



Town of Cottesloe

I hereby certify that the minutes of the Council meeting held on

Tuesday, 27 November 2018

were confirmed as a true and accurate record by Council resolution.

Signed:


Presiding Member

Date: 19/3/2019

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING

MINUTES

ORDINARY COUNCIL MEETING
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
6:00 PM Tuesday, 27 November 2018

MAT HUMFREY
Chief Executive Officer

27 November 2018

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 6:10pm.

2 DISCLAIMER

The Presiding Member drew attention to the Town's Disclaimer.

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Presiding Member announced that the meeting is being recorded, solely for the purpose of confirming the correctness of the Minutes.

4 PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**Russell Hall, 78 Broome Street, Cottesloe - Item 10.1.12

Q1: Does the council have any formal plans to consider for relocating back to the Seaview Golf Course precinct and if they do can they please provide evidence that they've actually got the support of both houses of parliament rather than wasting the time

A1: The Town has no formal plans at this stage to locate the full works depot at the Sea View facility.

John Travers, 32 Forrest Street, Cottesloe – Item 10.1.12

Q1: Due to the concerns from Cottesloe ratepayers that the Mosman Park Depot is the only alternative mentioned in the business plan can the Town contract an independent expert to prepare a business plan and associated procedures for all matters pertaining to the Town of Cottesloe depot site including identifying costs and including a cost benefit analysis of leasing the Town of Cottesloe Depot at the Town of Mosman Park versus the Seaview Golf Club or another alternative site such as one of the railway reserves? I ask the Town of Cottesloe to suspend progress of the Memorandum of Understanding and suspend negotiations with the Town of Mosman Park in respect of the establishment of the depot until Council resolves the preferred siting of the Town of Cottesloe works depot on receipt of a fully independently formulated business plan, according to the law, having regard to the consequences of not meeting ratepayers' wishes and losing 1.1% of rates income to another suburb.

A1: The advertised Business Plan provides the assessment of the proposal being considered by Council, as required by the Local Government Act. As the Town is not considering other options at this stage (this has been done previously), it is not intended to prepare comparative data.

4.2 PUBLIC QUESTIONS

Michael O'Connor

Q1: On 20 October 2018 I was attacked and bitten by a dog on a lead. I was driven to Goldsworthy Clinic in Claremont that evening where the wounds were treated and I was given a tetanus injection. I have since received 12 treatments in almost 6 weeks, the latest being this morning. Attacks by the same dog have been reported to the Senior Ranger. After 38 days I have not received notice of any action being taken by Town of Cottesloe. Accordingly, I want to know if the Town of Cottesloe has taken action against this dog and what action it is. If not, why is taking so long for the CEO to act in the public Cottesloe residents' interest. Finally, let me read you excerpts from the commitment to customers notice which is displayed prominently on the wall of Cottesloe's Administration Offices – "good customer service is our most central function and we will provide prompt, courteous and effective service and finally we will deal with complaints quickly." Mr CEO, I put it to you if you do not deal with this matter quickly the comments to customers above will be merely lip service.

A1: The CEO advised that the dog has already been declared a dangerous dog which puts a lot of restrictions on the owners – it must be muzzled at all times in public, it must be on lead at all times in public. Rangers have undertaken an inspection of the premises to confirm the dog can't easily escape. If there is a prosecution you can be called as a witness, therefore the Town can't correspond with you any further on that.

Q2: Is there any reason why I haven't been notified of this previously – I was the victim?

A2: The CEO advised that you were likely to be a witness if there is a prosecution.

Q3: So, I will not be notified until then?

A3: The CEO confirmed that and stated that the Town's lawyers would be in contact with Mr O'Connor if the prosecution goes to court.

5 PUBLIC STATEMENT TIME

Emma Osma – 1 Wentworth St, Cottesloe

- I am one of the owners of 1 Wentworth Street, Cottesloe. I just wanted to represent us as the owners and potential developers. We have done everything we can to comply with the appropriate codes and regulations and there are a few outstanding ones that are minor discrepancies between what the neighbours are wanting and what we proposed and I just wanted to say that we have done everything as far as practicable and reasonable to conform with the requirements and where we haven't been able to do that it's basically due to the existing structure and the constraints to the first storey height so we'd just like you take that into consideration.

Natalie Kendal – 19 Princes Street, Cottesloe 10.1.11

- The item relates to Forehore Master Plan. I think some of you said it was a broad cross-section of the community of ages and intersts and I think it's one of the most important things on the Council Agenda that has been endorsed by the community is to proceed with the Foreshore Master Plan. The Foreshore Implementation Committee was set up in February approximately two years ago and there was a very clear mandate to get an architecurally led designed plan and to put the Cardno plan in the bin. I think that whilst everyone is conscious of expenditure this is really an item where we really want to move forward quickly and efficiently and as we know it's a world class beach so it deserves a world-class solution so I heavily endorse the recommendations and I think ratepayers would really like to see with the product with an overarching design-led plan. I think you can see with City Beach and Scarborough where they had that architect design-led plan that covered the whole precinct, it was a success. You can apply for funding grants, you can look at all the stages and cost them and the community knows as an integrated design what is likely to be there so I think you need to proceed on that.
- As the year comes to a close that you consider the meeting time for next year. I have a young family and a husband that travels quite a lot and I would just urge people to consider that the meeting starting at 6pm that is an ok but if anyone was considering anything earlier it would make it difficult for many people in the community to attend meetings so I would impress you to balance your indivicual needs with what the community people would like to bring to this discussion and thanks for all your work this year.

6 ATTENDANCE**Present**

Mayor Philip Angers (to 8:29pm)

Cr Mark Rodda

Cr Michael Tucak

Cr Sandra Boulter

Cr Helen Sadler

Cr Lorraine Young

Cr Rob Thomas

Cr Sally Pyvis

Cr Melissa Harkins (from 7:43pm)

6.1 APOLOGIES

Nil

Officers Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Nil

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 DECLARATION OF INTERESTS

Mayor Angers – declared an IMPARTIAL INTEREST in item 10.1.1.

Mayor Angers – declared an IMPARTIAL INTEREST in item 10.1.7.

Cr Young – declared an IMPARTIALITY INTEREST in item 10.1.4.

Cr Pyvis – declared an IMPARTIALITY INTEREST in item 10.1.7.

Cr Sadler– declared an IMPARTIALITY INTEREST in item 10.1.4

Cr Sadler – declared an IMPARTIALITY INTEREST in item 11.1

Cr Tucak – declared an IMPARTIALITY INTEREST in item 10.1.1

Cr Tucak – declared an IMPARTIALITY INTEREST in item 10.1.7

Cr Tucak – declared an IMPARTIALITY INTEREST in item 13.1.3.

Cr Rodda – declared an IMPARTIALITY INTEREST in item 11.1.

Mr Humfrey advised that Mr Bird will be declaring a FINANCIAL INTEREST in item 13.1.1.

Mr Humfrey – declared an IMPARTIALITY INTEREST in item 13.1.1.

Mr Humfrey – declared a FINANCIAL INTEREST in item 13.1.2.

8 CONFIRMATION OF MINUTES

Moved Cr Rodda

Seconded Cr Sadler

That the Minutes of the Ordinary Meeting of Council held on Tuesday 25 September 2018 be confirmed as a true and accurate record.

COUNCILLOR AMENDMENT

Moved Cr Boulter

Seconded Cr Pyvis

Subject to the:

1. question put by Chris Shellabear (which currently records “taken on notice”) being answered.
2. word “Plan” being added to the Council resolution on page 41 after the words “Local Development”.
3. Council resolution be included for item 10.1.10 on page 81.
4. Rationale for Cr Pyvis Notice of Motions 11.1 and 11.2 be moved to be immediately after Cr Pyvis Notices of Motion and the title “Rationale” be amended to state “Cr Pyvis Rationale”.
5. Author of the Officer Comment on Cr Pyvis Notices of Motion 11.1 & 11.2 be identified.

6. Rationale being moved to be immediately after Cr Boulter's Notices of Motion for Cr Boulter Notices of Motion 11.3 and 11.5 and that the title be amended to state "Cr Boulter Rationale".
7. Author of the Officer Comment on Cr Pyvis Notices of Motion 11.1 & 11.2 being identified.
8. consolidated Council decision in relation to Cr Boulter Notice of Motion 11.3 being added to the minutes at the end of the Item 1.3.
9. Author of the Officer Comment on Cr Angers' Notices of Motion 11.4 being identified.
10. Council decision in relation to Cr Anger's Notice of Motion 11.4 being added to the minutes at the end of the Item 1.3.
11. Author of the Officer Comment on Cr Boulter's Notice of Motion 11.5 being identified.
12. Text of Cr Boulter's Notice of Motion 13.1.2 being included in the Minutes.
13. Text of the deferral motion in relation to item 13.1.1 put by Cr Boulter and seconded by Cr Pyvis is included in the minutes along with the voting record (7/2).
14. Text of the motion to item 13.1.2 moved by Cr Boulter and seconded by Cr Pyvis is included in the minutes along with the voting record (7/2).
15. Text of Cr Young's foreshadowed motion to item 13.1.2 is included in the minutes as a foreshadowed motion, and that this is recorded as the Council resolution along with the voting record (6/3).

Lost 3/5

For: Crs Tucak, Cr Pyvis and Boulter

Against: Mayor Angers, Crs Rodda, Sadler, Thomas and Young

COUNCILLOR AMENDMENT

Moved Cr Young

Seconded Cr Thomas

That the minutes be accepted subject to

1. **paragraphs 3 and 14 of Cr Boulter's notice of motion; and**
2. **confirmation by the Administration that the debate in relation to 13.1.1 is accurately reflected in the draft minutes.**

Carried 7/1

For: Mayor Angers, Crs Rodda, Sadler, Thomas, Young, Tucak and Boulter

Against: Cr Pyvis

COUNCILLOR AMENDMENT

Moved Cr Tucak

Seconded Cr Boulter

In Item 11.3 include the words 'item 3d' in the statement of my disclosure of interest.

Carried 8/0

For: Mayor Angers, Crs Rodda, Tucak, Boulter, Sadler, Young, Thomas and Pyvis

Against: Nil

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

That the Minutes of the Ordinary Meeting of Council held on Tuesday 25 September 2018 be confirmed as a true and accurate record subject to:

1. paragraphs 3 and 14 of Cr Boulter's notice of motion; and
2. confirmation by the Administration that the debate in relation to 13.1.1 is accurately reflected in the draft minutes.
3. In Item 11.3 include the words 'item 3d' in the statement of Cr Tucak's disclosure of interest.

Carried 7/1

For: Mayor Angers, Crs Rodda, Tucak, Sadler, Young, Thomas and Pyvis

Against: Cr Boulter

COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Cr Young

That the Minutes of the Ordinary Meeting of Council held on Tuesday 23 October 2018 be confirmed as a true and accurate record.

Carried 6/2

For: Mayor Angers, Crs Rodda, Tucak, Sadler, Young and Thomas

Against: Crs Boulter and Pyvis

9 PRESENTATIONS**9.1 PETITIONS**

Nil

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

For the benefit of the members of the public present, the Mayor announced that items 10.1.3, 10.1.5, 10.1.6, 10.1.7, 10.1.9, 10.1.10, 10.1.11, 10.1.12, 10.1.13, 10.1.15, 10.2.1, 10.3, 11.1 and 13.1.3 have been withdrawn for discussion. All other items will be dealt with en bloc.

COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Cr Tucak

That items 10.1.1, 10.1.2, 10.1.4, 10.1.8, 10.1.14 and 10.1.16 be carried by en bloc resolution.

Carried 8/0

For: Mayor Angers, Crs Rodda, Tucak, Boulter, Sadler, Young, Thomas and Pyvis

Against: Nil

10 REPORTS**10.1 REPORTS OF OFFICERS****PLANNING****10.1.1 LOT 14 (1) WENTWORTH STREET - GROUND AND FIRST FLOOR ADDITIONS**

File Ref: SUB/2594
Applicant(s) Proponents: Distinct Design and Drafting
Attachments: 10.1.1(a) Plans and Submission
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Ed Drewett, Coordinator Statutory Planning
Author Disclosure of Interest: Nil

Mayor Angers – declared an **IMPARTIAL INTEREST** in item 10.1.1 by virtue “I know Dr David Fenn, who is one of the people living next door who did have some concerns with the house.”

Cr Tucak – declared an **IMPARTIALITY INTEREST** in item 10.1.1 by virtue “affected neighbours are known to me so there may be a perception that my impartiality will be affected but I will consider the item on its merits and vote accordingly.”

SUMMARY

A planning application has been received for ground and first floor additions to a single-storey dwelling.

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

BACKGROUND

This application was included on the notice of delegation on 5 October 2018.

On 12 October 2018, the application was ‘called-in’ by Cr Pyvis and Cr Boulter.

Zoning	MRS:	Urban
	LPS:	Residential R35
Use Class:		P (means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme).
Development Scheme:		Local Planning Scheme No. 3 (LPS 3)
Lot Size:		279.4m ²
Existing Land Use:		Single dwellings
Value of Development:		\$100,000
Owners:		Zane & Emma Osma

CONSULTATION

On 25 June 2018, the application was advertised for a period of 14 days to eight adjoining owners and occupiers. One submission was received from the owners of 3 Wentworth Street and 6 Perth Street (same owners).

On 13 September 2018, the applicant submitted amended plans showing a reduction in the size of the proposed front patio and balcony. This was not at the request of the Town and so it was readvertised to adjoining owners and occupiers. Again, one submission was received from the owners of 3 Wentworth Street and 6 Perth Street. They expressed concern with the visual impact of the proposed upper floor eastern wall and requested that it be partly recessed to lessen its visual and aesthetic impact.

On 5 November 2018, the applicant submitted revised floor plans at the request of the Town to confirm the location of the existing carport at the rear of the lot and show written dimensions.

OFFICER COMMENT

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

Where the proposal requires the exercise of discretion, the relevant planning element is discussed in the section of the report following this table.

Planning assessment	Meets deemed-to-comply provisions	Requires exercise of discretion
Storeys	✓	
Building height		✓
Street setback	✓	
Lot boundary setbacks		✓
Open space	✓	
Street surveillance	✓	
Street wall and fences	N/A - existing	
Sightlines	N/A - existing	
Outdoor living area	N/A - existing	
Landscaping	N/A - existing	
Parking	N/A - existing	
Vehicle Access	N/A - existing	
Privacy		✓
Solar Access	✓	
Site Works	✓	
Retaining Walls	✓	
Utilities and Facilities	✓	
Matters to be considered by local government	✓	

Summary of comments received during public consultation.

