar system on the Civic Centre building; the implementation of Personal Computer power management; a reduction of cars in the Town's fleet; the introduction of a staff sustainable travel allowance; and the bulk purchase of Green Power.

### **DISCUSSION OF THE 2013/2014 INVENTORY**

The attached report provides a description and analysis of the 2013/2014 inventory. The report has been based on the format of all previous documents to allow for easy comparison.

The primary emissions-related activities at the Town for 2013/2014 were:

- Purchased electricity for the Town's buildings and infrastructure;
- Petrol combustion from fleet vehicles for transportation (includes work and private use of vehicles);
- Purchased electricity for Western Power-owned streetlights; and
- Town-generated waste sent to landfill.

Purchased electricity for the Town's buildings is the largest contributor to the Town's footprint, making up 48.3% of the total. There have, however, been significant reductions in the total cost, consumption and therefore emissions relating to this activity. This can directly be attributed to the installation of a solar panel system at the Civic Centre in February 2013. Pre-installation (February to December 2012) the Town's electricity bill for the site was \$37,573.45, post-installation (February to December 2014) it fell to \$33,856.20 despite an 11% increase in electricity tariffs.

Fuel for fleet vehicles contributes to 30.4% of the Town's total footprint, making it the second largest contributor to greenhouse gas emissions. However, actual fuel consumption and therefore emissions have decreased by almost 10 tonnes CO<sub>2</sub>-e since the last reporting period.

Due to changes in reporting, purchased electricity for streetlights only makes up 11.1% of the total footprint, however, it sits significantly higher than other emissions-related activities in terms of consumption amount and therefore cost to the Town. The Town spent \$146,140 on purchased electricity for Western Power-owned streetlights in the 2013/2014 financial year. As ownership of the infrastructure falls to Western Power the Town has little authority to make changes. Waste, business travel and paper use make up 10% of the total footprint.

### **BECOMING A CARBON NEUTRAL COUNCIL**

In 2010 Council resolved to become carbon neutral by the year 2015. The emissions abated to date have amounted to a significant decrease in the Town's total carbon footprint. However, as the Town's footprint becomes smaller, opportunities for significant reductions become limited. Purchasing offsets is necessary to gain carbon neutral status. Carbon offsetting requires Council to invest in projects that reduce greenhouse gas emissions or sequester carbon from the atmosphere in order to compensate for remaining emissions that the Town produces.

It is recommended that Council endorse a Carbon Offset Purchasing Guideline to ensure that all carbon offset transactions reflect best-practice standards as well as taking into account best value for money. The guideline will assist Council in



purchasing offsets that are credible, ensuring that emissions reductions are verifiable, quantifiable and permanent.

Reporting of the Town's carbon inventory is undertaken each financial year, therefore, carbon offsets will be purchased to cancel out all remaining emissions from the 2014/2015 carbon inventory, consequently fulfilling Council's resolution to become carbon neutral by 2015. In order to legitimise claims of carbon neutrality it is recommended that the 2014/2015 carbon inventory is audited by a suitably qualified, independent auditor. The 2014/2015 inventory will be presented to Council at the start of the 2015/2016 financial year.

### **POLICY IMPLICATIONS**

Climate Change Policy:

The Town has demonstrated a proactive approach to climate change mitigation through its commitment to become carbon neutral. Emissions abatement actions, such as the installation of the solar power system, will leave the Town better prepared to deal with climate change while alleviating the effects of rising energy costs.

### **FINANCIAL IMPLICATIONS**

It is recommended that \$28,000 is set aside in the 2015/2016 sustainability budget for the carbon neutral project in order to achieve the fourth and final step of becoming a carbon neutral council which includes purchasing offsets as well as a process of independent auditing.

### **SUSTAINABILITY IMPLICATIONS**

The carbon neutral project has positive ongoing sustainability gains through reducing Town-related emissions. This project is also successful in fulfilling the Town's ambitions to lead other organisations by example in reducing environmental impact. The carbon neutral project demonstrates to the community the Town's proactive approach to sustainability and encourages behaviour change at home.

### **CONSULTATION**

Activity data for the 2013/2014 inventory was collected from a range of sources, including utility bills, monthly reports and directly from service providers. Further detail can be found in the 2013/2014 inventory.

### **STAFF COMMENT**

The 2013/2014 inventory illustrates a significant decrease in Council-related emissions. Since the baseline year, the total carbon footprint has decreased by 512 tonnes CO<sub>2</sub>-e. This is the result of a combination of abatement actions implemented by the Town and changes to the way emissions are reported and calculated. The results of this inventory demonstrate an encouraging trend and confirm that the Town is on track to meeting its overarching goal of carbon neutrality by 2015.

The attached inventory report illustrates the Town's ongoing commitment to sustainability. It is recommended that this be published on the Town's website for the purpose of transparency and improved community awareness.

**VOTING**

Simple Majority

**COMMITTEE DISCUSSION**

Cr Jeanes stated that, where possible, the Town should aim to further reduce its carbon emissions rather than purchasing carbon offsets to become carbon neutral.

Mayor Dawkins commended the Sustainability Officer on her clear and accessible report.

**COUNCIL DISCUSSION**

Cr Rowell commended the officer report and complemented Melissa Rachan for the work in preparing the attached report.

Cr Jeanes noted the LED lights that are being installed in the Town Centre are a good example of an additional initiative by the Town in the sustainability area.

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rowell, seconded Cr Angers**

**THAT Council:**

- 1. Note the completion of the emissions inventory and report for 2013/2014 and the progress made in reducing the Town's emissions;**
- 2. Develop Carbon Offset Purchasing Guidelines during 2015; and**
- 3. Publish the 2013/2014 Carbon Inventory Report on the Town's website by April 2015.**

**Carried 8/0**

**10.4.2 FINAL ADOPTION OF THE CORPORATE BUSINESS PLAN 2014 - 2018**

**File Ref:** SUB/1910  
**Attachments:** [Attachment 1 Corporate Business Plan 2014 2018](#)  
[Attachment 2 Feedback Received](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Mat Humfrey  
Manager Corporate & Community Services  
**Proposed Meeting Date:** 17 March 2015  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

In December 2014, Council resolved to advertise a draft Corporate Business Plan and seek community feedback on the plan. The Corporate Business Plan is now being presented for final adoption.

**BACKGROUND**

As a part of the State Government's Integrated Planning and Reporting Framework, the Town is required to have in place a Corporate Business Plan. The purpose of the Corporate Business Plan is to show how the Town's Strategic Community Plan will be implemented, after considering the available resources.

