

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING

MINUTES

HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
7.00 PM, Tuesday 22 August 2017

MAT HUMFREY
Chief Executive Officer

7 September 2017

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 7.13 PM

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.

4 PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****QUESTIONS PROVIDED BY CR BOULTER - EMAILED 27 JUNE 2017**

Q1. ON what occasion is there a ToC requirement for a site inspection, and by whom, between the time a scheme amendment is lodged with the Town of Cottesloe and a report being brought to Council?

A1. See summary below.

Q2. ON what occasion is there a ToC requirement for a site inspection, and by whom, between the time a subdivision application is lodged with the Town of Cottesloe and a report being brought to Council/a recommendation is made to the WAPC?

A2. See summary below.

Q3. ON what occasion is there a ToC requirement for a site inspection, and by whom, between the time a development application is lodged with the Town of Cottesloe and a report being brought to Council/a decision is made under delegated authority?

A3. See summary below.

Q4. ON what occasion is there a ToC requirement for a site inspection, and by whom and within what time frame, when a complaint is made regarding any property, including relating to the presence of asbestos or breach of a DA or building licence condition?

A4. See summary below.

Q5. Where are the site inspections recorded?

A5. See summary below.

Q6. How many site inspections have been carried out to date in 2017?

A6. See summary below.

Q7. Does the fact of an objection to a rezoning/subdivision/development application/building licence proposal generate a requirement for a site inspection at a particular time?

A7. See summary below.

Q8. Is there an internal ToC administration or ToC Council policy regarding site inspections for the reasons articulated above?

A8. See summary below.

Q9. Is the ToC administration aware of any legal requirements, standard practice and/or policy in WA local governments regarding site inspections?

A9. See summary below.

Q10. What would be the best method for the ToC Council to introduce a prudent and appropriate site inspection policy?

A10. See summary below.

- A1-10. • Inspections are a matter of standard practice for many local government activities, including all of the above. Some inspections such as for health and safety matters are a statutory requirement; whilst most are not legislated but are part of day-to-day processes and governance.
- Across the Town's activities so far this year hundreds of inspections would have occurred.
 - Their timing relates to the particular matter and their nature depends on the circumstances.
 - They are recorded via photos, emails, notes, reports, etc as applicable to the case.
 - As inspections are embedded in established procedures a policy is not considered necessary.

QUESTIONS PROVIDED BY CR PYVIS - EMAILED 19 JULY 2017

Standing Order 8 - July

Q1. What was 2016/17 financial period total expenditure for ToC staff salaries and wages (EXCLUDING overhead costs such as superannuation, workers compensation, insurance, payments to contractors/temporary staff etc.) and others?

(a) in dollar terms, and

(b) as percentage of total ToC expenditure?

A1. Salaries and wages before accruals for 2016/17 were \$3,194,663 as compared to a budget of \$3,075,967. This was a percentage of total expenditure of 26.6% before accruals.

Q2. What was 2016/17 financial period total expenditure for ToC staff overhead costs such as superannuation, workers compensation, insurance, and others (but NOT payments to contractors/temporary staff etc.)

(a) in dollar terms, and

(b) as percentage of total ToC expenditure?

A2. Other employee costs before accruals for 2016/17 were \$663,939 as compared to a budget of \$773,634. This was a percentage of total expenditure of 5.5% before accruals.

Q3. What was 2016/17 financial period total expenditure for ToC contractors/temporary staff salaries and wages (including any overhead costs related to these payments?

(a) in dollar terms, and

(b) as percentage of total ToC expenditure?

A3. Temporary and casual staff costs before accruals for 2016/17 were \$260,271 and formed 2.2% of total expenditure before accruals.

Q4. What was 2016/17 financial period expenditure on pool vehicles (per vehicle), including fuel, insurance, maintenance and Fringe Benefits Tax (\$7,500) etc?

A4. Total expenditure on pool vehicle operations for 2016/17 was \$8,380. There is no FBT on these vehicles as they are not used for private purposes.

Q5. What was 2016/17 financial period expenditure on ToC (non-pool) vehicles, including fuel, insurance, maintenance and Fringe Benefits Tax (\$7,500) etc?

A5. The total expenditure on non pool vehicles including FBT and depreciation for 2016/17 before accruals was \$143,844.