Plans advertised 25 June 2018

- Visual privacy - request east-facing upper floor windows be frosted or opaque;
- Overshadowing;
- Visual impact of roof;
- No survey plan submitted;
- Carport not shown on plan;
- Prefer 6m building height - no issue with discretionary setback and building height to western side;
- Upper floor should be setback to conform with regulations.

Revised plans advertised 18 September 2018

- East-facing upper floor will present as a 'monolithic' façade to 3 Wentworth Street - request an atrium-type recess in proposed eastern upper floor elevation.

Local Planning Scheme No. 3	Building height
Permitted	6m
Applicant's proposal	NW corner - 6.37m (all other parts of the proposed addition are below the permitted building heights).

Applicant's comment

- The proposed addition exceeds the existing height of the dwelling as it is a second storey addition.
- The majority of the proposed addition fits under the maximum wall height of 6m, except for the NW corner of the addition where it is 6.3m which is a minor variation.
- As the adjoining properties are to the west and east, adequate direct sun is still accessible to both the building and appurtenant open spaces.
- As the adjoining properties are to the west and east, adequate daylight is still accessible to major openings of habitable rooms.
- There are no views of significance.
- Only one corner of the proposed addition is above the maximum allowed wall height of 6m.
- The amenity of neighbouring properties is not negatively affected, nor is the character of the streetscape as there are numerous two-storey buildings in the street that have lesser front setbacks. Our proposed setback reduces building bulk to the street.
- Only one corner of the proposed addition is above the maximum allowed wall

height of 6m and it is of a minimal amount of 300mm.

- To reduce building bulk to neighbouring properties we have maintained a well below building height and roof height to the entirety of the proposed addition besides the north western corner of the building.

Officer comment

Clause 5.7.5 in Local Planning Scheme No. 3 advises:

In the case of proposed alterations, additions or extensions to existing dwellings in the Residential zone, Council may vary the maximum heights specified in Table 2 and clause 5.7.2, where in its opinion warranted due the circumstances and merits of the proposal, having regard to:

- (a) The existing heights of the dwelling;*
- (b) Any relevant Local Planning Policy or Design Guidelines;*
- (c) Any heritage considerations relating to the dwelling;*
- (d) Relevant planning considerations identified in Clause 67 of the Planning and Development Local Planning Schemes) Regulations 2015;*
- (e) Adequate direct sun into buildings and appurtenant open spaces;*
- (f) Adequate daylight to major openings into habitable rooms;*
- (g) Access to views of significance;*
- (h) Building design to ameliorate the visual effects of height, including consideration of setting-back the side walls of added storeys from the side walls of existing buildings; and*
- (i) The amenity of adjoining properties, including road and public open space reserves, and the character of the streetscape;*

and subject to the development:

- (a) Not exceeding the permitted maximum number of storeys; or, where that is already exceeded, not exceeding the existing number of storeys;*
- (a) Not exceeding the height of the existing dwelling, unless the Council is satisfied with the design and its implications having regard to the above criteria.*

A wall height variation of 0.37m is sought to the north-west part of the proposed development due to the topography of the site sloping down approximately 1.4m from the south-east to the north-west corners of the lot. This affects the building heights that are measured from the natural ground level, rather than the existing floor level of the dwelling. The proposed development is otherwise proposed below the permitted building heights.



Front view of 1 Wentworth Street showing slope of lot

The variation sought is relatively minor and is recommended for approval under Clause 5.7.5 the Local Planning Scheme.

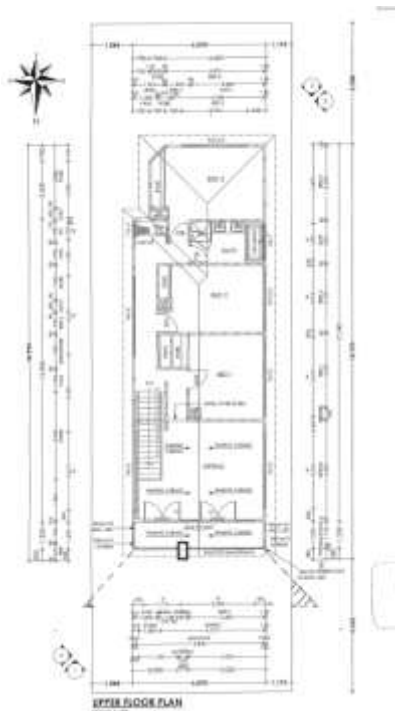
Residential Design Codes - Visual privacy	Deemed-to-comply provision	Design principles
Requirement	7.5m cone of vision from north-facing front balcony.	Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through: <ul style="list-style-type: none"> • building layout and location; • design of major openings; • landscape screening of outdoor active habitable spaces; and/or • location of screening devices. Maximum visual privacy to side and rear boundaries through measures such as: <ul style="list-style-type: none"> • offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • building to the boundary where appropriate; • setting back the first floor from the side boundary; • providing higher or opaque and

		<p>fixed windows; and/or</p> <ul style="list-style-type: none"> screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).
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Applicant's proposal	3m to eastern boundary; 2m to western boundary.
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Officer comment

The proposed front balcony will be screened to a height of 1.6m along its east and west sides. The cone-of vision measured at 45 degrees from the front of the balcony will extend slightly beyond the side boundaries behind the front setback area and so requires Council to consider it under design principles. However, it will be restricted to overlooking the driveways on the adjoining lots, rather than affecting any active habitable spaces and outdoor living areas. It is therefore recommended for approval.



Overlooking from front balcony (shown hatched)

Residential Design Codes - Setbacks	Deemed-to-comply provision	Design principles
Requirement	Buildings which are set back in accordance with the R-Codes:	<p>Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> reduce impacts of building bulk on adjoining properties; provide adequate direct sun and

		<p>ventilation to the building and open spaces on the site and adjoining properties; and</p> <ul style="list-style-type: none"> • minimise the extent of overlooking and resultant loss of privacy on adjoining properties.
<p>Applicant's proposal</p>	<p><u>Western elevation</u></p> <ul style="list-style-type: none"> • Patio: 1.175m setback, in lieu of 1.5m; • Upper floor: 1.175m setback, in lieu of 2.2m. <p><u>Eastern elevation</u></p> <ul style="list-style-type: none"> • 1.884m setback, in lieu of 2m 	
<p><u>Applicant's comment</u></p> <ul style="list-style-type: none"> • Due to the nature of such a narrow lot, it has been a challenge to reduce the building bulk and setbacks of the design while incorporating both a substantial addition and one that is economical from a structural stand point in regards to the existing floor plan. • It is hard to provide articulation to the eastern wall due to there being no structural walls on the existing ground floor below for us to build on. We have tried our best to reduce building bulk through the use of windows. We have made these windows as big as possible without create overlooking variations so that the neighbouring property is not confronted with looking at bare and blank walls. • This newly revised design actually demonstrates a reduced balcony by 300mm. This has reduced the impact of building bulk on the affected adjoining property. • There are no overlooking issues to any habitable rooms through the use of hi-lite windows. • A privacy screen has been included to the upper floor balcony to eliminate any overlooking issues. • Amenity to neighbouring properties is not negatively affected as there are no overshadowing variations as this is the eastern side boundary, therefore adequate direct sun light and ventilation are provided to the adjoining property. 		
<p><u>Officer comment</u></p> <p><u>Western setbacks:</u></p> <p>The proposed ground floor front patio will be abutting a 6m long garage wall that has been constructed on the adjoining western lot and so will not have any visual impact on the neighbouring property.</p> <p>The proposed upper floor will be setback 6.79m from the upper floor of the adjoining western property so will provide adequate visual separation between the properties and ensure adequate light and ventilation is achieved without loss of amenity.</p> <p>The proposed windows to habitable rooms are all high-level and the proposed balcony will be screened at its western end for privacy. No submission was received from the western</p>		

neighbours during the adverting periods.

Eastern setbacks

The proposed ground floor has a 1.884m setback to the eastern boundary which is 0.38m greater than that required under deemed-to-comply provisions of the R-Codes.

The proposed upper floor has a 2.63m setback from the eastern boundary at the rear of the dwelling which is 0.53m greater than that required under deemed-to-comply provisions of the Residential Design Codes which will assist in reducing building bulk or loss of amenity to the adjoining property.

The remainder of the upper floor will be abutting a covered parking area which extends to the common boundary between the properties and will mostly prevent the adjoining owners from directly seeing the addition where the reduced setback is proposed.



View of existing covered carport at 3 Wentworth Street

The proposed reduced side setbacks are recommended for approval as they satisfy design principles.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS

Submitted by Cr Boulter – Emailed 19 November 2018

Q1. What are the TOC Consultation policy requirements for consultation about this DA?

A1. Consultation for DA's is set out in the Scheme and Regulations.

Q2. Under the Residential Design Codes what is the approx. % relevance of the impact on the existing neighbouring dwellings versus the approx. % relevance of the impact on the land and future potential neighbouring dwellings?

A2. Design principles are considered in the context of the likely impact on existing neighbouring properties and residents.

Q3. Have the objectors' concerns been satisfied?

A3. No.

Q4. Where the officer report mentions submissions does this mean objections?

A4. Not all submissions are objections and only one submission was received.

Q5. Will there be ANY demolition associated with this DA?

A5. Partial demolition – however this is dealt with at the Building License stage.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Cr Tucak

THAT Council GRANT planning approval for ground and first floor additions on Lot 14 (No. 1) Wentworth Street, Cottesloe, as shown on the plans received 5 November 2018, subject to the following conditions:

- 1. All construction work being carried out in accordance with the requirements of the Environmental Protection (Noise) Regulations 1997.**
- 2. The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.**
- 3. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.**
- 4. Air-conditioning plant and equipment shall be located closer to the proposed development 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.**
- 5. The roof surface(s) being treated to reduce glare if the Town considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.**
- 6. The east and west sides of the upper-floor front balcony shall be permanently screened to a minimum of 1.6m high from the finished floor level, details to be shown at the Building Permit stage to the satisfaction of the Town.**
- 7. A comprehensive Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit, and shall address (amongst other things) maintaining lane access for residents; traffic management and safety for the street, lane and site; worker parking, including off-site parking in consultation with and approval by the Town.**

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 for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.

Carried 8/0

For: Mayor Angers, Crs Rodda, Tucak, Boulter, Sadler, Young, Thomas and Pyvis

Against: Nil

10.1.2 PLANNING APPLICATIONS DETERMINED UNDER DELEGATION

File Ref: SUB/2594
Applicant(s) Proponents: Nil
Attachments: Nil
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Ed Drewett, Coordinator Statutory Planning
Author Disclosure of Interest: Nil

SUMMARY

This report provides details of the planning applications determined by officers acting under delegation, for the month of October 2018.

BACKGROUND

Pursuant to Local Planning Scheme No.3, Council has delegated its power to determine certain planning applications to the Chief Executive Officer and the Coordinator, Statutory Planning. This provides efficiency in processing applications, which occurs on a continual basis.

Following interest expressed from within Council, this report serves as a running record of those applications determined during each month.

STRATEGIC IMPLICATIONS

There are no perceived strategic implications arising from the officer's recommendation.

POLICY IMPLICATIONS

There are no perceived policy implications arising from the officer's recommendation.

FINANCIAL IMPLICATIONS

There are no perceived financial implications arising from the officer's recommendation.

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the officer's recommendation.

CONSULTATION

Nil

OFFICER COMMENT

During October 2018 the following planning applications were determined under delegation:

Address	Owner	Applicant	Description	Delegation Notice	Date Determined
43 Salvado Street	S Rickhi & K M Persaud	Ventura Homes	Two-storey dwelling	20/07/2018	2/10/2018
505 Stirling Highway	Mr & Ms Lord	P & T Spicer	Single-storey front and rear additions	17/09/2018	4/10/2018
6 Gibney Street	The Coffee Source	Richard Szklarz Architects	Front Porch with side boundary wall and a rear raised deck	7/9/2018	4/10/2018
103 Grant Street	Ms R de Sousa	Owner	Home Occupation (Eyebrow Tattooing)	17/09/2018	5/10/2018
1 Chamberlain Street	Mr D Coffes	Peter Fryer Design	Two-storey rear addition	7/09/2018	5/10/2018
8 Sydney Street	Mr & Ms Haggett	Inhouse Building Design	Front Balcony Addition	1/10/2018	10/10/2018
110-112 Marine Parade	BWC Corp Pty Ltd	T Metcalf	Five-storey mixed use development (commercial and residential)	17/09/2018	10/10/2018
1A Charles Street	Mr D Cowdell	Owner	Front Fence	5/10/2018	19/10/2018
3 Beach Street	C G Harben	Klopper & Davis Architects	Balcony Addition	5/10/2018	19/10/2018
27 Albion Street	Mr P Camerer	Kyle Stacey	Two-storey dwelling	1/10/2018	19/10/2018
118 Marine Parade	Harmanis Holdings Pty Ltd	D & R Group Pty Ltd	Balcony Addition	1/10/2018	25/10/2018

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Cr Tucak

THAT Council receive this report on the planning applications determined under delegation for the month of October 2018.

Carried 8/0

**For: Mayor Angers, Crs Rodda, Tucak, Boulter, Sadler, Young, Thomas and Pyvis
Against: Nil**

ADMINISTRATION**10.1.3 REVIEW OF THE DELEGATED AUTHORITY REGISTER**

File Ref: SUB/2594
Attachments: 10.1.3(a) Delegated Authority Register [under separate cover]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Mat Humfrey, Chief Executive Officer
Author Disclosure of Interest: Nil

SUMMARY

Council is being asked to endorse the reviewed Delegated Authority Register.

BACKGROUND

Delegations allow the Chief Executive Officer (and appropriate staff) to make decisions on behalf of Council in certain circumstances. This allows for the more efficient operation of the Town and improves the level of services that the Town is able to offer residents.

The Delegated Authority Register contains all such delegations made to the Chief Executive Officer and where the Chief Executive Officer has then on-delegated to other staff. The Register also contains any limits on the types of decisions that can be made under the Delegation, but importantly, it doesn't set out what decision has to be made (which would be contained in the appropriate policies).

The Delegated Authority Register must be reviewed at least once every financial year. The Register was last considered by Council at the April 2018 Ordinary Council Meeting where Council resolved;

Moved Cr Tucak Seconded Cr Thomas

That Council, by absolute majority, approve the delegations made to the Chief Executive Officer, as detailed in the attached Delegated Authority Register 2017/18; and,

- 1. An interactive Elected Members workshop be held before the July 2018 council Meeting in which content and nature of any delegations for the 2018/2019 will be discussed*
- 2. The item "Policy Guidance" be altered to "Conditions on Delegations (if any)" and in all cases include the words "To be exercised in accordance with the Town's policies and local laws", to be followed by "Policy and Local Laws Guidance: (name any applicable policy(s) or local laws), where applicable.*

CARRIED BY AN ABSOLUTE MAJORITY 8/0

Following the resolution a workshop was held on Tuesday 14 August 2018. Due to scheduling constraints we were not able to organise the workshop in July. The workshop was well attended and was very productive. Following the workshop, consultation has occurred with staff and minor amendments have been made to the Delegated Authority Register as attached.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Priority Area 6: Providing open and accountable local governance

Major Strategy 6.2: Continue to deliver high quality governance, administration, resource management and professional development.