Following the adoption of the Strategic Community Plan in December 2013, work began on the development of the Corporate Business Plan. The development of the plan was slowed however, as resources were diverted to investigate the potential impacts of the State Government's reform program for Cottesloe, following the rejecting of the Local Government Advisory Boards recommendations for the Town, focus was shifted back to finalising the Corporate Business Plan as soon as possible.

**STRATEGIC IMPLICATIONS**

The Corporate Business Plan set out the projects and actions that are required for the Town to achieved the community's objectives, as set out in the Strategic Community Plan.

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

The *Local Government Act 1995* at section 5.56 requires each local government to have a Plan for the Future. This Part of the Act also provides that the State may make regulations on how such a plan is created and what it should contain.

The *Local Government (Administration) Regulations 1996* contain two Regulations, being 19C and 19D that set out the requirements for the Plan for the Future. Essentially, the Regulations have the combined effect of having two separate plans, being the Strategic Community Plan and the Corporate Business Plan – but that together these plans form the Plan for the Future as required by the Act.

**FINANCIAL IMPLICATIONS**

The costs associated with the writing and advertising of the Corporate Business Plan have been able to have been met within existing operational budgets.

**STAFFING IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

The projects and actions listed in the draft Corporate Business Plan were developed in consultation with senior staff and Council. An extensive workshop was held in November 2014 to this effect.

Following the December 2014 resolution, the Plan and request for feedback were advertised in a local paper and on the Council's website. Following the due date for comments, two submissions were received.

While the number of submissions was lower than hoped, the quality of the submissions was very high. Many of the comments and requests have been able to be met and included in the plan, which is now being presented for final adoption.

A summary of the suggestions is included in the table below.

<b>Priority Area / Project</b>	<b>Suggestion</b>	<b>Response</b>
Protect and enhance the wellbeing of residents and visitors.  1.5 – Continue to improve access and inclusion of aged persons and those with disabilities.	That the project "Undertake an audit of accessibility for all public buildings and infrastructure within the Town" be replaced with "Progress works on the 'Access Audits' (B. Kidd Nov 2006) for all public buildings and infrastructure within the Town"	The project listed was done on the premise that in 2016 / 2017, the year in which the project was listed, the existing audit mentioned would be 10 years old, and as such should be redone. In that time public buildings and infrastructure have changed, as have the requirements for universal access. Undoubtedly, the initial audit would heavily influence the project.
Achieving connectivity between east and west Cottesloe.  2.1 Proactively pursue solutions for Curtin Avenue and the Railway	The comment seeks to change the success indicator to include a commitment of funds and project guidelines.	When considering success indicators, it was considered important to have things that were considered achievable within the term of the plan (4 years). If within the next 2 to 3 years, a project was announced, the success

		indicator would likely be updated to “have a commitment of funds”.
<p>Achieving connectivity between east and west Cottesloe.</p> <p>2.2 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</p>	<p>The question was raised as to why railway crossings were being considered in the western suburbs?</p>	<p>The plan mentioned in this objective would be one that considers the future of the railway crossings and their management. Currently there is no such plan.</p>
<p>Enhancing beach access and the foreshore.</p> <p>3.1 Implement the Foreshore Redevelopment Plan</p>	<p>A new project suggested being; “Prioritise traffic management studies, planning strategies and a Parking Matters Policy”</p>	<p>The draft plan has been updated to show a baseline traffic study and develop a traffic management policy as well as a parking strategy and policy for this priority area.</p>
<p>Managing Development</p> <p>4.3 Consider undeveloped government owned land for higher density development</p>	<p>A new project suggested being; “Prioritise traffic management studies and planning strategies in conjunction with State Government, Landcorp and relevant parties”</p>	<p>As this project does not mention any specific land for development, it would be difficult to implement a project developing traffic management studies in the short term. However the basis of the suggestion is reasonable in that it appears to be suggesting that traffic management be considered. As such project c has been updated to include “impact assessments” within the structure plans</p>
<p>Providing sustainable infrastructure and community amenities.</p> <p>5.2 Manage assets that have a realisable value</p>	<p>A new project suggested being: “Prioritise traffic management studies and planning strategies in conjunction with the relevant parties.”</p>	<p>Project c has been updated within the draft plan to include planning strategies and traffic management studies.</p>
<p>Providing sustainable</p>	<p>A suggestion has been</p>	<p>While there are some</p>

<p>infrastructure and community amenities.</p> <p>5.4 Maximising income from non rates sources</p>	<p>made that a list of leases be provided showing the current income from these leases and their expiry date, be included within the plan.</p>	<p>issues with regards to commercial sensitivities, the Town is required to advertise the disposal of land (including leases), with term, value and consideration to be received. The most appropriate place for such information would be in the annual report.</p>
<p>Providing open and accountable local governance.</p> <p>6.3 Implement technologies to enhance decision making, communication and service delivery</p>	<p>A new project suggested being “Develop a Town of Cottesloe Monthly Newsletter online, that best meets the needs of the community”</p>	<p>While the project hasn’t been included in the draft document, it will be investigated further by administration and reported back to Council in the future.</p>
<p>Pre amble and introduction</p>	<p>A number of changes are suggested to the text as a result of the changes to the State Governments Reform process</p>	<p>The document has been updated to reflect these changes</p>
<p>Priority Areas</p>	<p>Some suggestions were made to reword the priority areas and re-assign priorities</p>	<p>The priority areas are as set within the Strategic Community Plan. As the CBP seeks to implement this plan, it is important that the priority areas and numbers align. The feedback will be kept and used during the desktop review of the Strategic Community Plan, due later in 2015.</p>

### STAFF COMMENT

In providing comment on the submissions received, it’s first noteworthy that no overall objections were received. Rather, the feedback suggested ways that the plan could be improved as noted above. The quality of the feedback was high and many of the comments have resulted in updates to the plan as presented to Council. It is important to note though that this plan cannot be considered in isolation. This plan shows how the Town intends to implement that Council’s Strategic Community Plan, and needs to be considered in that context. With a desktop review of the

Strategic Community Plan due later this year, the comments received in this process as well as progress towards the projects shown will be included in that review.

**VOTING**

Absolute Majority

**COMMITTEE DISCUSSION**

Cr Pyvis stated she was pleased to see that the report considered resident Patricia Carmichael's suggestion that a monthly online newsletter be developed. The Chief Executive Officer (CEO) advised that Cottesloe Council News is available monthly on the Town's website and the website also has the facility for residents to provide feedback. He acknowledged that there is always more that can be done.