Q6. What was 2016/17 financial period expenditure on ToC (non-pool) vehicles, including fuel, insurance, depreciation maintenance and Fringe Benefits Tax (\$7,500) etc? Please include:

(a) vehicle details

(b) position vehicle designated to

(c) if vehicle is for private use

(d) 2016/17 operation cost per vehicle

A6. Chief Executive Officer - Sedan - \$21,252

Manager of Corporate and Community Services – Large SUV - \$15,409

Manager of Engineering Services – Station Wagon - \$13,650

Manager of Development Services – Medium SUV - \$11,985

Senior Planner – Medium SUV - \$15,595

Senior Ranger – Large SUV - \$14,514*

Principal Building Surveyor – Sedan - \$16,072

Finance Manager – Medium SUV - \$10,449

Principal Environmental Health Officer – Medium SUV - \$12,612*

Works Supervisor – Wagon - \$12,666

** These vehicles have subsequently been removed or cashed out from packages either by negotiation or by staff turnover.*

Q7. Which ToC staff positions are currently paid above the current Enterprise Agreement?

A7. As this relates to specific employees employment arrangements, it is not appropriate that this information is published publically and will be provided to the Elected Member on a confidential basis, separate to this agenda.

Q8. Given that Town of Cottesloe spent \$18,000 hosting the 2016/17 Australia Day Awards, can Elected Members be provided with:

(i) a breakdown of costs relating to this amount?

A: Contractors	\$18,507
Materials	\$373
Plant	\$139
Salaries and Wages	\$4,633
Total	\$23,652

(ii) the number of Cottesloe residents who became citizens at this Australia Day ceremony?

A: 39

(iii) the number of non-Cottesloe residents who became citizens at this Australia Day ceremony?

A: 24 (18 from the Town of Mosman Park and 6 from the Shire of Peppermint Grove)

Q9. Can Elected Members be provided with the details of Town of Cottesloe's contribution to Australia Day ceremonies in each of the last five years?

A9. 2012/13 Net Cost \$4,151
2013/14 Net Cost \$6,409
2014/15 Net Cost \$6,606
2015/16 Net Cost \$4,157
2016/17 Net Cost \$7,988

QUESTIONS TAKEN ON NOTICE 25 JULY ORDINARY COUNCIL MEETING

Claire Orb, 49 Brighton Street, Cottesloe – 10.1.12 North Cottesloe Primary School – Construction of New Parking

Q1. Will approval set a precedent for further tree clearance in Cottesloe should a developer ask or argue the point?

A1. No.

Q2. Children will still have to cross the road from the car park; how is this making them safer?

- A2. The aim of the car park was to improve traffic flow and reduce congestion at the site thus making the site safer.
- Q3. For a tiny school is this a normal amount of car parks? Why does it cost more than a modern 4x3 double storey home to build?
- A3. The number of car parks varies for each school. Significant costs exist in drainage infrastructure, traffic management, public utilities, retaining wall and brick paving works.
- Q4. Have there been any fatalities to justify the cost? Surely a Curtin Avenue solution should come first?
- A4. There have been no known fatalities at the site. The Town has been liaising with Main Roads Western Australia to upgrade Curtin Avenue.

Lara Bucher, 140 Broome Street, Cottesloe – 10.1.12 North Cottesloe Primary School – Construction of New Parking

- Q1. How will Cottesloe Council fulfil the commitments made within the Cottesloe Strategic Community Plan Area 2 – Achieving connectivity between east and west Cottesloe and proactively pursue solutions for improved access to North Cottesloe Primary School with the view to reducing congestion on Eric Street?
- A1. The Town is liaising with Main Roads Western Australia to upgrade Eric Street Bridge.

Chris Kelly, 8 Boreham Street, Cottesloe – 10.1.12 North Cottesloe Primary School – Construction of New Parking

- Q1. Why do we need 47 more parking bays?
- A1. The project was initiated and progressed by North Cottesloe Primary School to reduce congestion and improve traffic flow.

Heidi Hardisty, 12A Myera Street, Swanbourne – 10.1.12 North Cottesloe Primary School – Construction of New Parking

- Q1. Why wasn't public consultation done?
- A1. Public consultation was completed as part of the Strategic Community Plan consultation.
- Q2. What was the authority of the administration to employ Porter Consulting Engineers to do the detailed planning?
- A2. The Chief Executive Officer has delegated authority to engage vendors.
- Q3. Why aren't the environmental and sustainability impacts discussed, or reference made to the relevant government policies including the Town of Cottesloe Street Tree Policy, The Western Suburbs Greening Plan and State Planning Policy 2.8 Bushland Policy for Perth Metropolitan Area?