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

POLICY IMPLICATIONS

There are no perceived policy implications arising from the officer's recommendation.

STATUTORY ENVIRONMENT

Local Government Act 1995

Sections 5.42, 5.43, 5.44 and 5.46 of the *Local Government Act 1995* (the Act) regulate the ability of a local government to delegate the exercise of its powers or discharge its duties under the Act.

5.42. Delegation of some powers and duties to CEO

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*
- (a) this Act other than those referred to in section 5.43; or*
 - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).*

** Absolute majority required*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) appointing an auditor;*
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) borrowing money on behalf of the local government;*
- (g) hearing or determining an objection of a kind referred to in section 9.5;*

- (h) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (i) any power or duty that requires the approval of the Minister or the Governor; (i) such other powers or duties as may be prescribed.*

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.*
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) In subsections (3) and (4) — conditions includes qualifications, limitations or exceptions.*

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

FINANCIAL IMPLICATIONS

There are no perceived financial implications arising from the officer's recommendation.

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the officer's recommendation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the officer's recommendation.

CONSULTATION

A workshop was held for Elected Members on 14 August 2018. Further consultation has occurred with staff.

OFFICER COMMENT

The Delegation Register has been thoroughly reviewed and is now able to be considered by Council. In considering the Register, Council should be mindful of the purpose of Delegations, which is to increase operational efficiency, not determine the outcomes of decisions made. If there is a need to guide decision making, that guidance should be contained in an appropriate policy.

As an aside, the Delegations Register only refers to decisions that are made under delegation, it does not contain all of the authorities that staff have. For example, the Act itself enables staff to undertake a range of functions and authorises them to do so. Sections of the Act provide that the Chief Executive Officer is responsible for the day to day administration, and many sections of the Act (and other legislation) empower 'Authorised Officers' to undertake certain functions and make prescribed decisions. As these powers are not provided to Council in the first instance, there is no ability for them to be recorded in the Delegation Register.

Delegating decision making power doesn't require officers to make a decision and it is possible for officers to choose not to exercise Delegate Authority and instead refer the matter directly to Council.

If officers believe that:

1. A decision they are being asked to make is not routine; or
2. Will generate a significant public interest; or
3. Could require a decision that does not accord with Policy

The decision will be referred to Council for determination.

Additional Comment

This matter was presented to the October 2018 Ordinary Council Meeting, where Council resolved to defer the consideration of the item. It has been represented to the November 2018 Ordinary Council Meeting with no material changes to either the Officer's Report or the Attached Delegated Authority Register.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS**Submitted by Cr Boulter – Emailed 19 November 2018**

Q1. What are each of the amendments to the Delegation Register proposed by the TOC administration and can these be shown in a table in the agenda?

A1. Please refer to the Staff Comment in the report.

- Q2. What are each of the amendments to the Delegation Register proposed by Elected Members to the October OCM and can these be shown in a table in the agenda?
- A2.** The amendments were circulated to Councillors. As the item was deferred, it is being represented.
- Q3. In relation to the TOC Delegation Register what are the Local Government Act legislative framework consultation requirements and Town of Cottesloe Consultation policy requirements relating to proposed changes to be adopted by Council and changes decided by Council?
- A3.** The Delegation Register must be reviewed and the review (and any consequential changes) must be adopted by an absolute majority. As the register doesn't change any policy, law or plan, the Community Consultation Policy is silent on any required consultation.

OFFICER RECOMMENDATION

Moved Cr Rodda

Seconded Cr Sadler

That Council APPROVE the Delegations made to the Chief Executive Officer in the updated Delegated Authority Register 2018/2019 as attached.

COUNCILLOR AMENDMENT

Cr Sadler

Seconded Cr Tucak

That Council APPROVE the Delegations made to the Chief Executive Officer in the updated Delegated Authority Register 2018/2019.

With the exception of changes on page 62 "Delegation will not be exercised in the case that THREE Elected Members request the matter be determined by Council" which is to remain at TWO.

Carried 7/1

For: Mayor Angers, Crs Rodda, Tucak, Boulter, Sadler, Thomas and Pyvis

Against: Cr Young

COUNCILLOR AMENDMENT

Moved Cr Tucak

Seconded Cr Boulter

THAT Council APPROVE the Delegations made to the Chief Executive Officer in the updated Delegated Authority Register 2018/2019 as attached, and including the following changes:

1. Item 1.14 has a condition added:

"For positive information flow and relationships, Elected Members will be promptly informed of:

- (a) any new full-time or part-time employee's start-date, and opportunities for an introduction;
- (b) any employee's resignation, termination, or extended leave needing any replacement; and
- (c) any change in temporary or contracted staff likely to deal directly with Elected Members.

Lost 4/4(5)

For: Crs Tucak, Boulter, Thomas and Pyvis

Against: Mayor Angers, Crs Rodda, Sadler and Young.

In accordance with section 5.21 (3) of the Local Government Act 1995, as the votes were equally divided, the Presiding Member (Chairperson), Mayor Angers, cast a second vote.

COUNCILLOR AMENDMENT

Moved Cr Boulter

Seconded Cr Pyvis

“To add the following words to the officer recommendation:

Subject to the Delegation 2.1 Power to Make Payments from the Municipal and Trust Funds being amended to include:

1. Inclusion of the text of the LG Act s5.41 exclusions in the Delegation Register.
2. Two senior management signatures being required for any payment over \$20,000 including the total of payments for one project over \$20,000.
3. The CEO must be one of the signatories on any payments over \$20,000.
4. For any payment over \$40,000, the payment must relate to a specific (not general) budget item for that particular payment.
5. Demonstrable documented searchable compliance with Council’s Record Keeping Plan, and Council’s Purchasing and Purchase Orders Policies for all payments.
6. Different staff members approve purchase orders, check goods and services had been received, and approves invoices to progress for payment.
7. All Councillors must be notified of and two Councillors can call in a draft brief for quote, tender or expressions of interest for projects over \$20,000.”

Lost 2/6

For: Crs Boulter and Pyvis

Against: Mayor Angers, Rodda, Tucak, Sadler, Young and Thomas

COUNCILLOR AMENDMENT

Moved Cr Young

Seconded Cr Thomas

Add the additional words subject to Delegation 2.1 including points 1 to 7 of Cr Boulter’s amendment considered at the Ordinary Council Meeting of 27 November 2018 being referred to the Audit Committee.

Carried 8/0

For: Mayor Angers, Crs Rodda, Tucak, Boulter, Sadler, Young, Thomas and Pyvis

Against: Nil

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

That Council **APPROVE** the Delegations made to the Chief Executive Officer in the updated Delegated Authority Register 2018/2019;

With the exception of changes on page 62 “Delegation will not be exercised in the case that **THREE** Elected Members request the matter be determined by Council” which is to remain at **TWO**.

subject to Delegation 2.1 including points 1 to 7 of Cr Boulter’s amendment considered at the Ordinary Council Meeting of 27 November 2018 being referred to the Audit Committee.

Carried 6/2

For: Mayor Angers, Crs Rodda, Tucak, Sadler, Young and Thomas

Against: Crs Boulter and Pyvis

10.1.4 NORTH COTT SPLASH N DASH 2019

File Ref:	SUB/2594
Attachments:	10.1.4(a) Event Application
	10.1.4(b) Letter from North Cottesloe Primary School Parents and Citizens Association
	10.1.4(c) Event Map
Responsible Officer:	Garry Bird, Deputy Chief Executive Officer
Author:	Gabrielle Hall, Events Officer
Author Disclosure of Interest:	Nil

Cr Young – declared an **IMPARTIALITY INTEREST** in item 10.1.4 by virtue “I was previously a former P&C President/Board Member and Community Member.”

Cr Sadler– declared an **IMPARTIALITY INTEREST** in item 10.1.4 – by virtue “I was a past member of the parent body.”

SUMMARY

North Cottesloe Primary School Parents and Citizens Association (Inc.) are seeking approval to host the third North Cott Splash n Dash event at North Cottesloe Beach on Saturday, 23 March 2019 from 5.30am to 11.30am.

BACKGROUND

The North Cottesloe Splash N Dash is an Aquathon community event which is similar in format to a mini triathlon, minus the cycling component. The event is open to children and adults, and includes a swim from North Cottesloe Beach in a northerly direction with a returning soft sand run. There will be no use of shared paths or roads in terms of the course location as the event is confined to the beach.

Members of the local community will be invited to participate in the event, although it is expected that the bulk of participants will be derived from the students and parents of North Cottesloe Primary School. Organisers are expecting between 100 and 300 participants to take part in the event.

The event consists of three sections –

- Race 1: 50 metre swim and 250 metre run
- Race 2: 150 metre swim and 500 metre run
- Race 3: One kilometre swim and one kilometre run

The event is being coordinated by the North Cottesloe Splash N Dash Organising Committee, made up of members of the school’s Parents and Citizens Association and the School Board. The primary function of the Committee is to run a successful and engaging family event for the local community, whilst raising funds for North Cottesloe Primary School Parents and Citizens Association projects. This year part of the funds will be donated to melanomaWA which is located adjacent to the school at the Cottesloe Cancer Wellness Centre.

The Organising Committee has consulted with Triathlon Australia for advice in the planning stage of this event.

The event set up will occur on the morning of the event and will be packed down on the same day. It is anticipated that the competition component will commence at approximately 8.00am and conclude at approximately 10.00am with presentations to follow. The grassed area north of the surf club will be utilised for competitor registrations and presentations at the conclusion of the event.

North Cottesloe Surf Life Saving Club has been engaged by the school to undertake water safety at the event. A letter of support indicating this has been provided. Surf Club volunteers will be supported on land in terms of first aid by St John's Ambulance Event Services.

An Event Operational and Risk Assessment Plan have been provided.

Organisers envisage that street parking in the vicinity, particularly on Grant Street, will be adequate for the number of competitors and spectators attending the event.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

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

Major Strategy 1.4: Continue to improve community engagement.

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

Priority Area 1: Protect and enhance the wellbeing of residents and visitors.

Major Strategy 1.4: Continue to improve community engagement.

POLICY IMPLICATIONS

Beach Policy

This event is in compliance with the Town of Cottesloe's Beach Policy.

Event and Facility Classification Policy

Under the Event and Facility Classification Policy, the event meets the assessment criteria of a charitable event as outlined in the policy, as *'The event is being organised by a not for profit organisation to raise funds for a registered charity or other not for profit organisation that is a registered charity with the Australian Government.'*

STATUTORY ENVIRONMENT

Local Government Act 1995

The Town of Cottesloe's *Beaches and Beach Reserves Local Law 2012* has provisions for the maintenance and management of the beaches and beach reserves.

FINANCIAL IMPLICATIONS

If Council were to charge fees for use of North Cottesloe Beach this would include \$500 (excluding GST) for hire fees and \$400 bond.

As this event is primarily a fundraiser for the North Cottesloe Primary School Parents and Citizens Association and melanomaWA, this event meets the criteria to be classified as a 'Charitable' event under the Event and Facility Classification Policy which carries no hire or

bond fees. Therefore, Council has the ability to waive the fees in support of this family orientated community event.

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the officer's recommendation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

Staff will assist organisers to avoid the use of any form of single use plastic in accordance with the event conditions.

CONSULTATION

Town of Cottesloe

A letter of support for the event has been provided by North Cottesloe Surf Life Saving Club indicating the Club will provide water safety at the event.

OFFICER COMMENT

The application has been provided with the following information:

- North Cottesloe Surf Life Saving Club will provide water safety for the event, with additional first aid services provided by St John's Ambulance Event Services.
- An Event Operational Plan together with a Risk Assessment as been provided for the event.
- A Public Liability Insurance Certificate has been provided to cover the event.

Of note, the applicant is a local community organisation who have planned a family orientated event with a purpose to engage the local community and raise funds for their organisation, namely the North Cottesloe Primary School Parents and Citizens Association, as well as a for a local not-for-profit organisation, namely melanomaWA.

Based on these factors, the officer's recommendation is to approve the application.

As this event is primarily a fundraiser for North Cottesloe Primary School Parents and Citizens Association and melanomaWA, this event meets the criteria to be classified as a 'Charitable' event under the Event Classification Policy. The officer recommendation is to classify this event as 'Charitable' and charge no hire fees.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS**Submitted by Cr Boulter – Emailed 19 November 2018**

Q1. Over what reserve(s) will this event take place?

- A1.** All land based activities will take place on Reserve 13718 and 16187. A map showing the course will be tabled at the Agenda Forum.
- Q2. What is the management plan for this part of the foreshore reserve? Can Elected Members be provided a copy of the management plans and management orders associated with this reserve?
- A2.** There is no management Plan that staff are aware of. A copy of the Management Order/s for the reserve can be supplied on request.
- Q3. Does the WAPC have to be consulted about holding this event?
- A3.** No, they have previously advised they do not require consultation on temporary events.
- Q4. Are there any WAPC applicable policies relating to holding such events?
- A4.** Unknown
- Q5. Does the TOC administration have a copy of the NCPS P&C minutes wherein the P&C resolved to make an application to hold this event?
- A5. No.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Cr Tucak

THAT Council APPROVE the application to hold North Cott Splash n Dash at North Cottesloe Beach on Saturday, 23 March 2019 from 5.30am to 11.30am, subject to the following conditions:

- 1. Class this event as a 'Charitable' event and hire fee be waived, and a bond of \$400 to be paid prior to the event commencing.**
- 2. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event.**
- 3. Provision of a transport or parking plan and appropriate access/signage to and from the event, which is to be provided at least 30 days prior to the event for the approval of the Chief Executive Officer.**
- 4. Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required.**
- 5. All signage to be approved by the Chief Executive Officer one month prior to the event.**
- 6. The event complies with all noise management conditions imposed on the event by the Town of Cottesloe.**
- 7. Compliance with the Town's *Beaches and Beach Reserves Local Law 2012*.**
- 8. Compliance with relevant sections of the Town's *Beach Policy*.**
- 9. The event complies with all requirements of the:**
 - *Health (Public Buildings) Regulations 1992***

- *Food Act 2008*
 - *Town's Health Local Law 1997*
 - *Town's Liquor (Licensed Premises) Policy*
 - *Health (Miscellaneous Provisions) Act 1911*
 - *Environmental Protection (Noise) Regulations 1997*
10. No alcohol is to be served unless a valid licence or permit from the Department of Racing, Gaming and Liquor is provided to the Town prior to the event.
 11. Adequate arrangements for rubbish removal and collection, including the provision for recycling.
 12. The Applicant will (including by directing any parties under their control or supervision) use their best endeavours to minimise waste and litter production from the event.
 13. Single use plastics including without limit balloons, plastic bottles, plastic bags that have a thickness of 35 microns or less, plastic takeaway containers and lids, plastic lined coffee cups/lids, plastic straws, plastic lolly sticks, plastic cutlery and single plastic wrapped lollies will not be used by the Applicant (and any parties under their control or supervision) in setting up, during or in clearing up after the event.
 14. That the event is a non-smoking event.
 15. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event.
 16. That the Western Metropolitan Regional Council 'Earth Carers' Event Waste Minimisation Checklist is provided to the event organisers, who are to complete the checklist and return to Council after the event with the aim of reducing the amount of plastics used at the event.
 17. The provision of a Disability Access and Inclusion Plan.