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rowell, seconded Cr Jeanes**

**THAT Council:**

- 1. Adopt the Corporate Business Plan as shown in Attachment 1.**
- 2. Thank those who made a submission during the consultation phase.**

**Carried 8/0**

**10.4.3 ORDINARY ELECTION - APPOINTMENT OF STATE ELECTORAL COMMISSIONER AS RETURNING OFFICER FOR POSTAL VOTE ELECTIONS**

**File Ref:** SUB/1876  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Mat Humfrey  
Manager Corporate & Community Services  
**Proposed Meeting Date:** 17 March 2015  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

A recommendation is made to declare, in accordance with section 4.20(4) of the *Local Government Act, 1995*, the Electoral Commissioner to be responsible for the conduct of the 2015 ordinary elections together with any other elections or polls which may also be required and to decide, in accordance with section 4.61(2) of the *Local Government Act, 1995*, that the method of conducting the election will be as a postal election.

**BACKGROUND**

To assist in budget preparations the WA Electoral Commission has provided Council with an estimate for the next scheduled ordinary elections, planned for 17 October 2015.

The current procedure required by the *Local Government Act, 1995* is that the Electoral Commissioner's written agreement is to be obtained before the vote is taken. To facilitate the process, the letter received by the Town from the Electoral Commissioner can be taken as agreement to be responsible for the conduct of the ordinary elections in 2015 for the Town of Cottesloe, together with any other elections or polls that may also be required.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

*Local Government Act, 1995* – Sections 4.20(4) and 4.61(2) which read as follows:

**4.20. CEO TO BE RETURNING OFFICER UNLESS OTHER ARRANGEMENTS MADE**

- (1) Subject to this section the CEO is the returning officer of a local government for each election.
- (2) A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner,



appoint\* a person other than the CEO to be the returning officer of the local government for —

- (a) an election; or
- (b) all elections held while the appointment of the person subsists.

*\* Absolute majority required.*

- (3) An appointment under subsection (2) —
  - (a) is to specify the term of the person's appointment; and
  - (b) has no effect if it is made after the 80th day before an election day.
- (4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare\* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

*\* Absolute majority required.*

- (5) A declaration under subsection (4) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.
- (6) A declaration made under subsection (4) on or before the 80th day before election day cannot be rescinded after that 80th day.

#### **4.61. CHOICE OF METHODS OF CONDUCTING ELECTION**

- (1) The election can be conducted as a —
  - postal election** which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or
  - voting in person election** which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.

- (2) The local government may decide\* to conduct the election as a postal election.

*\* Absolute majority required.*

- (3) A decision under subsection (2) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.
- (4) A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.

- (5) A decision made under subsection (2) on or before the 80th day before election day cannot be rescinded after that 80th day.
- (6) For the purposes of this Act, the poll for an election is to be regarded as having been held on election day even though the election is conducted as a postal election.
- (7) Unless a resolution under subsection (2) has effect, the election is to be conducted as a voting in person election.

**FINANCIAL IMPLICATIONS**

The estimated cost for the 2015 election is \$27,000 including GST, which has been based on the following assumptions:

- 5,600 electors;
- response rate of approximately 50%;
- 4 vacancies;
- count to be conducted at the premises of the Town of Cottesloe
- appointment of a local Returning Officer;
- standard Australia Post delivery service to apply.

Costs not incorporated in the estimate include:

- non-statutory advertising (i.e. additional advertisements in community newspapers and promotional advertising);
- any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns;
- one local government staff member to work in the polling place on election day; and
- any additional postage rate increased by Australia Post.

**STAFFING IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

Given that Council's previous election was held via postal elections and voter turnout was increased, this method of voting is recommended for the 2015 Ordinary Elections.

**VOTING**

Absolute Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rowell, seconded Cr Downes**

**THAT Council:**

- 1. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2015 ordinary elections together with any other elections or poll which may be required; and**
- 2. Decide, in accordance with section 4.61 (2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.**

**Carried 8/0**

**10.4.4 EVENT APPLICATION – FUNDRAISING EVENT FOR SURF RESCUE HELICOPTER**

**File Ref:** SUB/1929  
**Attachments:** [Site Plan](#)  
[Draft Operations Plan](#)  
[Email from Sculpture by the Sea](#)  
**Responsible Officer:** Mat Humfrey  
Manager Corporate & Community Services  
**Author:** Sherilee Macready  
Community Development Officer  
**Proposed Meeting Date:** 17 March 2015  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Surf Life Saving Western Australia and Westpac are seeking approval for additional event activities at Cottesloe foreshore for their approved event, the Surf Life Saving WA and Westpac Rescue Helicopter Services Fundraising Event – The Big Beach Brekky and World Record Attempt, to be held at Cottesloe Beach on Saturday 28 March 2015, from 9.00am to 12.00pm.

**BACKGROUND**

An application was received from Westpac and Surf Life Saving WA in December 2014, for a fundraising event and BBQ at Cottesloe Beach, north of Indiana Restaurant, on the 28 March 2015. The event raises money for Surf Life Saving WA and its provision of the two Westpac Rescue Helicopters, and comprises a world record attempt and fundraiser for the most people building sandcastles simultaneously in an hour, and includes a BBQ breakfast to complete the event.

At the time, consultation was carried out with Cottesloe Surf Life Saving Club, who provided a letter of support for the event. Additionally, Sculpture by the Sea organisers provided a letter to advise the Town that the de-installation phase of the exhibition would be completed prior the 28 March 2015.

Working within the parameters of the Town's Beach Policy, the Chief Executive Officer was able to approve the event administratively in early January 2015.

Organisers of the event have fine-tuned the event particulars, and are currently seeking approval for additional activities on the Cottesloe foreshore grassed area at the corner of Napier Street and Marine Parade (west side), that were not requested in their original application.

The additional activities include: presence of a professional Sand Sculptor creating a sculpture in a fenced off section on the grassed area, from Wednesday 25 March, to Saturday 28 March 2015, with a view to being a welcoming attraction for the event; a bouncy castle for children attending the event to play on and the location of the registration tent for competitors taking part in the sand castle building competition, to be placed on the grassed area rather than on the beach itself. A map has been provided outlining the proposed event set up.