- A3. Town of Cottesloe policies and environmental and sustainability impacts have been addressed in the Council report.
- Q4. On what basis was the funding approved for this project?
- A4. Funding was provided by the Department of Education.
- Q5. Was there a business case or funding application? Is this available for the public to view?
- A5. The Town is not aware of this documentation and it would not be required as part of this project. The project was initiated by North Cottesloe Primary School and the funding was provided by the Department of Education.

Dianne Andrewartha, 24 Hawkestone Street, Cottesloe – 10.1.12 North Cottesloe Primary School – Construction of New Parking

- Q1. How long has the Council known about:
a) the planning for the railway bridge?
b) the plan of the North Cottesloe Primary School?
- A1. The planning works for the Eric Street Bridge has been progressed for a number of years. Council resolved to endorse the concept plan in 2015.
- Q2. How long has the Department of Transport been working with the Council on its road diversion?
- A2. Council resolved to endorse the concept plan in 2015.

Tony Rudd, 2/134 Marine Parade, Cottesloe – 10.1.12 North Cottesloe Primary School – Construction of New Parking

- Q1. What attempts have been made by the School to better manage the kiss and ride area? What were the results?
- A1. The Town is aware that the school works actively to improve traffic and road safety issues at the site.
- Q2. What consultation has there been with all effected parties seeking their input?
- A2. North Cottesloe Primary School has consulted with the Department of Education, Main Roads Western Australia and the Town of Cottesloe. Public consultation was completed as part of the Strategic Community Plan consultation.
- Q3. Isn't the massive disruption and cost of a large car park only used for an hour or so a day for only half the number of days a year a last resort - not a first option?
- A3. The project was initiated and progressed by North Cottesloe Primary School.

Leisha Jack, 35 Sandover Drive, Karrinyup – 10.1.12 North Cottesloe Primary School – Construction of New Parking

Q1. What assessments have been done on the site, including parking behaviour assessments on parents, by a school road safety expert?

A1. A Road Safety Audit has been completed prior to the design being developed.

Q2. Are Councillors and residents aware that three times more people die in Western Australia from heat related illnesses than they do from road accidents?

A2. A Road Safety Audit has been completed prior to the design being developed.

Jane Vince-Jones, 1A Clarendon Street, Cottesloe – 10.1.12 North Cottesloe Primary School – Construction of New Parking

Q1. If the Cottesloe Council chooses to change their mind now and not support this plan, what actions will be taken to find solutions to student safety and traffic congestion around our school and who fund this?

A1. The Town of Cottesloe is able to offer technical support to North Cottesloe Primary School. Funding is available from a variety of sources.

Chilla Bulbeck, Flat 8, 19 Broome Street, Cottesloe – 10.1.12 North Cottesloe Primary School – Construction of New Parking

Q1. What is the plan to stop commuters from Grant Street Railway Station using this car park?

A1. The Town will investigate the requirement for parking prohibitions.

Q2. To what extent is the Park and Ride being policed by School/Parents?

A2. The Town is not aware of any policing of the Park and Ride.

Q3. If the road realignment does go ahead following this meeting, I assume it will be a long time before works begin, so what intermediate solution will be put in place during this time?

A3. The project has been cancelled. The Town of Cottesloe is able to offer technical support to North Cottesloe Primary School to improve road safety.

Q4. To what extent will this project conflict with solving the Eric Street intersection problem, or will these works then have to be redone if the Eric Street intersection project is carried out at a later date?

A3. No information has been provided by Main Roads Western Australia.

QUESTIONS PROVIDED BY CR PYVIS - EMAILED 17 AUGUST 2017

- Q1. Since LPS3 was gazetted, how many BED AND BREAKFAST approvals have been applied for, refused and granted by ToC?
- Q2. Since LPS3 was gazetted, how many SERVICED APARTMENTS approvals have been applied for, refused and granted by ToC?
- Q3. Since LPS3 was gazetted, how many SHORT STAY ACCOMMODATION approvals have been applied for, refused and granted by TOC?
- Q4. How many complaints relating to the operation of
- BED AND BREAKFASTS
 - SERVICED APARTMENTS
 - SHORT STAY ACCOMMODATION
- in Cottesloe has ToC received in each of the years since LPS3 was gazetted?
- Q5. Since 2014, how much has ToC spent on legal advice relating to the properties at 21 Deane Street and 28 Avonmore Terrace (please list: dates, legal firms and costs)?