ADVICE NOTE

The Town of Cottesloe Local Government Property Local Law 2001 (Consolidated) prohibits at clause 2.8(1)(i) "releasing an unsecured balloon inflated with a gas that causes it to rise in the air. Fines apply for breach of this Local Law, and applies to all events and food vans (and the like) approvals.

Exemptions may apply if the Applicant or the council requires the use of single use plastic items for medical reasons, where there is no reasonable alternative and the single use plastics are properly recycled or disposed of or stored safely and sustainably, or are removed from the Town of Cottesloe.

The full length of the Cottesloe Reef is protected by a Fish Habitat Protection Area (FHPA), the only one in the Perth Metropolitan Area. The principal aim of the Cottesloe Reef FHPA is to preserve valuable fish and marine environments for the future use and enjoyment of all people. Plastic and balloon litter pose a significant risk to this very special marine environment. A Cottesloe Reef FHPA brochure is enclosed for your further attention.

Carried 8/0

For: Mayor Angers, Crs Rodda, Tucak, Boulter, Sadler, Young, Thomas and Pyvis
Against: Nil

10.1.5 COUNCIL MEETING DATES 2019

File Ref: SUB/2594
Attachments: Nil
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Garry Bird, Deputy Chief Executive Officer
Author Disclosure of Interest: Nil

SUMMARY

A Resolution of Council is required to set the date, time and location of the 2019 Ordinary Council Meetings.

BACKGROUND

The *Local Government Act 1995* requires local governments to give local public notice of the dates, times and location of the Ordinary Council Meetings for the following twelve months.

Council normally sets these dates, times and locations late in the calendar year for the following calendar year.

In addition to the Ordinary Council Meetings, the Town has also advertised the Agenda Forum dates which are open to members of the public and are held on the week prior to the Ordinary Council Meeting. It is proposed that this information again be included in the local public notice and placed on the Town's website for elector's information.

For 2018, Council resolved to start the Ordinary Meeting and Agenda Forum at 6.00pm, rather than the previous start time of 7.00pm. This decision seems to have been widely supported and it is recommended that the 6.00pm start time continue for 2019.

Generally the Ordinary Meeting is scheduled for the fourth Tuesday of the month and the Agenda Forum on the third Tuesday. The exceptions to this are October and December 2019 meetings. The October meeting is recommended to be pushed back by one week due to the election and the December meetings are recommended to be brought forward one week to avoid clashing with Christmas.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Priority Area 6: Providing open and accountable local governance

Major Strategy 6.3: Implement technologies to enhance decision making, communication and service delivery.

Advertising the meeting times is a means of informing electors of the scheduled meetings with the aim of increasing public attendance which is in keeping with this strategy.

POLICY IMPLICATIONS

There are no perceived policy implications arising from the officer's recommendation.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Administration) Regulations 1996

Regulation 12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,are to be held in the next 12 months.*
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*

FINANCIAL IMPLICATIONS

Local public notice of the dates, times and locations will be placed in December, the cost of which is in accordance with the existing budgetary allocation for advertising.

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the officer's recommendation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the officer's recommendation.

CONSULTATION

Nil

OFFICER COMMENT

In addition to the local public notice, the date, times and locations of the meetings will be placed on the Council website for electors' information.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS**Submitted by Cr Boulter – Emailed 19 November 2018**

- Q1. Can the table of WA and Australian public holidays be included in the agenda?
- A1. A copy of public holidays will be tabled at the Meeting.

Q2. Can the meetings' start time be moved back to 5.30pm?

A2. Yes they could, subject to Council Resolution.

OFFICER RECOMMENDATION

Moved Cr Rodda

Seconded Cr Thomas

That Council:

1. OBSERVE a recess for January 2019, with no Ordinary Meeting of Council;
2. ADOPT the following Ordinary Meeting dates for 2019 which are to commence at 6.00pm in the Council Chamber;
Tuesday 26 February
Tuesday 26 March
Tuesday 23 April
Tuesday 28 May
Tuesday 25 June
Tuesday 23 July
Tuesday 27 August
Tuesday 24 September
Tuesday 29 October
Tuesday 26 November, and
Tuesday 17 December
3. ADOPT the following Agenda Forum dates for 2019 which are to commence at 6.00pm in the Council Chamber;
Tuesday 19 February
Tuesday 19 March
Tuesday 16 April
Tuesday 21 May
Tuesday 18 June
Tuesday 16 July
Tuesday 20 August
Tuesday 17 September
Tuesday 22 October
Tuesday 19 November, and
Tuesday 10 December
4. ADVERTISE the Ordinary Council meeting dates for 2019 and publish on the Town's website.

COUNCILLOR AMENDMENT

Moved Cr Boulter

Seconded Cr Pyvis

That the officer recommendation be amended to show the date of the April 2019 Council meeting be delayed by one week to 30 April.

Carried 8/0

For: Mayor Angers, Crs Rodda, Tucak, Boulter, Sadler, Young, Thomas and Pyvis

Against: Nil

COUNCILLOR AMENDMENT

Moved Cr Boulter

Seconded Cr Pyvis

That the officer recommendation be amended to show the starting time of 5.30pm for Council meetings and Agenda Forums in 2019.

Lost 0/8

For: Nil

Against: Mayor Angers, Crs Rodda, Tucak, Boulter, Sadler, Young, Thomas and Pyvis

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

That Council:

1. **OBSERVE** a recess for January 2019, with no Ordinary Meeting of Council;
2. **ADOPT** the following Ordinary Meeting dates for 2019 which are to commence at 6.00pm in the Council Chamber;
Tuesday 26 February
Tuesday 26 March
Tuesday 30 April
Tuesday 28 May
Tuesday 25 June
Tuesday 23 July
Tuesday 27 August
Tuesday 24 September
Tuesday 29 October
Tuesday 26 November, and
Tuesday 17 December
3. **ADOPT** the following Agenda Forum dates for 2019 which are to commence at 6.00pm in the Council Chamber;
Tuesday 19 February

Tuesday 19 March

Tuesday 16 April

Tuesday 21 May

Tuesday 18 June

Tuesday 16 July

Tuesday 20 August

Tuesday 17 September

Tuesday 22 October

Tuesday 19 November, and

Tuesday 10 December

4. **ADVERTISE** the Ordinary Council meeting dates for 2019 and publish on the Town's website.

Carried 8/0

For: Mayor Angers, Crs Rodda, Tucak, Boulter, Sadler, Young, Thomas and Pyvis

Against: Nil

ENGINEERING**10.1.6 OCEAN POOL FEASIBILITY STUDY - STAGE TWO**

File Ref: SUB/2594
Attachments: 10.1.6(a) Advisian Tender [CONFIDENTIAL] [UNDER SEPARATE COVER]
Responsible Officer: Shaun Kan, Manager, Engineering Services
Author: Denise Tyler-Hare, Project Manager
Author Disclosure of Interest: Nil

SUMMARY

That Council consider proceeding with Stage Two of the Ocean Pool Feasibility Study with respect to for an ocean pool south of the Cottesloe Groyne (Option Two).

BACKGROUND

At the September 2018 Ordinary Council Meeting, Council deferred approving the detailed feasibility study for Option Two pending consideration of itemised quotes from Advisian for the following:

1. Investigation of Aboriginal heritage and environmental issues.
2. Provide advice on preferred option viability from investigation findings.

At the October 2018 Ordinary Council Meeting, Council reviewed the quote from Advisian and a motion to accept the cost was lost.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Priority Area 3: Enhancing beach access and the foreshore

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

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

Priority Area 3: Enhancing beach access and the foreshore.

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

POLICY IMPLICATIONS

The proposed pool will need to comply with the Beach Policy.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government Regulations 1996

Planning approval is required from the West Australian Planning Commission. The Town will work with the State Heritage Office at detailed design to ensure heritage matters are considered.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the officer's recommendation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The recommended ocean pool location south of the Groyne (Option Two) would require significant environmental and heritage investigation.

CONSULTATION

Town of Cottesloe Administration

Elected Members

Community Consultation

OFFICER COMMENT

As stated in the report forwarded to the September 2018 Ordinary Council Meeting, the administration has reviewed the draft report and supports the conclusions presented. Should the recommendation be accepted, Advisian will proceed with a detailed feasibility study of the preferred location. The scope work will include:

- Detailed architectural concept plan, including proposed locations for spectator seating, changing rooms, accessibility, shade and other protection from the elements, and associated buildings
- Detailed lifecycle cost, with a target accuracy of +/- 30%
- Detailed desktop geotechnical study
- Detailed coastal engineering study
- Detailed environmental study
- Detailed community consultation, including stakeholder and broad community consultation; and
- Detailed feasibility report

It should be noted that the Town is not obliged to proceed with Stage Two of the Ocean Pool Feasibility Study. If Council were not of the mind to proceed with Stage Two, the Stage One report could be released and the proponents of each of the three options could continue their work towards their preferred option.

If Council wished to halt the process at this point, a resolution should be passed which expressly states that the Town not proceed with Stage Two and request the release of the Stage One report.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS**Submitted by Cr Boulter – Emailed 19 November 2018**

Q1. What is the total itemised cost of the ocean pool proposal assessment process to date including all consultancy fees for all sites?

A1. The current study was for all three sites. The Town has not previously been directly engaged in the formulation of these proposals. See attached breakdown.

	2018	2019	Total
	\$ excl gst		
Advisan	\$ 15,100	\$ 30,433	\$ 45,535
MarketForce	\$ 5,300	\$ 1,602	\$ 6,903
1905 Catering		\$ 400	\$ 400
Tenderlink	\$ 150		\$ 150
Project Manager	\$ 2,500	\$ 3,057	\$ 5,559
	\$ 23,050	\$ 35,492	\$ 58,547

Q2. Which documents relating to any part of this ocean pool assessment process remain confidential and why?

A2. The report provided was on an interim basis. If the Town wishes for it to be released, then we can seek a releasable version from Advisian.

Q3. Who will be the decision maker for the pool?

A3. If a proposal were to proceed, there would be multiple decision makers.

Q4. What consultation has taken place with the WAPC or Department of Planning Lands and Heritage about this proposal and what where the responses even if only preliminary?

A4. No consultation has taken place outside of what was covered in the Advisian report.

OFFICER RECOMMENDATION

That Council APPROVE Advisian commencing Stage Two of the Ocean Pool Feasibility Study for Option Two location, south of the Groyne.

COUNCILLOR MOTION

Moved Cr Boulter

Second Cr Pyvis

That Council:

1. Does not proceed with the Ocean Pool Feasibility Study Stage 2 for Option Two location south of the groyne.
2. Does not proceed with any further Pool Feasibility site studies.
3. Requests that the Town of Cottesloe administration publishes the Ocean Pool Stage One report including on the TOC website and attached to the minutes of this meeting.

Lost 4/4(5)

**For: Crs Boulter, Sadler, Thomas and Pyvis
Mayor Angers, Crs Rodda, Tucak and Young**

In accordance with section 5.21 (3) of the Local Government Act 1995, as the votes were equally divided, the Presiding Member (Chairperson), Mayor Angers, cast a second vote.

10.1.7 NAPOLEON STREET TREES

File Ref: SUB/2594
Attachments: 10.1.7(a) Napoleon Street Trees - Draft layout
10.1.7(b) Napoleon Street Trees - Draft Program
Responsible Officer: Shaun Kan, Manager, Engineering Services
Author: Denise Tyler-Hare, Project Manager
Author Disclosure of Interest: Nil

Mayor Angers – declared an **IMPARTIAL INTEREST** in item 10.1.7 by virtue “I used to be the president of Procott, which has some interest in the trees, my wife is on the board of Procott and my wife’s sister works part-time and I also own a shop called Fiddlestick Toys in Station Street which is some distance away.”

Cr Pyvis – declared an **IMPARTIALITY INTEREST** in item 10.1.7 by virtue “I am a committee member of West Tree Canopy.”

Cr Tucak – declared an **IMPARTIALITY INTEREST** in item – 10.1.7 by virtue “I am a former chair of the Procott organisation and so again there could be the perception that my impartiality may be affected but I will consider the item on its merits and vote accordingly.”

SUMMARY

Council is being asked to consider the proposed planting scheme for Napoleon Street, including species, and to purchase the trees following the Council meeting to mitigate the risk of supply shortage previously encountered.

BACKGROUND

Due to the lack in availability of suitable tree stock, it was resolved at the 24 July 2018 Ordinary Council Meeting:

1. *THAT Council by absolute majority AUTHORISE the termination of LD Total’s contract with regard to the Napoleon Street Tree Replacement Project that led to missing the 2018 planting season, due to the lack of availability of suitable tree stock, and the subsequent delays involved in the project.*
2. *For the administration to set up a meeting before the end of August with the Elected Members, the relevant Town staff and the following persons to discuss the Napoleon Street Trees present;*
 - *The chair of ProCott*
 - *A prominent/ respected person from the Arbor culture industry*
 - *A leading grower and supplier of Trees in W.A.*
 - *A leading landscaper working within the Western Suburbs*
3. *To place this issue on the tree workshop agenda to be held with Town of Cottesloe Councillors and officers and City of Subiaco officers.*

CARRIED 8/0

The contract was terminated, and a workshop was held on 9 October 2018.

The following were agreed outcomes at the 9 October 2018 workshop:

- Plant trees on south side at appropriate locations and closer to the road where possible;
- Relocate street furniture;
- Reinstatement of parking bays on the northern side with the planting focused on the southern side;
- Develop a workable phased implementation;
- Plant the same species on both sides of the road;
- Plant during the 2019 season; and,
- Provide a project plan to Council outlining species options, availability, size and likely cost implications to the November meeting.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Priority Area 5: Providing sustainable infrastructure and community amenities

Major Strategy 5.3: Implement the Town Centre Public Domain Infrastructure Improvement Plan.

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

Priority Area 5: Providing sustainable infrastructure and community amenities.

Major Strategy 5.3: Implement the Town Centre Public Domain Infrastructure Improvement Plan.