The request for the additional “bump in” days for the Sand Sculptor takes into account the time required for the sculptor to build and complete the artwork piece in time for the event day. The event management company has indicated they will allocate a five metre squared fenced off area for the sculptor to work within and display the piece of artwork. Security guards will be employed overnight during the dates that the sand sculpture is at the Cottesloe foreshore.

Apart from the presence of the Sand Sculptor, organisers have advised that all remaining event infrastructures will be “bumped in” on the morning of the event, Saturday 28 March 2015. This is to allow for wind and tidal changes that may have occurred at the beach, as well as to accommodate the de-installation phase of the Sculpture by the Sea exhibition.

Organisers of the event have introduced risk control measures including beach safety plans, and on-hand first aid through the Cottesloe and North Cottesloe Surf Life Saving Clubs.

Organisers have indicated that they will be providing 8 portable toilets and additional bins at the event site to cater for between 500 - 2000 expected participants and their spectators.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Nil

**STAFFING IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

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

The Coastcare Officer was asked for comment regarding the coastal sustainability implications of this event. It was recommended that the volunteer or registration event stations be situated close to the designated pathways to ensure that members of the public are encouraged to use the designated pathways when traversing to the beach. Additionally, the Coastcare Officer offered to provide signage examples that could be displayed at the event to encourage participants, volunteers and staff to use

designated pathways, in an effort to protect the sensitive vegetation and sand dunes in the area.

### **CONSULTATION**

Sculpture by the Sea organisers have indicated that the de-installation phase of the event will be completed by Friday 27 March 2015, in time for the beach event, with the grassed foreshore area indicated on the event map being available for use from Wednesday, 25 March 2015 onwards.

North Cottesloe Surf Life Saving Club and Cottesloe Surf Life Saving Club are supportive of this event, and organisers have indicated that the Clubs will assist with providing volunteers for beach safety and first aid tasks.

### **STAFF COMMENT**

As the events main purpose is to fundraise for provision of Surf Life Saving Western Australia's Westpac Rescue Helicopter Services, which provide a valuable service in our community and the low impact expected, the event is recommended for approval.

### **VOTING**

Simple Majority

### **COMMITTEE DISCUSSION**

Cr Pyvis expressed concern regarding the sustainability implications of the event. Cr Pyvis requested assurance that additional bins will be provided and further information on the packaging and utensils used for the barbeque.

Cr Pyvis stated that bottled water should not be sold at the event and suggested that the Town contact the Western Metropolitan Regional Council to utilise their water refill station.

The CEO advised that the Community Development Officer will provide further information to Council before the next meeting.

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

**Moved Cr Rowell, seconded Cr Angers**

**THAT Council approve the additional activities at Cottesloe foreshore grassed area as requested by the event organisers, taking place between, Wednesday 25 March and Saturday 28 March 2015, subject to the following conditions:**

- 1. That the event organisers are able to provide proof of adequate public liability insurance for all aspects of the event, for no less than \$10 million;**
- 2. Additional toilets are provided to the satisfaction of the Chief Executive Officer;**
- 3. Adequate arrangements for rubbish collection and removal, including the provision for recycling;**
- 4. Compliance with the *Environmental Protection (Noise) Regulations 1997*;**

5. **Compliance with requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*;**
6. **Class the event as a “Charitable Event” and charge no fee for the event; and**
7. **Organisers encourage members of the public attending their event, to use designated beach pathways when accessing the beach, by way of signage at key points along the Cottesloe foreshore.**

**Carried 8/0**

**10.4.5 2015 WHALEBONE CLASSIC**

**File Ref:** SUB/1983  
**Attachments:** [Event Application Form](#)  
**Responsible Officer:** Mat Humfrey  
**Author:** Manager Corporate & Community Services  
Sherilee Macready  
Community Development Officer  
**Proposed Meeting Date:** 17 March 2015  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

On Friday 10 July, Saturday 11 July and Sunday 12 July 2015, Surfing Western Australia would like to hold their annual Whalebone Classic at Isolators Reef Cottesloe. The event will be organised by Surfing Western Australia, with support from Funs Back Surf owners, Peter Dunn and Simone Quartermaine, and the Cottesloe Longboard Club.

**BACKGROUND**

The Whalebone Classic is a local event, consisting primarily of a three day professional longboard surfing competition. It has been running for the past 17 years without incident.

A marquee tent will be set up for local sponsors to advertise their surf wares. Profits over the weekend are then distributed to Surf Aid International and other not-for-profit organisations.

With 130 competitors expected, together with attending spectators, extra toilets will be provided by the organisers. Rubbish bins are required, which have been supplied by the Council in previous years in support of this community event.

Event commentators will make brief announcements from 7.00am – 5.00pm on each day of the competition.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Beach Policy

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

There is a small cost in the provision of additional bins for the event, but this can be met within normal operation budgets.



**STAFFING IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

The Sustainability Officer and the Coast Care Officer were asked for comment regarding the sustainability implications of this event. It was advised that event organisers are encouraged to manage access to Isolators Reef by competitors and members of the public attending the event, by encouraging people to use designated pathways.

**CONSULTATION**

Nil

**STAFF COMMENT**

As the event is a long standing annual event, with broad community support and a history of success in the running of the event, it is recommended for approval.

If Council charges beach hire for this event, under community classification, it would total \$550 per day. The Town has not charged in the past for the use of Isolators Reef for this event as there is little disruption to other patrons using the area.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rowell, seconded Cr Angers**

**THAT Council approve the application to hold the 2015 Whalebone Classic at Isolators Reef on Friday 10 July, Saturday 11 July and Sunday 12 July 2015, subject to the following conditions:**

- 1. That the event organisers are able to provide proof of adequate public liability insurance for all aspects of the event, for no less than \$10 million;**
- 2. Additional toilets are provided to the satisfaction of the Chief Executive Officer;**
- 3. That the \$550 fee be waived subject to this support being appropriately acknowledged;**
- 4. Compliance with the *Environmental Protection (Noise) Regulations 1997*; and**
- 5. Compliance with requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*.**

Carried 8/0

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

**File Ref:** SUB/707  
**Attachments:** [Draft Five Year Plans](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Doug Elkins  
Manager Engineering Services  
**Proposed Meeting Date:** 17 March 2015  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

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

**BACKGROUND**

Each year, Council adopts a five year plan detailing its intended expenditure on infrastructure over the next five years. In accordance with this practice, and Council's policy, a new five year plan is presented to Council for review and endorsement. The first year of the five year plan, once adopted, will form the basis for the 2015/16 financial year infrastructure budget.