4.2 PUBLIC QUESTIONSAdrian Moore, 21 Deane Street, Cottesloe – Various

- Q1. What permits does the Town require me to obtain for delivery to my land via ROW 63 and/or traversing Council verges of any items which do not require a building permit (such as, but not limited to, Transportable Homes)?
- A1. Question was taken on notice.
- Q2. Could the Town please provide a list of all such permits and copies of relevant application forms?
- A2. Question was taken on notice.
- Q3. Do the residents of 11 Pearse Street have permits for the material stored on the Council verge outside their property, for the shipping container at the unfenced rear of their property and/or assorted building materials?
- A3. Question was taken on notice.
- Q4. What are the exact words, quoted from our correspondence, of the threats that CEO Mat Humfrey accused me in writing (cc Mayor Dawkins and Cr Rodda) on June 12th this year, and again on June 19th this year, of making against the Town and/or its staff?
- A4. Question was taken on notice.
- Q5. Has Mr Humfrey been advised to comply with my numerous written requests to either substantiate or retract his allegations?

A5. Question was taken on notice.

Q6. How many written requests for the above information has the Town received?

A6. Question was taken on notice.

Q7. Why haven't I received answers to those written requests?

A7. Question was taken on notice.

Q8. Why has the Town failed to comply with a written request, sent over 8 weeks ago on June 23rd, to rectify the defective crossover the Town built (drawing on my \$7,000 bond to do so) to my property at 28 Avonmore Terrace?

A8. Question was taken on notice.

Q9. Who will cover the costs I have incurred and which I continue to incur as a result of the Town's error and its subsequent failure to rectify that error?

A9. Question was taken on notice.

Q10. If I provide you with a copy of them, will you ensure that these questions are included in full in the minutes of this meeting?

A10. Question was taken on notice.

Claire Orb, 49 Brighton Street, Cottesloe – 10.1.10 North Cottesloe Primary School – Funding for Road Project

Q1. What was the full amount that the engineer's plans cost, which I believe were paid for by the Council?

A1. Question was taken on notice.

Q2. Will the Council recoup these funds from the North Cottesloe Primary School so that ratepayers will not have to bear the cost?

A2. Question was taken on notice.

Kirsty Barrett, 45 John Street, Cottesloe – 10.1.10 North Cottesloe Primary School – Funding for Road Project

Q1. Could the Administration please clarify whether Councillors Rob Thomas and Sandra Boulter were given specific authority by the Town to make personal contact and representations to North Cottesloe Primary School staff and parents on behalf of the Council?

A1. Question was taken on notice.

Jodie Manning, 226 Marmion Street, Cottesloe – 10.1.10 North Cottesloe Primary School – Funding for Road Project

Q1. Why can't you find a middle ground that doesn't result in 1.5 million dollars of hard fought resources being handed back?

A1. Question was taken on notice.

5 PUBLIC STATEMENT TIME

Nil.

6 ATTENDANCE**Present**

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

Officers Present

Mr Mat Humfrey	Chief Executive Officer
Mr Garry Bird	Manager Corporate & Community Services
Mr Nick Woodhouse	Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Ms Samantha Hornby	Governance Coordinator

6.1 APOLOGIES**Officer Apologies**

Nil.

6.2 APPROVED LEAVE OF ABSENCE

Nil.

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

7 DECLARATION OF INTERESTS

Cr Rodda declared a proximity interest in Item 10.1.9 2017/2018 Budget Amendment – Napier Street Drainage and Seaview Golf Club Car Park. Cr Rodda left the room prior to voting on this item.

Cr Downes declared a proximity interest in Item 10.1.9 2017/2018 Budget Amendment – Napier Street Drainage and Seaview Golf Club Car Park. Cr Downes left the room prior to voting on this item.