POLICY IMPLICATIONS

There are no perceived policy implications arising from the officer's recommendation.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government Regulations 1996

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the officer's recommendation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The proposed species would result in less trees being removed as it would match the existing tree species.

CONSULTATION

ProCott

Town of Cottesloe Staff

The Arbor Centre

Elected Members

OFFICER COMMENT

The Town has undertaken some investigation and prepared a preliminary plan showing planting locations on the south side, and the approximate areas to be dug up to allow 23.5m³ of soil to be incorporated into the design. It is noted that this results in the loss of one car parking bay on the southern side of the street, however, with the removal of one tree on the northern side, it is thought that an additional car bay can be installed there.

The Town has contacted Ellenby tree farm to determine the availability of three species and prices. The table below shows the current availability and the total cost (including soil and other contractors) per tree.

Species	Size	Estimated # of trees	Total Cost (Exc. GST)	Season availability
Liquidambar Styraciflua	400L	19	\$11,875	December 2019 June 2020 (planting mid 2020)
Chinese Elm (Ulmus Parvifolia)	400L	19	\$11,875	November 2019 (planting mid 2020)
Claret Ash (Fraxinus Raywoodii)	400L	17	\$10,625	December 2018 – June 2019 (planting mid 2019)

Based on this information, the only option for planting in the 2019 season would be the Claret Ash. This would take advantage of the existing trees that are doing well, and reduce the disturbance to the street, and as a result, the cost. An order would need to be placed as soon as practical to secure the preferred Claret Ash tree.

Attached is an indicative project program showing the process that achieves works completion in November 2019, assuming the recommendation is endorsed at the November 2018 Ordinary Council Meeting.

An estimate, based on the four previous tenders, has been prepared based on the installation of 17 trees in 23.5m³ of structural cells and new soil, including irrigation of the street, reinstatement and a contingency of 10 percent. The estimated cost is approximately \$405,000, inclusive of a 10 percent contingency allowance and project management time, excluding GST.

It is noted that this is only an estimate, and will be more accurate once the tender for the design and construct project is let.

Should the Council decide to use the Liquidambar Styraciflua, installation will be delayed until 2020 due to the availability. There would be an additional cost of approximately \$20,000 for the additional two trees and the removal of 2 additional Claret Ash Trees. If Council proceeds with the Liquid Amber, it is still recommended that the trees be purchased now to avoid any possibility of stock not being available and to provide some certainty to the community that the trees will be replaced.

The recommendation below presents Council with two options;

1. Plant Claret Ash in the 2019 planting seasons; OR
2. Plant Liquid Amber in the 2020 planting season.

At the Council meeting, the recommendation below should be moved with the appropriate species and year deleted.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS

Submitted by Cr Boulter – Emailed 19 November 2018

Q1. What is the total itemised cost to date of this project?

	Napoleon Street Tree Workshop	\$ 1,500.00
A1.	LD Total Project Establishment Cost	\$16,000.00
	In-House Project Manager	\$ 982.16
	Total Cost to Date	\$18,482.16

This does not include previous expert reports required by Council.

Q2. What is the preferred option of ProCott in relation to the officer recommended alternatives?

A2. Procott have indicated in an email directly to all Elected Members a preference for Liquid Amber, and that the trees be planted as soon as possible.

Q3. What is the ideal planting month for each of the recommended species?

A3. There is no specific month – however the ideal planting time is the cooler months, April to September.

Q4. What are the pros and cons of establishing the planting cells ahead of the planting of the selected trees if the liquid amber is selected given quiet time for businesses is January, and establishing the cells might meet unintended delays/interruptions from underground unknowns that could push the timeline past the planting season?

A4. As it would not be possible to have the tender settled before January, this assessment has not been undertaken. If a tender is called, this issue could be addressed as a part of the tender process.

OFFICER RECOMMENDATION**Moved Cr Rodda****Seconded Cr Pyvis**

That Council;

1. APPROVE the proposed planting scheme for Napoleon Street as attached;
2. APPROVE the purchase of Claret Ash / Liquid Amber for planting in the 2019 / 2020 planting season.

COUNCILLOR AMENDMENT**Moved Cr Sadler****Seconded Cr Young**

That a point 2 be added:

1. APPROVE the proposed planting scheme for Napoleon Street as attached;
2. APPROVE in principle any modifications to this planting scheme that further increases the shade on the Southern side of Napoleon Street, providing that the cost is equivalent.
3. APPROVE the purchase of Claret Ash for planting in the 2019 planting season.

Carried 7/1**For: Mayor Angers, Crs Boulter, Sadler, Young, Thomas, Pyvis and Rodda****Against: Cr Tucak****COUNCILLOR AMENDMENT****Moved Cr Boulter****Seconded Cr Pyvis**

That the following points be added :

1. Request that the construction of the planting cells be undertaken well ahead of the best planting time to ensure that any unforeseen circumstances do not cause delays that delay planting to the following year.
2. That, in consultation with ProCott, rearrangement of street furniture be undertaken when the replanting is being undertaken, where this will improve the amenity of Napoleon Street.

Lost 2/6**For: Crs Boulter and Pyvis****Against: Mayor Angers, Crs Rodda, Tucak, Sadler, Young and Thomas**

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

That Council;

- 1. APPROVE the proposed planting scheme for Napoleon Street as attached;**
- 2. APPROVE in principle any modifications to this planting scheme that further increases the shade on the Southern side of Napoleon Street, providing that the cost is equivalent.**
- 3. APPROVE the purchase of Claret Ash for planting in the 2019 planting season.**

Carried 4(5)/4

For: Mayor Angers, Crs Rodda, Young and Sadler

Against: Crs Boulter, Pyvis, Thomas, Tucak

In accordance with section 5.21 (3) of the Local Government Act 1995, as the votes were equally divided, the Presiding Member (Chairperson), Mayor Angers, cast a second vote.

10.1.8 37 PEARSE STREET - NEWLY PLANTED NORFOLK ISLAND PINE REMOVAL

File Ref: SUB/2594
Attachments: Nil
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Shaun Kan, Manager, Engineering Services
Author Disclosure of Interest: Nil

SUMMARY

That Council decline Mr David Rogers request for the removal of the Norfolk Island Pine tree recently installed within the Town's verge during the 2018 planting season.

BACKGROUND

Mr David Rogers from 37 Pearse Street has requested for the recently planted Norfolk Island Pine street tree be removed. This is to avoid obstructing another family member's vehicle that leaves at different times during the day.

Notification letters were sent to residents along Pearse Street prior to planting but we have been informed by Mr Rogers that he did not receive this letter. Mr Rogers has offered to pay for the removal of the tree.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Priority Area 5: Providing sustainable infrastructure and community amenities

POLICY IMPLICATIONS

The removal of a thriving tree is in consistent with the Street Tree Policy

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

There are no perceived financial implications arising from the officer's recommendation.

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the officer's recommendation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the officer's recommendation.

CONSULTATION

Elected Members

OFFICER COMMENT

Mr Rogers has been informed that our policy does not permit trees to be removed for driveway access. Mr Rogers does not agree with the position statement and has asked for this matter to be brought to Council for consideration.

**VOTING REQUIREMENT**

Simple Majority

COUNCILLOR QUESTIONS**Submitted by Cr Boulter – Emailed 19 November 2018**

Q1. How many trees were lost to the Town of Cottesloe in 2017/2018 fin. year?

A1. 197.

Q2. How many trees were planted by the Town of Cottesloe in 2016/2017 and in the 2017/2018 fin. year? How many of these trees are still surviving?

A2. 185 for 2016/2017. No data has been recorded on the percentage that have required replacement.

Q3. How many trees are planned to be planted by the Town of Cottesloe in 2018/2019?

A3. The plans for planting in the next planting season are still being finalised.

Q4. When was the last assessment of the tree canopy of the Town of Cottesloe undertaken and what were the results?

A4. 2016 – Approximately 15%. Administration to confirm later.

Q5. How does the tree canopy of the Town of Cottesloe compare with the other WESROC councils?

A5. No formal comparison is available.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Cr Tucak

That Council DECLINE Mr David Rogers request for the Norfolk Island Pine Tree planted within the Town's verge fronting 37 Pearse Street to be removed.

Carried 8/0

For: Mayor Angers, Crs Rodda, Tucak, Boulter, Sadler, Young, Thomas and Pyvis

Against: Nil

10.1.9 ERIC STREET FOOTPATH DESIGN

File Ref: SUB/2594
Attachments: Nil
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Shaun Kan, Manager, Engineering Services
Author Disclosure of Interest: Nil

SUMMARY

Council is being asked to consider a footpath extension design on the southern side of Eric Street that connects to the south western corner of Marmion Street roundabout. This is required to provide a safe location for pedestrians to cross Eric Street.

BACKGROUND

At the August 2018 Ordinary Council Meeting, the Eric Street pedestrian crossing works were deleted from the footpath program pending a report back to Council on alternatives and associated costs.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

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

Major Strategy 1.1: Develop an 'integrated transport strategy' that includes cycling, park and ride, Cott Cat, public transport and parking management strategies to meet the needs of pedestrians, cyclists and other non-vehicular traffic.

POLICY IMPLICATIONS

There are no perceived policy implications arising from the officer's recommendation.

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing footpath program budget allocation.

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the officer's recommendation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the officer's recommendation.

CONSULTATION

Elected Members

OFFICER COMMENT

Site investigations have found that the footpath on the southern side of Eric Street can be extended to join the existing pram ramps on the southwest corner of the Marmion/Eric Street intersection. This provides a safe crossing point to connect the path on both sides of the street in-lieu of a mid-block facility.

**VOTING REQUIREMENT**

Absolute Majority

COUNCILLOR QUESTIONS**Submitted by Cr Boulter – Emailed 19 November 2018**

Q1. What materials are used for new footpaths and replacements?

A1. Concrete.

Q2. Is there a TOC policy about footpath materials in terms of sustainability?

A2. No.

Q3. Will the kerb be altered along the length of the new footpath? If yes, how?

A3. No – kerbing is only altered when the road surface or drainage is repaired.

Q4. Will the neighbouring landowner be advised/consulted about the works and minimising their impact on the landowner?

A4. The Town always attempts to contact residents with regards to works adjacent to their properties.

COUNCILLOR QUESTIONS**Submitted by Cr Tucak – Emailed 20 November 2018**

Q1. Does the resulting new foot route rely on use of a resident's driveway? Is it an issue?

A1. Yes. This is not an issue as there is sufficient sight distance.

Cr Tucak left the Chambers at 7:38pm.

Cr Tucak returned to the meeting at 7:40pm.

Cr Harkins entered the meeting at 7:43pm.

OFFICER RECOMMENDATION**Moved Cr Boulter****Seconded Cr Pyvis**

That Council:

1. ENDORSE the proposed design;
2. By Absolute Majority APPROVE the required budget amendment that;
 - a. Allocates \$12,000 to the construction of the Eric Street Footpath Extension, and
 - b. Increases the transfer from the Active Transport reserve accordingly.

Lost 4/5

For: Crs Boulter, Pyvis, Thomas and Rodda

Against: Mayor Angers, Crs Young, Tucak, Harkins and Sadler

COUNCILLOR MOTION (FORESHADOWED)**Moved Cr Sadler****Seconded Cr Young**

That Council:

1. Thank the administration for their initiative which would improve pedestrian safety.
2. Defer consideration of this item until the Department of Transport Cottesloe Bike Routes Plan is finalised.

PROCEDURAL MOTION**Moved Cr Young****Seconded Cr Rodda**

That the item be put to the vote.

Carried 8/1

For: Mayor Angers, Crs Rodda, Tucak, Boulter, Sadler, Young Thomas and Harkins

Against: Cr Pyvis

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

That Council:

1. Thank the administration for their initiative which would improve pedestrian safety.
2. Defer consideration of this item until the Department of Transport Cottesloe Bike Routes Plan is finalised.

Carried 9/0

For: Mayor Angers, Crs Rodda, Tucak, Boulter, Sadler, Young, Thomas, Pyvis and Harkins

Against: Nil

10.1.10 FOOTPATH IMPROVEMENT WORKS - TENDER RECOMMENDATION

File Ref: SUB/2594
Attachments: 10.1.10(a) Footpath Improvement Works - Tender Assessment [CONFIDENTIAL] [UNDER SEPARATE COVER]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Denise Tyler-Hare, Project Manager
Author Disclosure of Interest: Nil

SUMMARY

That Council approve awarding the contract to the recommended footpath tenderer.

BACKGROUND

The Administration has identified a preferred contractor through an open tender competitive process to deliver the Town of Cottesloe's Footpath Program over the next three years for Council's approval. Compliance with the Council's purchasing policy and operational efficiency will be achieved through this one off procurement process over a fixed term. Other benefits include providing financial certainty with an agreed schedule of rates in place for the contract period.

The results are presented in the Officer Recommendation.

Due to the size of the tenders, one hard copy set is available for review at the Council offices.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Priority Area 6: Providing open and accountable local governance

Major Strategy 6.2: Continue to deliver high quality governance, administration, resource management and professional development.

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

Priority Area 6: Providing open and accountable local governance.

Major Strategy 6.3: Implement technologies to enhance decision making, communication and service delivery.

POLICY IMPLICATIONS

The officer's recommendation is compliant with the Purchasing Policy.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government Regulations 1996

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the officer's recommendation. An improvement in resource efficiency is anticipated with this contract in place that only requires one quote to be sourced from the preferred supplier over the next three years following an appointment through this open tender process.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the officer's recommendation.

CONSULTATION

Town of Cottesloe Staff

OFFICER COMMENT

Five compliant submissions were received at closing on 7 November 2018 and evaluated against the Request for Tender Specifications. The assessment has found that Cobblestone Concrete's submission represents best value for money. This conclusion is based on an excellent response to the criteria combined with a highly experienced team and competitive rates.

The preferred contractors are currently providing footpath construction services to the Town.

It is recommended that Cobblestone Concrete's offer be accepted by the Council.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS**Submitted by Cr Boulter – Emailed 19 November 2018**

Q1. What are the materials to be used for the TOC footpaths?

A1. Concrete.

Q2. What is the colour and surface of the footpaths?

A2. Standard grey with a broom finish.

Q3. How have the TOC Community Strategic Plan sustainability principles been applied to this tender and what % of the tender is weighted on sustainability principles?

A3. The Strategic Community Plan does not have sustainability principles that apply to this tender.

Q4. In what way can footpath renewals impact on other infrastructure such as kerbs and cycle ways?