**STRATEGIC IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

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

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

**FINANCIAL IMPLICATIONS**

The five year plans detail Council's current plan for the major part of its expenditure over the next five years. The current review is approximately maintaining Council's current financial commitment, with the inclusion of the currently adopted plan for the allocation of funds from the sale of the Depot site.

**STAFFING IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil. The current five year plans have not been created in the context of an asset management plan and accordingly have not been developed in consideration of community and Council's desires versus capacity to pay.

**CONSULTATION**

Nil

**STAFF COMMENT**

Previous five year plan updates have been based on the addition of a new year five and bringing forward the previously adopted five year plan by one year. This year the whole of the plan was reviewed, using the previously adopted five year plans as a framework for the updated plans. As the previous plans formed the basis of the review, much of the proposed new plans is consistent, however, there are a number of significant changes.

Significant changes to the proposed five year plans are as follows:

- The depot funds strategy has been incorporated into the five year plan;
- The major roads plan has been incorporated into the road plan;
- The road and footpath plans have been adjusted to put works in the same street in the same financial year, and works in connecting streets in the same financial year (i.e. the order of works has been rearranged to get a whole street or group of streets completed in a single year);
- The footpath plan has been updated to reflect the most recent physical inspection of the path network;
- The laneway plan has been updated to complete larger lengths of higher volume laneways (volume determined by primary car park frontage to the laneway);
- The road plan has been updated to include the replacement of kerbs, due to kerb face being lost when roads are re-asphalted;
- The capital component of the Civic Centre Building budget and the Civic Centre Grounds budget has been removed from the operational budget and included in the Building Refurbishment budget;
- The Civic Centre Building and Civic Centre Grounds budgets have been adjusted to more accurately reflect the salary costs associated with those budgets; and
- The infrastructure budget defines the expenditure category (i.e. asset renewal, upgrade or expansion).

The following table summarises the program expenditure for the next five years.

		2015/16	2016/17	2017/18	2018/19	2019/20
Road	Rates	330,000	330,000	330,000	330,000	330,000
	Depot Funds	165,000	210,000	0	0	0
	Grants	0	0	0	66,000	0
	<b>Total</b>	<b>495,000</b>	<b>540,000</b>	<b>330,000</b>	<b>396,000</b>	<b>330,000</b>
Laneway Upgrade	Rates	80,000	80,000	80,000	80,000	120,000
	Depot Funds	0	0	0	0	0
	Grants	0	0	0	0	0
	<b>Total</b>	<b>80,000</b>	<b>80,000</b>	<b>80,000</b>	<b>80,000</b>	<b>120,000</b>
Drainage	Rates	20,000	20,000	20,000	20,000	20,000
	Depot Funds	0	0	0	0	0
	Grants	0	0	0	0	0
	<b>Total</b>	<b>20,000</b>	<b>20,000</b>	<b>20,000</b>	<b>20,000</b>	<b>20,000</b>
Footpath	Rates	150,000	150,000	150,000	150,000	110,000
	Depot Funds	0	105,065	430,757	165,572	169,711
	Grants	0	0	0	0	0
	<b>Total</b>	<b>150,000</b>	<b>255,065</b>	<b>580,757</b>	<b>315,572</b>	<b>279,711</b>
Streetscape	Rates	50,000	50,000	50,000	50,000	50,000
	Depot Funds	435,625	341,453	1,058,505	137,977	0
	Grants	0	0	0	0	0
	<b>Total</b>	<b>485,625</b>	<b>391,453</b>	<b>1,108,505</b>	<b>187,977</b>	<b>50,000</b>
Parks and Reserves	Rates	90,000	75,000	75,000	75,000	75,000
	Depot Funds	738,000	808,982	290,761	0	0
	Grants	0	0	0	0	0
	<b>Total</b>	<b>828,000</b>	<b>883,982</b>	<b>365,761</b>	<b>75,000</b>	<b>75,000</b>
Plant and Equipment	Rates	213,100	206,000	222,500	226,900	217,500
	Depot Funds	0	0	0	0	0
	Grants	0	0	0	0	0
	<b>Total</b>	<b>213,100</b>	<b>206,000</b>	<b>222,500</b>	<b>226,900</b>	<b>217,500</b>
Building Refurbishment	Rates	386,500	386,500	386,500	386,500	386,500
	Depot Funds	1,332,500	1,050,625	53,845	496,716	0
	Grants	0	0	0	0	0
	<b>Total</b>	<b>1,719,000</b>	<b>1,437,125</b>	<b>440,345</b>	<b>883,216</b>	<b>386,500</b>
<b>Total Annual Budget</b>	Rates	1,319,600	1,297,500	1,314,000	1,318,400	1,309,000
	Depot Funds	2,671,125	2,516,125	1,833,868	800,265	169,711
	Grants	0	0	0	66,000	0
	<b>Total</b>	<b>3,990,725</b>	<b>3,813,625</b>	<b>3,147,868</b>	<b>2,184,665</b>	<b>1,478,711</b>

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

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rowell, seconded Cr Jeanes**

**THAT Council adopt the attached five year plans for roads, laneways, drainage, footpaths, parks and reserves, plant and equipment and building refurbishment with year one to form the basis for the development of the 2015/2016 Budget.**

**Carried 7/1**

**For: Mayor Dawkins, Crs Pyvis, Rowell, Downes, Angers, Burke, and Jeanes**

**Against: Cr Walsh**

**10.4.7 REMOVAL OF FIG TREE – CIVIC CENTRE MAIN LAWN**

**File Ref:** SUB/398  
**Attachments:** [Photo 1 Damage Caused By Tree](#)  
[Photo 2 Main Lawn Stage c1963](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Doug Elkins  
Manager Engineering Services  
**Proposed Meeting Date:** 17 March 2015  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is asked to endorse the removal of a Fig Tree adjacent to a retaining wall on the Civic Centre Main Lawn.

**BACKGROUND**

A Fig Tree, to the immediate south of the stage on the Main Lawn of the Civic Centre, is causing a section of the retaining wall and balustrade to fail. In order to repair the wall, it is necessary for the tree to be removed. Photo 1 in the attachments shows the damage being caused by the tree. Photo 2 shows the stage area around 1963. While not absolutely certain, officers believe the second photo to show the Fig Tree did not exist at this time.

In anticipation of the need to ultimately remove the tree, a Peppermint Tree was planted several years ago to replace the Fig Tree.