8 CONFIRMATION OF MINUTES

**8.1 ORDINARY COUNCIL MEETING MINUTES (25 JULY 2017)
Moved Cr Downes, seconded Cr Burke**

That the Minutes of the Ordinary meeting of Council held on Tuesday 25 July 2017 be confirmed

CARRIED 9/0

**8.2 SPECIAL COUNCIL MEETING MINUTES (11 JULY 2017)
Moved Cr Burke, seconded Cr Downes**

That the Minutes of the Special meeting of Council held on Tuesday 11 July 2017 be confirmed

CARRIED 9/0

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 determined to consider item 10.1.10 first and then return to the published order of the Agenda.

Items 10.1.1, 10.1.4, 10.1.7, 10.1.8, 10.1.9, 10.1.12 and 10.1.13 were withdrawn. Items 10.1.3, 10.1.5, and 10.1.11 were dealt with 'en bloc'. Items 10.1.2 and 10.1.6 were withdrawn by the applicant.

10 REPORTS

10.1 REPORTS OF OFFICERS

PLANNING**10.1.1 LOCAL PLANNING SCHEME NO. 3 – CLAUSE 5.3.5 – PROPOSED AMENDMENT**

File Ref: SUB/2458
Attachments: Solicitor's Draft Amendment Advice
CONFIDENTIAL
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Andrew Jackson, Manager Development Services
Proposed Meeting Date: 22 August 2017
Author Disclosure of Interest: Nil

SUMMARY

This report presents a proposed amendment to Local Planning Scheme No. 3 in relation to clause 5.3.5: *Redevelopment of existing grouped or multiple dwellings*, to remove potential ambiguity in its interpretation. The matter was previously overviewed at the 1 August 2017 Briefing Forum.

It is recommended that Council proceed with an amendment in order to address this matter.

BACKGROUND

Clause 5.3.5 was created to provide Council with a degree of discretion to enable the appropriate redevelopment of existing grouped or multiple dwellings.

A recent decision of the State Administrative Tribunal has highlighted the need to consider amending the clause to clarify interpretation of the possible additional building height.

STRATEGIC IMPLICATIONS

The Local Planning Strategy notes that there are a number of older grouped and multiple dwellings in the district which may be encouraged to redevelop at a density and standard of design and amenity compatible with the generally lower-density areas in which they are located.

POLICY IMPLICATIONS

Nil.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Local Planning Scheme No. 3

FINANCIAL IMPLICATIONS

Nil.

STAFFING IMPLICATIONS

Nil.

SUSTAINABILITY IMPLICATIONS

Nil.

CONSULTATION

The statutory process for a 'standard' or 'complex' level of scheme amendment includes advertising for public information and submissions.

STAFF COMMENT**Existing clause**

Clause 5.3.5 of the Scheme currently provides as follows:

Redevelopment of existing grouped dwellings or multiple dwellings

Despite anything contained in the Residential Design Codes and notwithstanding the density codes shown on the Scheme Map, existing grouped dwellings or multiple dwellings that exceed a density code shown on the Scheme Map at the Gazettal date of the Scheme can, with the approval of the local government, be redeveloped at a density higher than that shown on the Scheme Map, equal to, but not exceeding the existing built density, subject to the proposed development —

- (a) complementing the character of the streetscape;*
- (b) not detrimentally increasing the mass, scale or surface area of the development relative to existing development on surrounding properties;*
- (c) resulting in improved landscaping of the land;*
- (d) providing adequate and safe means of vehicular and pedestrian access to the land; and*
- (e) providing an adequate number of car parking spaces on the land.*

Furthermore, and notwithstanding any other clause in this Scheme, the proposed development may be considered for additional building height (maximum one additional storey) over the prevailing permissible building height for the locality where, in the opinion of the local government, the original number of dwellings (and their replacement plot ratio) cannot be appropriately accommodated on the lot without an increase in height.

In relation to the second paragraph, the basic height limits apply unless Council is satisfied that the exercise of discretion is justified. The Town has always understood the intent of the provision to be one additional storey more than the maximum building height permitted for the relevant zone by Table 2: Development Requirements.

The provision does not automatically confer an additional storey, but was conceived to cater for the redevelopment of over-height grouped or multiple dwellings for better outcomes. For example, in the Residential Zone some three-storey blocks of flats on

large sites could be redeveloped in accordance with the two-storey height limit, whilst a four-or-more storey block of flats may qualify to be redeveloped at three storeys.

However, the Tribunal has discerned that in the clause the words *prevailing permissible building height for the locality* could be interpreted as a building height greater than the maximum building height limit specified in Table 2.