- A4.** Any impact would depend greatly on the design. It is not envisaged that the selection of a contractor to install the footpaths will have any impact at all.
- Q5. What footpath work is undertaken by the TOC?
- A5.** All footpaths on land vested with the Town are the responsibility of the Town.
- Q6. Has the TOC entered such a contract before? If yes, when and who was the contractor? If not, why not?
- A6.** Yes. Cobblestone Concrete was the last such contractor appointed.
- Q7. Couldn't this be a general WESROC contract to get better and cheaper outcomes?
- A7.** Not necessarily – it would depend on how aligned specifications were.
- Q8. What would be the outcome of Council awarding the contract for only one year?
- A8.** The purpose of proceeding with the Tender was to minimise the amount of time spent seeking tenders or quotes. If only one year was accepted, then most of those savings would be lost.

OFFICER RECOMMENDATION

That Council ACCEPT the tender from Cobblestone Concrete for footpath improvement works.

COUNCILLOR MOTION**Moved Cr Boulter****Seconded Cr Pyvis**

That Council DEFER the officer's recommendation pending a workshop with Councillors.

Lost 2/7**For: Crs Boulter and Pyvis****Against: Mayor Angers, Crs Rodda, Tucak, Sadler, Young, Thomas and Harkins****COUNCIL RESOLUTION (FORESHADOWED)****Moved Cr Sadler****Seconded Cr Rodda**

That Council ACCEPT the tender from Cobblestone Concrete for footpath improvement works.

Carried 8/1**For: Mayor Angers, Crs Rodda, Tucak, Sadler, Young, Thomas, Harkins and Pyvis****Against: Cr Boulter**

10.1.11 FORESHORE MASTER PLAN - TENDER RECOMMENDATION

File Ref: SUB/2594
Attachments: 10.1.11(a) Tender panel review [CONFIDENTIAL] [UNDER SEPARATE COVER]
Responsible Officer: Shaun Kan, Manager, Engineering Services
Author: Denise Tyler-Hare, Project Manager
Author Disclosure of Interest: Nil

SUMMARY

Council is being asked to consider awarding a contract to the recommended tenderer and an amendment to the allocated budget.

BACKGROUND

At the September 2018 Ordinary Council Meeting, the Council resolved to:

1. *APPROVE the attached brief and visual summary for the Foreshore Master Plan Consultancy Tender.*
2. *Include the Enquiry By Design (EBD) document in the list of "General considerations", Point 2 (page 2).*
3. *Include the TOC Beach Policy document be included in the list of "General considerations", Point 2 (page 2).*
4. *Replace the words "Foreshore Implementation Committee" be replaced with the words "Mayor and all Councillors", under "Deliverables", the final bullet point.*
5. *Correct the "Submission Date" the date stated Monday 26 March 2018".*
6. *Release the visual summary with the brief to the community through the normal channels, including on the Town's website, on the day of the calling for tenders.*

Tenders were advertised on Tenderlink from 5 October 2018 to 31 October 2018. Seven compliant tenders were received and have been assessed by a panel. The results are presented in the officer's recommendation.

Due to the size of the tenders, one hard copy set is available for review at the Council offices.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Priority Area 3: Enhancing beach access and the foreshore

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

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

Priority Area 3: Enhancing beach access and the foreshore.

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

POLICY IMPLICATIONS

There are no perceived policy implications arising from the officer's recommendation.

STATUTORY ENVIRONMENT*Local Government Act 1995*

All works in the Cottesloe Foreshore Precinct will require planning approval from the West Australian Planning Commission (WAPC). A majority of the land contained within the Cottesloe Foreshore Precinct is listed on the State Heritage Register.

Officers will work with the State Heritage Office and WAPC during the detailed design phase to ensure heritage and planning considerations are met.

FINANCIAL IMPLICATIONS

The 2018/19 budget has a budget of \$170,000 allocated for consulting fees for foreshore works. Approximately \$60,000 has been expended on previous contracts and project management fees.

Acceptance of the recommended tender price would require a budget adjustment of \$20,000, including a 10 percent contingency, which is approximately a 12 percent variation from the original budget.

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the officer's recommendation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the officer's recommendation.

CONSULTATION

The Foreshore Precinct Implementation Committee, at the 8 November 2018 meeting unanimously recommended for Council to accept the offer submitted by Aspect Studios Pty Ltd.

Town of Cottesloe Staff

OFFICER COMMENT

Seven submissions have been assessed against the Request for Tender Specifications and Aspect Studios Pty Ltd has been determined to be the submission that represents best value for money. Aspect Studios Pty Ltd offer is the second lowest in price, and they have provided an excellent response to the criteria complemented by a multi-skilled team with significant relevant experience.

VOTING REQUIREMENT

Absolute Majority

COUNCILLOR QUESTIONS**Submitted by Cr Boulter – Emailed 19 November 2018**

- Q1. What are all the foreshore master plans undertaken for the TOC and what is the total amount the TOC has spent on foreshore plans to date?
- A1. Emerge and Cardno have each previously produced a foreshore masterplan. The total approximate cost to date is \$206,000.
- Q2. What are the TOC consultation policy requirements for establishing a new foreshore master plan?
- A2. There are no requirements for the appointment of the design consultants. The plan itself however will require extensive consultation.

The Deputy CEO left Chambers at 7:57pm and returned to Chambers at 8:06pm.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Cr Thomas

That Council:

1. **ACCEPT** the tender from Aspect Studios Pty Ltd for the Foreshore Master Plan; and,
2. **APPROVE** a budget amendment (increase) of \$20,000 for the Foreshore Master Plan (Account 45.6080.2).

Carried 7/2

For: Crs Rodda, Thomas, Harkins, Young, Angers, Sadler and Tucak
Against: Crs Boulter and Pyvis

10.1.12 SUPPLY AND LAYING OF ASPHALT AND ROAD PROFILING - TENDER RECOMMENDATION

File Ref: SUB/2594
Attachments: 10.1.12(a) Supply and Laying of Asphalt and Road Profiling - Tender recommendation [CONFIDENTIAL]
[UNDER SEPARATE COVER]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Denise Tyler-Hare, Project Manager
Author Disclosure of Interest: Nil

SUMMARY

The Council is requested to approve awarding the contract to the recommended tenderer.

BACKGROUND

The Administration has identified a preferred contractor through an open tender competitive process to deliver the Town of Cottesloe's Asphalt Program over the next three years for Council's approval. Compliance with the Council's purchasing policy and operational efficiency will be achieved through this once off procurement process over a fixed term. Other benefits include providing financial certainty with an agreed schedule of rates in place for the contract period.

The results are presented in the Officer Recommendation.

Due to the size of the tenders, one hard copy set is available for review at the Council offices.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Priority Area 6: Providing open and accountable local governance

Major Strategy 6.2: Continue to deliver high quality governance, administration, resource management and professional development.

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

Priority Area 6: Providing open and accountable local governance.

Major Strategy 6.3: Implement technologies to enhance decision making, communication and service delivery.

POLICY IMPLICATIONS

The officer's recommendation is compliant with the Purchasing Policy.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government Regulations 1996

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the officer's recommendation. An improvement in resource efficiency is anticipated with this contract in place that only requires one quote to be sourced from the preferred supplier over the next three years following an appointment through this open tender process.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the officer's recommendation.

CONSULTATION

Town of Cottesloe Staff

OFFICER COMMENT

Four submissions have been received at closing on 7 November 2018 through Tenderlink and evaluated against the Request for Tender Specifications. Roads 2000 submission has been determined to represent best value for money given their outstanding response to the criteria combined with a highly experienced team and competitive rates.

It is recommended that Roads 2000's offer be accepted by the Council.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS**Submitted by Cr Boulter – Emailed 19 November 2018**

Q1. What materials are used for Asphalt and Road Profiling?

A1. Primarily asphalt and bitumen.

Q2. What does Road Profiling mean?

A2. Reshaping the road back to the original specifications.

Q3. What are the sustainable alternatives to asphalt?

A3. There are numerous alternatives to asphalt.

Q4. Is there a TOC policy about Asphalt and Road Profiling materials in terms of sustainability?

A4. No.

Q5. What is the TOC kerb profiling policy and does this apply to this tender?

A5. There is no specific policy call "kerb profiling". Current practice is to replace kerbing with the same type unless safety or drainage requires otherwise.

- Q6. Will the neighbouring landowners be required to be advised/consulted about the works and minimising their impact on the landowner?
- A6.** The Town always attempts to notify adjacent residents about works on adjoining land.
- Q7. Has the TOC entered such a contract before? If yes, when and who was the contractor? If not why not?
- A7.** Yes – Roads2000 were the last successful tenderer.
- Q8. Couldn't this be a general WESROC contract to get better and cheaper outcomes?
- A8.** Only if specifications were similarly aligned.
- Q9. What would be the outcome of Council awarding the contract for only one year?
- A9.** The tender was for three years, to reduce the amount of time spent seeking and obtaining quotes. Appointing a contractor for one year will mean many of those savings will be lost.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**Moved Cr Rodda****Seconded Cr Young**

That Council ACCEPT the tender from Roads 2000 for the supply and laying of asphalt, including road profiling.

Carried 8/1

**For: Mayor Angers, Crs Rodda, Tucak, Sadler, Young, Thomas, Pyvis and Harkins
Against: Cr Boulter**

10.1.13 TRAFFIC ENGINEERING SERVICES - TENDER RECOMMENDATION

File Ref: SUB/2594
Attachments: 10.1.13(a) Traffic Engineering Services - Tender Recommendation [CONFIDENTIAL] [UNDER SEPARATE COVER]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Denise Tyler-Hare, Project Manager
Author Disclosure of Interest: Nil

SUMMARY

That Council approve awarding the contract to the recommended tenderer.

BACKGROUND

The Administration has identified a preferred consultant through an open tender competitive process to provide Traffic Engineering related services to the Town of Cottesloe over the next three years for Council's approval. Compliance with the Council's purchasing policy and operational efficiency will be achieved through this one off procurement process over a fixed term. Other benefits include providing financial certainty with an agreed consultancy rates in place for the contract period.

The results are presented in the Officer Recommendation.

Due to the size of the tenders, one hard copy set is available for review at the Council offices.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Priority Area 6: Providing open and accountable local governance

Major Strategy 6.2: Continue to deliver high quality governance, administration, resource management and professional development.

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

Priority Area 6: Providing open and accountable local governance.

Major Strategy 6.3: Implement technologies to enhance decision making, communication and service delivery.

POLICY IMPLICATIONS

The officer's recommendation is compliant with the Purchasing Policy.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government Regulations 1996

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the officer's recommendation. An improvement in resource efficiency is anticipated with this contract in place that only requires one quote to be sourced from the preferred supplier over the next three years following an appointment through this open tender process.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the officer's recommendation.

CONSULTATION

Town of Cottesloe Staff

OFFICER COMMENT

Ten submissions have been assessed against the Request for Tender Specifications and Edge Transport submission represents best value for money given an excellent response to the criteria combined with a highly experience team and competitive consultancy rates.

It is recommended that Edge Transport's offer be accepted by the Council.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS**Submitted by Cr Boulter – Emailed 19 November 2018**

Q1. What works does this include?

A1. The design of roads and intersections.

Q2. What would be the outcome of Council awarding the contract for only one year?

A2. The tender was for three years, to reduce the amount of time spent seeking and obtaining quotes. Appointing a contractor for one year will mean many of those savings will be lost.

Q3. Has the TOC entered such a contract before? If yes, when and who was the contractor? If not why not?

A3. No. There hasn't previously been the identified need.

Q4. Couldn't this be a general WESROC contract to get better and cheaper outcomes?

A4. Only if specifications were similarly aligned. Larger local governments tend to have traffic engineers on staff.

Q5. What would be the outcome of Council awarding the contract for only one year?

- A5.** The tender was for three years, to reduce the amount of time spent seeking and obtaining quotes. Appointing a contractor for one year will mean many of those savings will be lost.

COUNCILLOR QUESTIONS

Submitted by Cr Tucak – Emailed 20 November 2018

Q1. What “traffic engineering services” are likely to be required in the three year period?

- A1.** Road Design, Traffic Management Plan Development, Parking Studies, Road Safety Audits.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Cr Sadler

That Council **ACCEPT** the tender from Edge Transport for Traffic Engineering Services.

Carried 8/1

For: Mayor Angers, Crs Rodda, Tucak, Sadler, Young, Thomas, Pyvis and Harkins

Against: Cr Boulter

FINANCE**10.1.14 FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2018 TO 31 OCTOBER 2018**

File Ref:	SUB/2594
Attachments:	10.1.14(a) Financial Statements for the period 1 July 2018 to 31 October 2018 [under separate cover]
Responsible Officer:	Mat Humfrey, Chief Executive Officer
Author:	Wayne Richards, Finance Manager
Author Disclosure of Interest:	Nil

SUMMARY

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

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

BACKGROUND

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

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

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Major Strategy 6.2: Continue to deliver high quality governance, administration, resource management and professional development.

Priority Area 6: Providing open and accountable local governance

POLICY IMPLICATIONS

Management of Investments Policy

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

There are no perceived financial implications arising from the officer's recommendation.

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the officer's recommendation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the officer's recommendation.

CONSULTATION

Senior staff

OFFICER COMMENT

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

- The net current funding position as at 31 October 2018 was \$8,452,656 and is in line with previous financial years as shown on pages 2 and 22 of the attached Financial Statements.
- Rates and emergency services levies receivables at 31 October 2018 stood at \$2,923,536 as shown on pages 2 and 25 of the attached Financial Statements.
- Operating revenue is more than year to date budget by \$240,804 with a more detailed explanation of material variances provided on page 21 of the attached Financial Statements. Operating expenditure is \$592,713 less than year to date budget with a more detailed analysis of material variances provided on page 21.
- The Capital Works Program is approximately 10% complete as at 31 October 2018 and a full capital works program listing is shown on pages 33 to 35.
- Whilst Salaries and Wages are not reported specifically, they do represent the majority proportion of Employee Costs which are listed on the Statement of Financial Activity (By Nature and Type) on page 7 of the attached Statements. As at 31 October 2018 Employee Costs were \$54,097 less than the budgeted year to date amount.
- The balance of cash backed reserves was \$11,587,926 as at 31 October 2018 as shown in note 7 on page 27 of the monthly financial statements.

List of Accounts for September 2018

The List of Accounts paid during September 2018 is shown on pages 36 to 44 of the attached Financial Statements. The following significant payments are brought to Council's attention;-

- \$60,005.40 to Solo Resource Recovery T/A Solo Waste for the collection and disposal of waste.
- \$56,213.02 to the Australian Taxation Office for the monthly business activity statement.
- \$33,475.75 to Advisian Pty Ltd for consultancy fees relation to the beach pool feasibility project.
- \$32,944.76 to Surf Life Saving Western Australia for the monthly provision of surf life saving service.
- \$41,905.14 & \$25,958.45 to Local Government Insurance Services (LGIS) for various Council insurance premiums.
- \$163,633.80 to the Shire of Peppermint Grove for the provision of Library services.
- \$117,883.05 to Procott Incorporated being monies raised on their behalf by Council by way of a differential rate.
- \$43,701.66 to Western Metropolitan Regional Council for waste disposal services.
- \$106,561.86, \$104,863.76 & \$109,171.03 to the Town of Cottesloe staff for fortnightly payroll.
- \$50,000.00 to the Town of Cottesloe Investment account held with National Australia Bank.