Council is asked to endorse the removal of the Fig Tree.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil, however, the Council's Street Tree policy requires a replacement tree to be planted when a street tree is removed.

**STATUTORY ENVIRONMENT**

Nil

**FINANCIAL IMPLICATIONS**

The cost of the tree removal is \$3,000. This is a component of the cost of repairing the damage to the wall. The estimated cost of repairing the retaining wall is \$40,000 to \$50,000.

**STAFFING IMPLICATIONS**

Nil

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**SUSTAINABILITY IMPLICATIONS**

Nil. A replacement tree has been planted. The replacement tree is a local native

**CONSULTATION**

Nil

**STAFF COMMENT**

The Fig Tree is causing damage to the wall and will require removal in order to fix the wall. Over time, the damage will continue to occur until the balustrade collapses or the wall ultimately crumbles. While a definitive determination cannot be made, based on photos and the location of the tree, officers consider it most likely that the tree was self-seeded. As such, the tree is not considered to have any heritage or character value to the grounds. In accordance with Council's practice of replacing trees that are removed, some time ago, officers planted a Peppermint Tree in close proximity to the Fig Tree, but further from the wall.

While the tree needs to be removed, it is not intended that the tree will be removed until shortly before the commencement of works to make good damage to the wall. It was intended that these works would commence this financial year. However, officers have identified excessive movement of a wall between the Main Lawn and the Lower (Western) Lawn. Repairing this wall is likely to take priority. If this is the case, the Fig Tree will be retained until the funds are available to fund the repair of the adjacent wall.

It is recommended that Council endorse the removal of the Fig Tree.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rowell, seconded Cr Angers**

**THAT Council endorse the removal of the Fig Tree, located to the immediate south of the stage on the Main Lawn of the Civic Centre, with the works to be carried out a short time prior to the commencement of the repairs to the adjacent wall.**

**Carried 8/0**

**10.4.8 ADOPTION OF LOCAL RECOVERY ARRANGEMENTS FOR THE TOWN OF COTTESLOE**

**File Ref:** SUB/218; SUB/1834  
**Attachments:** [Town of Cottesloe Local Recovery Arrangements](#)  
**Responsible Officer:** Carl Askew  
**Author:** Chief Executive Officer  
Doug Elkins  
Manager Engineering Services  
**Proposed Meeting Date:** 17 March 2015  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council last adopted a Local Recovery Plan in July 2007. This plan is partly out of date and is generic. Council is asked to adopt an updated and more detailed Local Recovery Plan.

**BACKGROUND**

The *Emergency Management Act 2005* places a number of responsibilities on Local Government, along with various other agencies, before, during and following an emergency event. To discharge its responsibilities, the Town of Cottesloe has partnered with a number of other Local Governments to create the Western Central Local Emergency Management Arrangements. In July 2007, Council adopted a Local Recovery Plan, which was appended to the Western Central Local Emergency Management Committee Recovery Plan. After a period of almost eight years, it was considered appropriate to review the plan and present an updated plan for endorsement by Council. Further, the previous plan was generic, with only contact details being specific to the Town of Cottesloe, so an updated plan is an opportunity to include more detail to the plan in order to make it of more operational value in an emergency recovery and response. An updated draft plan, titled Town of Cottesloe Local Recovery Arrangements, is included in the attachments.

**STRATEGIC IMPLICATIONS**

The Local Recovery Plan is the strategy for initially responding to, and recovering from, an emergency within the Town of Cottesloe. While the plan will be appended to the greater plan that covers the Western Central group, the focus of the plan and the detail within the plan, is Cottesloe-centric.

**POLICY IMPLICATIONS**

The updated plan is a policy level document. The plan provides an order of response priority to guide the way resources will be allocated in an emergency event. Relevantly, the plan empowers responders to delay responding to lower priority issues.

**STATUTORY ENVIRONMENT**

Emergency preparedness is a legislated responsibility of Local Government, required by the *Emergency Management Act 2005*.

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**FINANCIAL IMPLICATIONS**

The plan provides details of the current capacity of the organisation and the priority of resource allocation. In a large emergency event, it is likely that the Town will need to absorb costs. In order to ensure the Town is in the best possible position to claim costs from the Hazard Management Authority responsible for the emergency event, or from the Western Australian Disaster Relief Funding Arrangements, the plan includes the Town's Finance Manager as a key person in the Local Recovery Committee.

**STAFFING IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The previous Local Recovery Plan was limited in detail. It provided the make-up of the Local Recovery Committee and suggestions of possible sub-committees, which may be required for a particular emergency event. The previous plan also provided a list of contact details for staff, local hospitals and various other agencies and groups.

The update plan captures much of the previous plan. The contact details of staff has been removed, due to the frequent changing of staff and the ease at which an internal phone list can be acquired. Also removed is the contact details for the local hospitals, as they are outside of the district and, in the case of an emergency event large enough to require local hospitals to activate their emergency plans, this will be triggered by a Hazard Management Agency or the Police/Ambulance and not the Town.

The following key things have been added to the proposed plan:

- Details of the role of the Local Recovery Coordinator.
- The addition of the Finance Manager as a member of the Local Recovery Committee.
- Updated key contact groups for possible inclusion in sub-committees.
- A public broadcasting strategy for the provision of basic information, including contact details of Perth radio stations.
- The inclusion of a table of initial response priorities. The plan recognises that the Town will be the first responder on the scene, and in some cases, may be the only responder on the scene. The plan also recognises that smaller emergency events may not be elevated to an Incident Control Group (a group from the responsible agency charged with managing the response to the emergency event) or even a Local Recovery Committee. In this context, the plan provides a response priority for opening roads, inspecting infrastructure, protecting private property and commencing clean-up. Roads are prioritised in a way that considers the risk of death or injury to road users, and the consequence of congestion or blockages on the ability of outside help to get to

Cottesloe or for people to be evacuated from Cottesloe. Although not a road under the management of the Town, Stirling Highway is given the highest priority as, in an emergency, it may be that the Town clears the road in order to allow other emergency vehicles to get to the Town or to facilitate evacuation.

- The plan provides guidance on how to respond to requests for resources by the Incident Control Group.
- The Grove Library and two other large facilities outside of the Town (one in the City of Nedlands and one in the Town of Mosman Park) have been added to the list of possible evacuation centres for a district level event.
- Contact details of local supermarkets, hardware, and road building contractors have been included.
- A list of vehicle and plant owned by the Town has been added.
- Contacts details for all schools, kindergartens and child care centres in the district have been included.