Therefore, as the meaning of the clause appears arguable, it is desirable to address this situation for clarity and certainty.

Another consideration is that as the provision is not readily applicable to all zones and would only allow consideration of an additional storey as follows:

-) Residential Zone and Residential Office Zone – three instead of two storeys.
-) Town Centre Zone – at present this zone contains only a small amount of residential development; and those buildings are consistent with the density and height limits for their locations. The two fairly new three-storey mixed-use commercial/residential developments are unlikely to undergo redevelopment for a long time, and because they are not solely residential the clause may not be applicable to them.
-) Local Centre Zone – there is a maximum building height of 9 metres without a specified number of storeys, which practically allows for a maximum of three storeys.
-) Foreshore Centre Zone and Hotel Zone (Cottesloe Beach Hotel) – the clause is not applicable as the Special Control Area height provisions prevail.
-) Restricted Foreshore Centre Zone – four instead of three storeys, although the maximum height in metres may prevent an additional storey.
-) Development Zone – not applicable, as the development parameters including building height are determined otherwise and as these sites do not contain any such existing dwellings.

Hence it would also be appropriate to confine the clause to relevant zones, being Residential and Office Residential.

Proposed clause

The Town's solicitor has advised that given the Tribunal's interpretation of the term "permissible" in clause 5.3.5 does not accord with the Town's intended meaning, the Town should consider an amendment to clause 5.3.5 to clarify that the maximum building height is limited to one additional storey over the maximum building height applicable to the land in question as specified in Table 2.

The suggested amendment to the wording of the last paragraph of the clause is as follows (shown shaded):

Furthermore, and notwithstanding any other clause in this Scheme, for developments under this clause within the Residential and Residential Office zones, the local government may approve the development with a building height one storey higher than the maximum building height that would otherwise be applicable to the development in accordance with Table 2 if, in the opinion of the local government, the original number of dwellings (and their replacement plot ratio)

cannot be appropriately accommodated on the lot without an increase in building height.

This would avoid, for example, the scenario of a property located in the Residential zone, but adjacent to the Foreshore Centre zone, being able to be redeveloped to a height one storey higher than the greater number of storeys permitted in the latter.

As mentioned above, applying the discretion to only specified zones as above would further restrict the scope of that discretion.

The amendment would ensure overall consistency in the application of the clause throughout the Residential and Residential Office zones.

Type of Amendment

Under the *Planning and Development (Local Planning Schemes) Regulations 2015* there are three types or levels of scheme amendment: “basic”, “standard” and “complex”. A basic amendment is for essentially technical or administrative changes, which this proposal exceeds. Standard and complex amendments are for matters of greater significance and are defined as follows:

Standard means any of the following:

- (a) An amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- (b) An amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- (c) An amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;
- (d) An amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment related if the scheme does not currently include zones of all the types that are outlined in the plan;
- (e) An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
- (f) An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- (g) Any other amendment that is not a complex or basic amendment.

Complex means any of the following:

- (a) An amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- (b) An amendment that is not addressed by any local planning strategy;
- (c) An amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality;
- (d) An amendment made to comply with an order made by the Minister under section 76 or 77A of the Act;
- (e) An amendment to identify or amend a development contribution area or to prepare or amend a development contribution plan;

As can be seen judgement is required to determine the type of amendment suitable having regard to the various criteria. In this instance the proposed amendment accords with criteria (a), (b) and (e) of a standard amendment; that is, it is consistent with the

Residential and Residential Office zone objectives and the Local Planning Strategy, and would have minimal impact on land in other zones to which it does not relate.

As to the amendment process, a standard amendment is initiated by the local government and proceeds to the Western Australian Planning Commission after advertising, whereas a complex amendment is initiated by the local government and proceeds to the Commission before advertising. A standard amendment takes less time and it is desirable to advance this amendment. Council would initiate the amendment, undertake advertising, consider any submissions and forward the amendment with its recommendation to the Commission for consideration and determination by the Minister.

To ensure that the subject provision is unambiguous and to address the matter as a priority, moving straight to statutory consultation would be appropriate in this instance, as the amendment is the Town's initiative in order to clarify and reinforce the height control and to achieve consistency in its application.