Investments and Loans

Cash and investments are shown in note 4 on page 23 of the attached Financial Statements. Council has approximately 34% of funds invested with National Australia Bank, 28% with Bankwest, 29% with Commonwealth Bank of Australia and 9% with Westpac Banking Corporation. Council had a balance of \$11,587,926 in reserve funds as at 31 October 2018.

Information on borrowings is shown in note 10 on page 30 of the attached Financial Statements and shows Council had total principal outstanding of \$3,999,878 as at 31 October 2018.

Rates, Sundry Debtors and Other Receivables

Rates revenue information is shown in note 9 on page 29 of the attached Financial Statements. Rates outstanding are shown on note 6 on page 25 and show a balance of \$2,923,536 as compared to \$3,602,607 this time last year.

Sundry debtors are shown on note 6, pages 25 and 26 of the attached Financial Statements. The sundry debtors show that 14% or \$25,304 is older than 90 days. Infringement debtors are shown on note 6(a) and stood at \$432,442 as at 31 October 2018.

Budget Amendments

The budget amendments are listed on pages 12, 13 and 24 of the Financial Statements

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS**Submitted by Cr Boulter – Emailed 19 November 2018**

- Q1. Page 36 Nu-Trac Rural Contracting: Have the beach cleaning cots changed since the depot was removed from the SVGC? If yes, by how much?
- A1.** No.
- Q2. Page 36 Young's plumbing: Which drinking fountain? Which beach toilets required plumbing repairs and what were the repairs? Isn't a blocked urinal a lessor's responsibility? Which shower was replaced?
- A2.** The beach toilets are located at Indiana. Council has assumed cleaning and maintenance of these facilities.
- Q3. Page 36 Borello: What was the legal advice for and about what?
- A3.** Deane St – State Administrative Tribunal matter.
- Q4. Page 37 Stone Supplies: where are each of these supplies kept now TOC no longer at SVGC and are there any extra storage fees?
- A4.** Limestone supplied as needed.
- Q5. Page 37: Bug Busters and page 41: What is the TOC policy about bee hive removal from Council reserves? What does the contractor do with the removed hives?
- A5.** There is no policy. Bee hives are removed when considered dangerous and relocated to a more suitable location.
- Q6. Page 37 Greenshed: What is the soil testing for and what were the results?
- A6.** To establish a preferred species. The results will be provided with a preferred species at a later date.
- Q7. Page 37 Professional Tree Surgeons: Which trees exactly where were pruned?
- A7.** Removal of Eucalypt Tree on Congdon Street (emergency works) and prune large eucalypt tree and report at 66 Napier Street.
- Q8. Page 37 BM Pember: What are the contractual arrangements with BM Pember and how much longer will the contract run?
- A8.** Mr Pember is contracted to provide support and technical expertise on the Civica Authority Software. He is contracted for six months at a time depending on need.
- Q9. Page 38 Safety Zone: What are the contractual arrangements with Safety Zone and how much longer will the contract run or did the TOC Procurement policy apply to this purchase?
- A9.** No contractual arrangements exist. Items are purchased on an as needs basis, in keeping with the Purchasing Policy.
- Q10. Page 38 SuperChoice: How many members of staff were these contributions made for and how long a period does the payment cover?
- A10.** All employees. The payment was for a fortnightly payroll.
- Q11. Page 38 Betta Turf: Which playgrounds was the turf supplied to?

- A11.** Graham Court edge repairs following the kerb works.
- Q12. Page 38 Jackson MacDonald: What were the legal services for?
- A12.** Indiana lease.
- Q13. Page 38 Australia Post: What period of time does this payment cover? Why does TOC have to pay to have mail delivered?
- A13.** September 2018. The cost includes a secure mail bag and postage delivery costs. Australia Post is the only provider of this service and fees do apply.
- Q14. Page 39 Hays Specialist: What services exactly did Hays supply for the appointment of the Strategic Planner?
- A14.** Hays located a short term contract planner for the Town.
- Q15. Page 40 ADvisian: What are the total costs paid to ADvisian and any other consultant for the Pool Feasibility study so far?
- A15.** Advisian - \$30,432.50 and MarketForce for Pool Survey - \$1645.
- Q16. Page 40 Microanalysis: What does PSD stand for and where were the soil samples taken from and why , and what were the results? Why is the TOC using different soil sample firms and were quotes obtained from both as per TOC procurement/purchasing policy?
- A16.** PSD – Particle Size Distribution. The Purchasing Policy requires quotes for each job and yes the Purchasing Policy was adhered to.
- Q17. Page 40 Ecoscape: What are the total costs paid to Ecoscape to date for the BAP consultancy?
- A17.** \$15,812.50.
- Q18. Page 41 Market force: What are the contractual arrangements with Market force ie is there a contract and if so when does it expire?
- A18.** Marketforce were engaged through the Western Australian Local Government Association Preferred supplier Panel. There is no contract and services are provided on an as needs basis.
- Q19. Page 42 Cobbelstone concrete: Which footpath where was installed?
- Marine Parade Westside fronting Seaview Golf Course
- A19.**
- Marine Parade Eastside between Sydney Street and Warton Street
 - Curtin Avenue slip lane between Grant Street and the Lights
- Q20. Page 42 PRW Contracting: Which asphalt where?
- A20.** 225 Curtin Avenue drainage installation.
- Q21. Page 43 Scotts Scrubbing: How often is this done on Napoleon St and is it undertaken anywhere else in TOC?
- A21.** Every 3 months that also includes along brick paved areas along Marine Parade.
-

Q22. Page 43 CLE Strategic planning advice: Which amendment is LP53?

A22. CLE was the contractor appointed to oversee the finalisation of the LDP for 126-128 Railway Street.

Q23. Page 43 Trustee for Signcode: Which part of the BAP signage did this company provide?

A23. This would be Publik's trading name.

Q24. Page 44 City of Nedlands: Which Curtin Ave pedestrian crossing?

A24. Forest Street.

COUNCILLOR QUESTIONS

Submitted by Cr Tucak – Emailed 20 November 2018

Q1. Are the LGIS sums annual premiums? Are any other LGIS sums due in Year 18-19?

A1.	Scheme Contributions	2018/2019
	LGIS Property	\$ 47,197.18
	LGIS Liability	\$ 76,191.16
	LGIS WorkCare	\$ 45,125.90
	Crime	\$ 3,493.20
	Casual Hirers Liability	\$ -
	Less Contribution Credit	\$ 17,547.20
	Net Contribution	\$ 154,460.24
	Non-Scheme Costs	2018/2019
	Cyber Liability	\$ 3,000.00
	Management Liability	\$ 9,260.00
	Councillors & Officers	\$ -
	Statutory Liability	\$ -
	Motor	\$ 19,110.82
	Personal Accident	\$ 425.00
	Corporate Travel	\$ 750.00
	Total Non- Scheme Costs	\$ 32,545.82

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Cr Tucak

THAT Council RECEIVE the Financial Statements for the period ending 31 October 2018 as submitted to the 27 November 2018 meeting of Council.

Carried 8/0

For: Mayor Angers, Crs Rodda, Tucak, Boulter, Sadler, Young, Thomas and Pyvis

Against: Nil

EXECUTIVE SERVICES**10.1.15 ADOPTION OF OCCUPATIONAL SAFETY AND HEALTH POLICY**

File Ref: SUB/2594
Attachments: 10.1.15(a) Proposed Occupational Safety and Health policy
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Freya Ayliffe, Manager Compliance and Regulatory Services
Author Disclosure of Interest: Nil

SUMMARY

The Occupational Safety and Health Policy sets out general principals and procedures in relation to the management of occupational safety and health and is applicable to all staff including Elected Members, contract employees and volunteers.

BACKGROUND

The Town's current Policy is outdated and has therefore been reviewed, and amended and requires Council endorsement.

It should be noted that the Policy has been approved by Town's Occupational Safety and Health Committee.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Priority Area 6: Providing open and accountable local governance

Major Strategy 6.2: Continue to deliver high quality governance, administration, resource management and professional development.

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

Priority Area 6: Providing open and accountable local governance.

Major Strategy 6.2: Continue to deliver high quality governance, administration, resource management and professional development.

POLICY IMPLICATIONS

Should Council adopt the Policy, it would result in a new Occupational Safety and Health Policy, which is applicable to all staff, including Elected Members, contract employees and volunteers.

STATUTORY ENVIRONMENT

Occupational Safety and Health Act 1984

Occupational Safety and Health Regulations 1996

Relevant Standards and Codes

FINANCIAL IMPLICATIONS

There are no perceived financial implications arising from the officer's recommendation.

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the officer's recommendation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the officer's recommendation.

CONSULTATION

Occupational Safety and Health Committee

Chief Executive Officer

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS**Submitted by Cr Boulter – Emailed 19 November 2018**

Q1. What are the relevant Standards and Codes referenced in the Draft Policy?

- *Occupational Safety and Health Act 1984*

A1. • *Occupational Safety and Health Regulations 1996*

- *Relevant Standards and Codes*

Q2. What are the requirements of the TOC Communication and Consultation policies that apply to this proposed policy?

A2. This particular policy does not require community consultation as it does not directly impact the community, it sets out general principals and procedures in relation to the management of occupational safety and health and is applicable to;

- *Cottesloe employees*
- *Contract employees*
- *Elected Members*
- *Volunteers*
- *Visitors to the Civic Centre*

10.1.16 APPLICATION FOR EXEMPTION - LIMITATIONS AS TO THE NUMBER OF DOGS - SECTION 26 OF THE DOG ACT 1976

File Ref: SUB/2594
Attachments: Nil
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Freya Ayliffe, Manager Compliance and Regulatory Services
Author Disclosure of Interest: Nil

SUMMARY

An application has been received from the owner of 5 Loma Street, Cottesloe seeking an exemption as to the limitations of the number of dogs to be kept on the property.

The owner of the property currently has two dogs and is seeking permission to keep a third dog on the property.

BACKGROUND

As per the Town's *Dog Local Law 2011* section 3.2, the limitation to the number of dogs states;

- (2) *The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Dog Act 1976, two dogs over the age of three months and the young of those dogs under that age.*

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

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

Major Strategy 6.2: Continue to deliver high quality governance, administration, resource management and professional development.

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

Priority Area 1: Protect and enhance the wellbeing of residents and visitors.

Major Strategy 6.2: Continue to deliver high quality governance, administration, resource management and professional development.

POLICY IMPLICATIONS

There are no perceived policy implications arising from the officer's recommendation.

STATUTORY ENVIRONMENT

Local Government Act 1995

Dog Act 1976

Dog Local Law 2011

FINANCIAL IMPLICATIONS

There are no perceived financial implications arising from the officer's recommendation.

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the officer's recommendation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the officer's recommendation.

CONSULTATION

Letters were sent to surrounding properties advising of the application and requesting comments and/or objections with a closing date of 19 October 2018.

Zero objections were received.

OFFICER COMMENT

An inspection of the property was carried out by the Town's Senior Ranger, the property is secure and fencing is adequate to contain the three dogs, should approval be granted.

Furthermore, the dogs that currently reside on the property are registered with the Town and there is no past history, issues or complaints in relation to the two dogs.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Cr Tucak

That Council APPROVE the application to allow the owner of 5 Loma Street, Cottesloe to have three dogs kept on the property subject to all dogs being registered with the Town in accordance with the *Dog Act 1976*.

Carried 8/0

For: Mayor Angers, Crs Rodda, Tucak, Boulter, Sadler, Young, Thomas and Pyvis

Against: Nil

10.2 RECEIPT OF COMMITTEE MINUTES**10.2.1 RECEIPT OF COMMITTEE MINUTES**

- Attachments:**
- 10.2.1(a) Draft Minutes - Art Acquisition Panel - 23 October 2018 [under separate cover]**
 - 10.2.1(b) Draft Minutes - Beach Access Paths Committee - 24 October 2018 [under separate cover]**
 - 10.2.1(c) Draft Minutes - Beach Access Path Committee Meeting - 19 November 2018 [under separate cover]**
 - 10.2.1(d) Draft Minutes - Bike Planning Committee - 23 October 2018 [under separate cover]**
 - 10.2.1(e) Draft Minutes - Community Safety and Crime Prevention Committee - 16 October 2018 [under separate cover]**
 - 10.2.1(f) Draft Minutes - Disability Services Advisory Panel - 23 October 2018 [under separate cover]**
 - 10.2.1(g) Draft Minutes - Foreshore Precinct Implementation Committee Meeting - 8 November 2018 [CONFIDENTIAL] [UNDER SEPARATE COVER]**
 - 10.2.1(h) Draft Minutes - Public Events Committee Meeting - 13 November 2018 [CONFIDENTIAL] [UNDER SEPARATE COVER]**
 - 10.2.1(i) Draft Minutes - Reserves Parks and Playgrounds - 25 October 2018 [under separate cover]**

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Cr Sadler

THAT Council note the attached draft Minutes of the Committee Meetings.

Carried 7/2

For: Mayor Angers, Crs Rodda, Tucak, Sadler, Young, Harkins and Thomas

Against: Crs Boulter and Pyvis

COMMITTEE RECOMMENDATION(S)**10.2.2 ART ACQUISITION PANEL****4.1 Development of Public Art Strategy****COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Tucak

Seconded Cr Thomas

That the Committee recommend to Council;

That Council CHANGE the name of the Art Acquisition Panel to the Art Advisory Panel.

Carried 9/0

For: Mayor Angers, Crs Rodda, Tucak, Boulter, Sadler, Young, Thomas, Harkins and Pyvis

Against: Nil

10.2.3 BEACH ACCESS PATHS COMMITTEE**Committee Meeting 24 October 2018****7.1 Beach Access Paths – Names****COMMITTEE RECOMMENDATION**

That the Beach Access Paths Committee recommend to Council;

That the Council INCLUDE street/beach names as follows with the remainder being deferred pending further discussion at the next committee meeting.

Numbers	Location
S10	Walbirriny
S12	Cudjil
N6	Hawkstone St
N7	Grant St

COUNCILLOR MOTION**Moved Cr Rodda****Seconded Cr Sadler**

That the officer's recommendation as it was presented to the Beach Access Paths Committee Meeting on 24 October 2018 be endorsed by Council.

COUNCILLOR MOTION**Moved Cr Boulter****Seconded Cr Pyvis**

That the meeting be closed to the public to discuss the personal information of 3rd parties.