It is recommended that the Council adopt the updated Local Recovery Plan.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rowell, seconded Cr Angers**

**THAT Council adopt the Local Recovery Plan, titled Town of Cottesloe Local Recovery Arrangements, and dated March 2015, as included in the attachments.**

**Carried 8/0**

**10.4.9 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2014  
TO 28 FEBRUARY 2015**

**File Ref:** SUB/1878  
**Responsible Officer:** Mat Humfrey  
Manager Corporate & Community Services  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 17 March 2015  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The purpose of this report is to present the Statutory Financial Statements and other supporting financial information to Council for the period 1 July 2014 to 28 February 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 \$7,757,999 or 80% less than year to date budget. This is due mainly to the delays in the disposal of property and all material variances are detailed in the Variance Analysis Report on pages 7 to 10 of the attached Financial Statements. Operating expenditure is \$123,848 or 2% less than year to date budget and capital expenditure, which is detailed on pages 27 to 30, is \$611,003 or 41% more than year to date budget.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rowell, seconded Cr Angers**

**THAT Council receive the Statutory Financial Statements including other financial information as submitted to the 17 March 2015 meeting of the Works and Corporate Services Committee.**

**Carried 8/0**

**10.4.10 SCHEDULES OF INVESTMENTS AND LOANS AS AT 28  
FEBRUARY 2015**

**File Ref:** SUB/1878  
**Responsible Officer:** Mat Humfrey  
Manager Corporate & Community Services  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 17 March 2015  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The purpose of this report is to present to Council the Schedule of Investments and the Schedule of Loans as at 28 February 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 \$4,312,716.45 as at 28 February 2015. Approximately 34% of these funds were invested with the Commonwealth Bank of Australia, 31% with National Australia Bank, 22% with Bankwest and 13% with Westpac Banking Corporation.

The Schedule of Loans on page 22 of the attached Financial Statements shows a balance of \$5,326,361.52 as at 28 February 2015. Included in this balance is \$178,989.81 that relates to self supporting loans.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rowell, seconded Cr Angers**

**THAT Council receive the Schedule of Investments and the Schedule of Loans as at 28 February 2015. These schedules are included in the attached Financial Statements as submitted to the meeting of the Works and Corporate Services Committee on 17 March 2015.**

**Carried 8/0**

**10.4.11 LIST OF ACCOUNTS PAID FOR THE MONTH OF FEBRUARY 2015**

**File Ref:** SUB/1878  
**Responsible Officer:** Mat Humfrey  
Manager Corporate & Community Services  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 17 March 2015  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The purpose of this report is to present to Council the list of accounts paid for the month of February 2015, as included in the attached Financial Statements as presented to the meeting of the Works and Corporate Services Committee on 17 March 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 February 2015 is included on pages 12 to 17 of the attached Financial Statements. The following significant payments are brought to Council's attention;-

- \$70,666.45 to Perth Green Recycling for waste collection services
  - \$30,344.28 to Surf Life Saving WA for the monthly life saving contract
  - \$162,658.10 to the Shire of Peppermint Grove being Councils quarterly contribution towards the library service
  - \$30,232.40 to Shine Community Services being Councils half yearly contribution towards the service
-

- \$87,957.80 & \$87,197.63 to Town of Cottesloe staff for fortnightly payroll
- \$57,336.00 to the Town of Cottesloe Trust Account to balance to trust receipts held by the Town

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rowell, seconded Cr Angers**

**THAT Council receive the list of accounts paid for the month of February 2015 as included in the attached Financial Statements, as submitted to the 17 March 2015 meeting of the Works and Corporate Services Committee.**

**Carried 8/0**



**10.4.12 RATES AND SUNDRY DEBTORS REPORTS AS AT 28 FEBRUARY 2015**

**File Ref:** SUB/1878  
**Responsible Officer:** Mat Humfrey  
Manager Corporate & Community Services  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 17 March 2015  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The purpose of this report is to present to Council the Rates and Sundry Debtors Reports

**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 to 24 of the attached Financial Statements shows a total balance outstanding of \$170,043.94 as at 28 February 2015. Of this amount, \$54,777.00 relates to a non current loan debtor with a community organisation, and of the remaining balance \$79,232.09 is less than sixty days old with the balance of aged debtors being \$36,034.85.

The Rates and Charges Analysis Report of page 25 of the attached Financial Statements shows a total balance outstanding of \$1,158,768.78 as at 28 February 2015 of which \$185,293.94 and \$361,712.66 relates to deferred rates and outstanding emergency services levies. The Statement of Financial Position on page

4 of the attached Financial Statements shows total rates outstanding as a current asset of \$1,187,503 as compared to \$1,115,120 this time last year.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rowell, seconded Cr Angers**

**THAT Council receive the Rates and Charges Analysis Report and Sundry Debtors Report as at 28 February 2015 as submitted to the meeting of the Works and Corporate Services Committee.**

**Carried 8/0**

**11 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****11.1 SMOKING BAN**

The following motion has been proposed by Cr Pyvis

**That Council in view of the significant adverse environmental impacts of cigarette butts and in the interest of better community health and amenity that Council support a permanent ban on smoking at all Cottesloe beaches to be implemented by the 2015/2016 summer season.**

**Reason:**

Cigarette butts have an enormous adverse affect on beaches and in waterways and the associated health, environmental, social and economic costs are substantial.

As a daily beach swimmer I'm appalled at the number of cigarette butts on the beach which the mechanised beach cleaner cannot scoop up. The butts end up in the ocean where marine life and birds ingest the non-biodegradable plastic (cellulose acetate) which are amongst the 12,000 plastic based fibres contained in cigarette filters.

Butts (the most common item of litter worldwide) also contain hazardous chemicals like cadmium, lead and arsenic that leach into the water. Add these to the rapidly increasing number of micro plastics finding their way into our waterways and embedding themselves in the marine food chain and we have a massive and largely invisible environmental problem.

Vertebrates such as fish are now ingesting microplastics and it is predictable how this will travel up the food chain to humans.

There is clear evidence that passive smoking can affect the health of children and other non-smokers and research shows that where significant adults in a child's life smoke and children observe this behaviour there is an increased risk that they will become a smoker.

Also emerging is recognition of the damaging effects of passive smoking in outdoor areas where previously only indoor areas have been widely documented.

Cottesloe beaches are well used by children (both Surf Clubs' Nippers activities and general community use) and discarded cigarette butts can be swallowed while passive smoking can cause sensory irritations such as eye watering, respiratory problems and asthma.