The amendment documentation would follow the statutory format and comprise simply a textual description of the change in wording to the clause and an explanation of the rationale for that.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Angers

THAT Council, in pursuance of the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*, hereby resolves to:

1. Prepare an amendment to the Town of Cottesloe Local Planning Scheme No. 3, to refine a particular provision in relation to residential building height, by amending the Scheme Text in clause 5.3.5 in its second paragraph, to read as follows (change shown shaded for the purpose of this recommendation):

Furthermore, and notwithstanding any other clause in this Scheme, for developments under this clause within the Residential and Residential Office zones, the local government may approve the development with a building height one storey higher than the maximum building height that would otherwise be applicable to the development in accordance with Table 2 if, in the opinion of the local government, the original number of dwellings (and their replacement plot ratio) cannot be appropriately accommodated on the lot without an increase in building height.

2. Form the opinion that the proposed amendment is a standard type amendment in order for that procedure to be followed, as it accords with criteria (a), (b) and (e) of a standard amendment, and as the proposal is to refine an existing provision contained within a single clause of the Scheme Text, which would be confined to two specified zones, and the effect of the amendment is to clarify the limitation of building height.
3. Request the Chief Executive Officer to prepare the amendment documents for the purpose of advertising.

4. Refer the proposed amendment to the Department of Water and Environmental Regulation for environmental clearance prior to advertising.
5. Advertise the proposed amendment for submissions for a period of 42 days by:
 - a. A notice in local newspapers, on the Town's noticeboard, on its website, and at the Library; and
 - b. Placing a copy of the proposed amendment for inspection at the Town's Office, on the Town's website and at the Library.

AMENDMENT

Moved Cr Boulter, seconded Cr Pyvis

That the Officer Recommendation for Item 10.1.1 be amended as follows:

- Amend Officer Recommendation 1 to substitute the words, "*Draft a scheme amendment, for the purpose of pre-advertising the scheme amendment before initiating it,*" for the words "*Prepare an amendment*".
- Amend Officer Recommendation 3 to substitute the word "*pre-advertising*" for the word "*advertising*".

Amend Officer Recommendation 5 as follows:

1. Substitute the word "*pre-advertise*" for the word "*advertise*"
2. Add the words "*,clearly articulating the intent of the proposed amendment,*" after the word "*notice*" in 5(a)
3. Substitute the number "*14*" for the number "*42*"
4. Add the words "*on its Facebook page*" after the word "*website,*" in 5(a)
5. Add the words, "*full and complete*" after the word "*a*" in 5(b)

Add an additional Officer Recommendation 6 as follows:

'Require a report to Council from the TOC administration following the pre-advertising period that identifies each submission as to whether it is from a resident and ratepayer of Cottesloe or not, the precise substance of each submission and a technical officer response of the pros and cons of each submission'.

LOST 3/6

For: Crs Thomas, Boulter and Pyvis

Against: Mayor Dawkins, Crs Rodda, Downes, Birnbrauer, Angers and Burke

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda, seconded Cr Angers

THAT Council, in pursuance of the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*, hereby resolves to:

1. **Prepare an amendment to the Town of Cottesloe Local Planning Scheme No. 3, to refine a particular provision in relation to residential building height, by amending the Scheme Text in clause 5.3.5 in its second paragraph, to read as follows (change shown shaded for the purpose of this recommendation):**

Furthermore, and notwithstanding any other clause in this Scheme, for developments under this clause within the Residential and Residential

Office zones, the local government may approve the development with a building height one storey higher than the maximum building height that would otherwise be applicable to the development in accordance with Table 2 if, in the opinion of the local government, the original number of dwellings (and their replacement plot ratio) cannot be appropriately accommodated on the lot without an increase in building height.

2. Form the opinion that the proposed amendment is a standard type amendment in order for that procedure to be followed, as it accords with criteria (a), (b) and (e) of a standard amendment, and as the proposal is to refine an existing provision contained within a single clause of the Scheme Text, which would be confined to two specified zones, and the effect of the amendment is to clarify the limitation of building height.
3. Request the Chief Executive Officer to prepare the amendment documents for the purpose of advertising.
4. Refer the proposed amendment to the Department of Water and Environmental Regulation for environmental clearance prior to advertising.
5. Advertise the proposed amendment for submissions for a period of 42 days by:
 - a. A notice in local newspapers, on the Town's noticeboard, on its website, and at the Library; and
 - b. Placing a copy of the proposed amendment for inspection at the Town's Office, on the Town's website and at the Library.