Carried 9/0**For: Mayor Angers, Crs Rodda, Tucak, Boulter, Sadler, Young, Thomas, Harkins and Pyvis****Against: Nil**

The CEO advised the reason for confidentiality was to discuss personal details of a third party.

The meeting was closed to the media and public at 8:21pm and the media and public vacated the gallery.

At 8:29pm, Mayor Angers left the Chambers and did not return.

At 8:30pm, the Deputy Mayor adjourned the meeting for five minutes.

At 8:35pm, the Deputy Mayor adjourned the meeting for another 10 minutes.

At 8:41pm the Deputy Mayor announced that the Mayor was feeling unwell and would be going home.

The Deputy Mayor advised that Council would continue with the items in the agenda but would adjourn the meeting prior to consideration of item 13.1.3 as the Mayor has an amendment for that item.

At 8:41pm, the Deputy Mayor assumed the Chair and reconvened the meeting.

COUNCILLOR AMENDMENT

Moved Cr Tucak

Seconded Cr Sadler

At the end of the officer's recommendation (to the Beach Access Paths Committee) add 'subject to asking for the original workshop participants' input and advice on interchanging the name Walbirriny to S10 with its meaning of healing and moving Woordarn into S11.

Carried 7/1

For: Crs Rodda, Boulter, Tucak, Sadler, Young, Thomas and Harkins

Against: Cr Pyvis

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

That the Council INCLUDE street/beach names as follows, as amended in accordance with the workshop held on the 8th October 2018 with Traditional Owners and Elders, subject to asking for the original workshop participants' input and advice on interchanging the name Walbirriny to S10 with its meaning of healing and moving Woordarn into S11:

Numbers	Location
S0	Moondo
S1	Cables
S2	Vlamingh
S3	Sydney Street
S4	Wearne
S5	Gibney Street
S6	Deep Six
S7	Dutch Inn
S8	Birrdag
S9	Princes Street
S10	Woordarn
S11	Walbirriny
S12	Marr Golying
S13	Pearse Street
S14	Isolated
S15	The Cove
N1	Napier Street
N2	Van Eileen
N3	Bryan Way
N4	North Cott
N6	Hawkstone St
N7	Grant St
N8	Birrn
N9	Vera View
N10	Dog Beach
N11	Osprey
N12	North Street

Carried 6/2

For: Crs Rodda, Tucak, Sadler, Young, Thomas and Harkins
Against: Crs Boulter and Pyvis

MOTION FOR BEHIND CLOSED DOORS

Moved Cr Rodda Seconded Cr Harkins

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

The meeting reopened to the public at 9:00pm and members of the public or media returned to the Chambers.

The Deputy Mayor advised the press and public that the Mayor had left on short notice as he's not well and on that basis he has taken over as Presiding Member (Chairperson).

The resolution for item 7.1 Beach Access Paths – Names was read aloud.

Committee Meeting 19 November 2019

8. Elected Member Notice of Motion – Cr Pyvis

COUNCILLOR MOTION/COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTON

Moved Cr Pyvis Seconded Cr Boulter

That the Beach Access Path Committee recommend to Council;

That the town of Cottesloe administration suspend all work on the BAP signage and invite a representative from the DPLH (preferably a landscape architect) to provide advice in person to the BAP committee about coastal signage generally and the Town of Cottesloe Beach Access Path signage in particular.

Carried 5/3

For: Crs Tucak, Boutler, Pyvis, Thomas and Harkins
Against: Crs Sadler, Young and Rodda

COUNCILLOR MOTION/COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTON

Moved Cr Boulter Seconded Cr Pyvis

That the Beach Access Path Committee recommend to Council;

That at each stage of the continuing BAP renewal project, the shop drawings for each of BAP are tabled at the BAP Committee meetings for review of specific content and 'sanity check' on grammar and compliance.

For: Crs Boulter, Pyvis, Tucak, Young, Harkins and Thomas
Against: Crs Rodda and Sadler

Carried 6/2

10.3 REPORTS OF COMMITTEES

Nil

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 COUNCILLOR MOTION - FOSSIL FUEL DIVESTMENT**

Cr Sadler – declared an **IMPARTIALITY INTEREST** in item 11.1 by virtue “I am a member of Doctors for the Environment Australia.”

Cr Rodda – declared an **IMPARTIALITY INTEREST** in item 11.1 by virtue “I am a Director of a company that has interests in coal exploration tenements in Canada.”

The following motion has been proposed by Cr Sadler.

COUNCILLOR MOTION**Moved Cr Sadler****Seconded Cr Rodda**

That the administration prepares a report for the Mid-Year budget review on the implications for the Town of Cottesloe of divesting from fossil fuels. This is to include:

1. The extent that it is possible for a WA Local Government to divest from fossil fuels.
2. The WALGA position on divestment from fossil fuels.
3. Information on how many Local Governments in WA have already taken this step.
4. Example(s) of divestment policy from a WA Local Government.
5. Financial implications for the Town of Cottesloe.
6. Realistic time frame in which any such policy may be introduced.
7. Alignment with the Town’s Community Strategic Plan, Corporate Business Plan and existing policies.

COUNCILLOR AMENDMENT

Cr Young requested an amendment to the motion as follows:

That the Councillor’s motion be amended by the inclusion of a new paragraph 2 (and appropriate re-numbering of the other paragraphs/subparagraphs) as follows:

- 2. That Council commits to consultation with ratepayers to establish community support before taking any further steps towards implementing a divestment policy.**

Crs Sadler and Rodda agreed to include the above amendment in Cr Sadler’s motion.

COUNCILLOR MOTION (AMENDED)

That the administration prepares a report for the Mid-Year budget review on the implications for the Town of Cottesloe of divesting from fossil fuels. This is to include:

- 1. The extent that it is possible for a WA Local Government to divest from fossil fuels.**
 - 2. That Council commits to consultation with ratepayers to establish community support before taking any further steps towards implementing a divestment policy.**
 - 2. The WALGA position on divestment from fossil fuels.**
 - 3. Information on how many Local Governments in WA have already taken this step.**
-

4. Example(s) of divestment policy from a WA Local Government.
5. Financial implications for the Town of Cottesloe.
6. Realistic time frame in which any such policy may be introduced.
7. Alignment with the Town's Community Strategic Plan, Corporate Business Plan and existing policies.

Carried 8/0

For: Crs Rodda, Tucak, Boulter, Sadler, Young, Thomas, Harkins and Pyvis

Against: Nil

COUNCILLOR RATIONALE

1. An officer's report will enable EMs to make an informed decision of the merits of the Town adopting a divestment policy in the future.
2. Divestment from fossil fuels is an increasingly common way for organisations to commit to addressing climate change. This is being done to the tune of trillions of dollars globally.
3. Local Governments have a clear leadership role to play.
4. Not acting on climate change places an unreasonable burden on the health, environment and political security of future generations.

OFFICER COMMENT

The report requested above can be produced and presented by staff. Staff will focus on the mechanism for determining if investment options are from institutions (or products within institutions) that are divested from fossil fuels and how that information can be audited. The Town will need to rely on a third party for this information as we do not have the resources in house to undertake such an assessment.

The Town primarily uses term deposits to invest surplus funds. If we were to invest in other forms of securities there could be risk implications that will also have to be managed. Any report examining the divestment issue will also have to consider and report on the risk profile that Council would be willing to accept for the Town's investments.

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:**12.1 ELECTED MEMBERS**

Nil.

12.2 OFFICERS

Nil.

13 MEETING CLOSED TO PUBLIC**13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED****MOTION FOR BEHIND CLOSED DOORS**

Moved Cr Rodda

Seconded Cr Thomas

That, in accordance with Standing Orders 15.10, Council discuss the confidential reports behind closed doors.

Carried 6/2

For: Crs Rodda, Tucak, Sadler, Young, Thomas and Harkins

Against: Boulter and Pyvis

The public and members of the media were requested to leave the meeting at 9:44pm.

13.1.1 ACTING CHIEF EXECUTIVE OFFICER

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (a) as it contains information relating to a matter affecting an employee or employees.

File Ref: SUB/2597

Attachments: Nil

Responsible Officer: Mat Humfrey, Chief Executive Officer

Author: Mat Humfrey, Chief Executive Officer

Author Disclosure of Interest: The Author has declared an interest in this item as it relates to his taking of annual leave

Mr Bird – declared a FINANCIAL INTEREST item 13.1.1.

Mr Bird left the Chambers at 9:44pm.

Cr Young left the Chambers at 9:45pm and returned to Chambers at 9:47pm.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr Pyvis

That Council

1. **NOTES** that the Chief Executive Officer will be on Annual Leave from Saturday 15 December 2018 to Tuesday 29 January 2019; and
2. **APPOINTS** the Deputy Chief Executive Officer as the Acting Chief Executive Officer for this period.

Carried 8/0

For: Crs Rodda, Tucak, Boulter, Sadler, Young, Thomas, Harkins and Pyvis

Against: Nil

The public and members of the media returned to the meeting at 9:50pm.

The CEO read the resolutions for items 13.1.1 Acting Chief Executive Officer and 13.1.2 Chief Executive Officer Performance Review.

The Deputy Mayor announced that there was one further item on the agenda to be considered and Council would be moving to adjourn the meeting.

COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Cr Young

That the meeting be adjourned to 5:30pm on 4 December 2018, prior to the Agenda Forum Meeting.

Carried 6/2

For: Crs Rodda, Tucak, Boulter, Sadler, Young, Thomas and Harkins

Against: Crs Boulter and Pyvis

The Deputy Mayor adjourned the meeting at 10:00pm.

The Mayor reconvened the meeting at 5:30pm on Tuesday 4 December 2018 with the following Councillors in attendance:

ATTENDANCE

Present

Mayor Philip Angers
Cr Mark Rodda
Cr Michael Tucak
Cr Sandra Boulter
Cr Helen Sadler
Cr Lorraine Young
Cr Rob Thomas
Cr Melissa Harkins

APOLOGIES

Cr Sally Pyvis

PROCEDURAL MOTION

Moved Mayor Angers

Seconded Cr Young

That the meeting go behind closed doors.

Carried 7/1

For: Mayor Angers, Crs Rodda, Tucak, Sadler, Young, Thomas and Harkins

Against: Cr Boulter

The public and members of the media were requested to leave the meeting at 5:32pm.

13.1.3 RECEIPT OF COMMITTEE MINUTES

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (b) as it contains information relating to the personal affairs of any person.

Attachments:	13.1.3(a) Draft Minutes - Public Events Committee Meeting - 13 November 2018 [CONFIDENTIAL] [UNDER SEPARATE COVER]
	13.1.3(b) Draft v3 Volunteer Recognition Awards Policy
	13.1.3(c) Register of Awardees - Australia Day - Updated August 2018
	13.1.3(d) 2019 Nominations - Citizen of the Year Awards [under separate cover]

Cr Tucak – declared an IMPARTIALITY INTEREST in item 13.1.3 by virtue “one or more of the nominees named in the report are known to him.”

Cr Young – declared an IMPARTIALITY INTEREST in item 13.1.3 by virtue “one or more of the nominees named in the report are known to her.”

Cr Thomas – declared an IMPARTIALITY INTEREST in item 13.1.3 by virtue “one or more of the nominees named in the report are known to him.”

Cr Sadler – declared an IMPARTIALITY INTEREST in item 13.1.3 by virtue “one or more of the nominees named in the report are known to him.”

Cr Rodda – declared an IMPARTIALITY INTEREST in item 13.1.3 by virtue “one or more of the nominees named in the report are known to him.”

Cr Harkins– declared an IMPARTIALITY INTEREST in item 13.1.3 by virtue “one or more of the nominees named in the report are known to her.”

Mayor Angers – declared an IMPARTIALITY INTEREST in item 13.1.3 by virtue “one or more of the nominees named in the report are known to him.”

Cr Boulter - declared an IMPARTIALITY INTEREST in item 13.1.3 by virtue “one or more of the nominees named in the report are known to her.”

OFFICER RECOMMENDATION

THAT Council note the draft confidential Minutes of the following Committee Meetings with consideration given to the Committee’s recommendations as highlighted below:

1. PUBLIC EVENTS COMMITTEE**Committee Meeting 13 November 2018****4.1 2019 Citizen of the Year Award****COMMITTEE RECOMMENDATION**

That the Public Events Committee recommend to Council that Robyn Benken is awarded the 2019 Citizen of the Year Award.

COUNCILLOR MOTION AND COUNCIL RESOLUTION

Moved Mayor Angers Seconded Cr Harkins

That Council jointly award both Mrs Robyn Benken and Mrs Kirsty Barrett the 2019 Citizen of the year award and that the names remain confidential until after the awards have been presented.

Carried 7/1

For: Mayor Angers, Crs Rodda, Tucak, Sadler, Young, Thomas and Harkins
Against: Cr Boulter

4.2 2019 Citizen of the Year Award – Senior**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Harkins Seconded Cr Tucak

That the Public Events Committee recommend to Council that Ross Bathgate is awarded the 2019 Citizen of the Year Award – Senior.

Carried 8/0

For: Mayor Angers, Crs Rodda, Tucak, Boulter, Sadler, Young, Thomas and Harkins
Against: Nil

4.3 2019 Citizen of the Year Award – Youth**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Tucak Seconded Cr Thomas

That the Committee recommend to Council that Ella Jean Wylynko is awarded the 2019 Citizen of the Year Award – Youth.

Carried 8/0

For: Mayor Angers, Crs Rodda, Tucak, Boulter, Sadler, Young, Thomas and Harkins
Against: Nil

4.4 2019 Citizen of the Year Award – Active Citizenship (Group or Event)**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Harkins Seconded Cr Sadler

That the Committee recommend to Council that Cottesloe Coastcare is awarded the 2019 Active Citizenship (Group or Event) Award.

Carried 8/0

For: Mayor Angers, Crs Rodda, Tucak, Boulter, Sadler, Young, Thomas and Harkins
Against: Nil

MOTION FOR BEHIND CLOSED DOORS

Moved Mayor Angers Seconded Cr Rodda

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

Carried 8/0

For: Mayor Angers, Crs Rodda, Tucak, Boulter, Sadler, Young, Thomas and Harkins
Against: Nil

The meeting was opened to the media and public at 5:52pm, however no members of the media or public returned to the meeting.

13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

13.1.1 ACTING CHIEF EXECUTIVE OFFICER

The resolution for item 13.1.1 was read aloud (on 27 November 2018).

13.1.2 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

The resolution for item 13.1.1 was read aloud (on 27 November 2018).

13.1.3 RECEIPT OF COMMITTEE MINUTES

The resolution for item 13.11 was not read aloud as no members of the media or public returned to the meeting.

14 MEETING CLOSURE

The Presiding Member (Mayor) announced the closure of the meeting at 5:52pm.