There is also the inconsistency that smoking is prohibited in many outdoor areas in WA (al fresco areas and within 10metres of children's playgrounds) but not on our beaches.

Many people are unaware that smoking between the flags in patrolled swimming areas is already an offence in WA but I'm unaware of any infringement notice issued for this in Cottesloe.

A beach smoking ban will be difficult for Rangers to enforce (people refuse to give identification) however an internationally recognised no-smoking icon added to existing beach signs would act as a deterrent, give non-smoking beachgoers the right to ask others to butt out, minimise cost and negate the need for additional signage.

Ten Sydney beaches are now smoke-free-zones and Waverley Council has run successful summer education programs where Rangers and Council staff walk the beach educating people about the no-smoking rules.

The environmental group Responsible Runners collected more than 110,000 cigarette butts on Bondi Beach in 18 months and during one 30-minute rubbish clean-up picked up more than 2500 cigarettes butts on the beach.

Victoria has a "Report Litter free mobile App" enabling the public to do in people who throw cigarette butts from cars.

The harms of smoking are well advertised yet over 250,000 Western Australians continue to smoke daily. Cottesloe should be doing its bit to improve the environment and people's health by banning smoking on all its beaches.

In summary, a ban on smoking at Cottesloe beaches supports Council's obligation to promote public health outcomes and its commitment to improve the natural environment and amenity of our Town by reducing the amount of cigarette butt litter.

#### **STAFF COMMENT**

At present, there is no mechanism to simply ban smoking on beaches. Under the various health laws, smoking can be banned in certain outdoor areas, and as indicated above, this includes the patrolled area of a beach. Outside of that, there is no ability to ban smoking in a public place.

There are two local laws that prevail over the beach reserves, being the Beaches and Beach Reserves Local Law and the other being the Local Government Property Local Law. The Beaches Local Law provides that a range of activities can be prohibited by the Town by the placement of signs to that effect, unfortunately, smoking is not one of them. The Local Government Properties Local Law does allow the Town to make a determination on activities that can be prohibited, and item (a) on that list is "smoking on premises". Unfortunately, "premises" is defined as "building, stadium or similar structure which is local government property, but not an open space such as a park or playing field".

Implement such a ban, an amendment to one of our local laws is likely required. At this stage, the simplest way to enable such a ban would be to amend the Local Government Property Local Law, to delete the words on "on premises" and to remove the definition of premises. This would allow the local government to make a determination that smoking was banned from any particular local government property it deemed appropriate.

While such an amendment would allow a smoking ban on beaches, it would also allow it on any other local government property, or part of a local government property. The procedure for implementing such a ban would

involve advertising and the seeking of any objections before resolving to implement such a ban. This mechanism is already contained within the local law.

To implement such a change, a review and amendment of the local law would need to be initiated. The Town's Property Local Law is due for review and so if Council is supportive of the Notice of Motion it would make sense to initiate the review to this local law to capture and address the issues highlighted by Cr Pyvis in the proposed Notice of Motion, to be completed by next summer season.

#### **NOTICE OF MOTION**

**Moved Cr Pyvis, seconded Cr Downes**

**That Council in view of the significant adverse environmental impacts of cigarette butts and in the interest of better community health and amenity that Council support a permanent ban on smoking at all Cottesloe beaches to be implemented by the 2015/2016 summer season.**

#### **AMENDMENT**

**Moved Cr Walsh, seconded Cr Pyvis**

**That these words be added after the word 'season' "*..and that this be done by amending the Town of Cottesloe's Property Local Law as outlined in staff comment*".**

**Carried 7/1**

#### **COUNCIL RESOLUTION**

**That Council in view of the significant adverse environmental impacts of cigarette butts and in the interest of better community health and amenity that Council support a permanent ban on smoking at all Cottesloe beaches to be implemented by the 2015/2016 summer season and that this be done by amending the Town of Cottesloe's Property Local Law as outlined in staff comment.**

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 6/2**

**12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:****12.1 ELECTED MEMBERS****12.1.1 PURCHASE OF PEET & CO 1907 COTTESLOE HEIGHTS ESTATE POSTER**

Cr Rowell proposed a new item of Business of an Urgent Nature and moved that it be considered urgent due to the impending auction.

**Moved Cr Jeanes, seconded Cr Angers**

**That item related to purchase Cottesloe Heights Poster be considered as urgent business.**

**Carried 8/0**

**COUNCIL DISCUSSION**

Cr Rowell circulated a flyer of a silent auction that will be held by the Royal WA Historical Society on 28 March 2015 of a vintage original poster of the Peet & Co Lots for Sale in the Cottesloe Heights Estate, which was dated 10 January 1907. He expressed that this poster will make a good addition to the Town's collection of historical memorabilia.

Due to the nature of silent auction the Mayor requested that the meeting be closed for discussion on the amount of maximum bid to be placed.

**MOTION FOR BEHIND CLOSED DOORS**

**Moved Mayor Dawkins, seconded Cr Walsh**

**In accordance with Standing Orders 15.10 "That the Council meets behind closed doors – Effect of Motion" (LG Act s5.23(2)) that Council discuss the confidential report behind closed doors.**

**Reason:** In accordance to S 5.23(e)(iii): *a matter that if disclosed, would reveal — (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;*

**Carried 8/0**

*Members of the media left the meeting at 8:01 PM*

**COUNCIL RESOLUTION**

**Moved Mayor Dawkins, seconded Cr Angers**

**That Council authorise the administration to bid on silent auction in order to acquire the Peet & Co 1907 Cottesloe Heights Estate', subject to a not already being held in the Town of Cottesloe archives or Grove Library.**

**Carried 7/1**

**MOTION FOR BEHIND CLOSED DOORS**

**Moved Mayor Dawkins, seconded Cr Jeanes**

**“In accordance with Standing Orders 15.10 that the meeting be re-opened to members of the public and media”**

**Carried 8/0**

*Members of the media returned to the meeting at 8:14 PM.*

**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**

The Mayor advised the public present of Council’s resolution.

Due to the nature of the silent auction, the maximum bidding amount agreed by Council will not be made available to the public.

**14 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 8:14 PM.

CONFIRMED MINUTES OF 19 March 2015 PAGES 1 – 69 INCLUSIVE.  
  
PRESIDING MEMBER:  
POSITION:  
  
.....  
  
DATE: ..... / ..... / .....