CARRIED 8/1

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

10.1.2 THIS ITEM WAS WITHDRAWN

10.1.3 PLANNING APPLICATIONS APPROVED UNDER DELEGATION

File Ref: SUB/2040
Attachments: Nil
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services
Proposed Meeting Date: 22 August 2017
Author Disclosure of Interest: Nil

SUMMARY

This report provides details of the planning applications determined by officers acting under delegation, for the month of July 2017.

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 Manager Development Services (or the Senior Planning Officer acting in his stead). 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

Nil.

POLICY IMPLICATIONS

Nil.

STATUTORY ENVIRONMENT

-) *Planning & Development Act 2005*
-) *Local Planning Scheme No. 3*
-) *Metropolitan Region Scheme*

FINANCIAL IMPLICATIONS

Nil.

STAFFING IMPLICATIONS

Nil.

SUSTAINABILITY IMPLICATIONS

Nil.

CONSULTATION

Nil.

STAFF COMMENT

During July 2017 the following planning applications were determined under delegation:

Address	Description	Date Determined
5/40 Ozone Parade	Home Business	3 July 2017
1-8/9 Overton Gardens	Highlight windows	3 July 2017
140 Grant Street	Home Business	4 July 2017
48 Brighton Street	Two Storey Dwelling	4 July 2017
12 Clarendon Street	Alterations & Additions	4 July 2017
78B Marine Parade	Alterations & Additions	10 July 2017
15 Broome Street	Alterations & Additions	10 July 2017
8 Alexandria Avenue	Alterations & Additions	14 July 2017
11 Hammersley Street	Balcony extension	17 July 2017
2A Ozone Parade	Two Storey Dwelling	17 July 2017
2/16 Deane Street	Alterations & Additions	18 July 2017
94 Napier Street	Two Storey Dwelling	20 July 2017
36 Broome Street	2 x Two Storey Dwellings	24 July 2017
12 Marine Parade	Alterations & Additions	24 July 2017
98 Forrest Street	Change of Use - office	24 July 2017
296 Marmion Street	Alterations & Additions	28 July 2017
47 Brighton Street	Alterations & Additions	28 July 2017
9 Congdon Street	Alterations & Additions	28 July 2017

VOTING

Simple Majority.

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Burke

That Council receive this report on the planning applications determined under delegation for the month of July 2017.

CARRIED 9/0

ADMINISTRATION**10.1.4 WALGA POSITION PAPER ON REVIEW OF THE LOCAL GOVERNMENT ACT 1995**

File Ref: SUB/2464
Attachments: WALGA Discussion Paper – Review of Local Government Act 1995
Responsible Officer: Mat Humfrey – Chief Executive Officer
Author: Mat Humfrey – Chief Executive Officer
Proposed Meeting Date: 22 August 2017
Author Disclosure of Interest: Nil

SUMMARY

The West Australian Local Government Association (WALGA) has circulated a position paper on a review announced by the Minister for Local Government. This report recommends that Council establish a committee to review the position paper and develop a response for the Town of Cottesloe.

BACKGROUND

Prior to the 2017 State Election, the now State Government announced that upon winning government they would undertake a thorough review of the Local Government Act 1995. Recently, the Minister has made comments to this effect and as such, WALGA have commenced consultation with members on a position it can put to the State which represents the views of the sector.

STRATEGIC IMPLICATIONS

There are no perceived strategic implications from the officer's recommendation, however any changes to the Local Government Act 1995 could have significant strategic implications.

POLICY IMPLICATIONS

There are no perceived policy implications from the officer's recommendation, however any changes to the Local Government Act 1995 could have significant policy implications for the Town.

STATUTORY ENVIRONMENT

The Local Government Act 1995 does not contain any provisions for the review of the Act or how such a review should be undertaken. If amendments to the Act are required, this will require a further Act of Parliament, the Minister does not have the authority to make changes to the Act itself.

At this stage it is unclear if the review will include the Regulations that have been legislated under the Local Government Act or if the review will be contained to the Act itself.

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

At this stage, no formal consultation process is being proposed by the Town.

WALGA are undertaking consultation with every local government in the State and this report allows comment to be submitted to that process.

If the State goes down the path of a formal review or amendment to the Act, it is likely that further, detailed consultation will take place. However, as this would be decided by an Act of Parliament, no guarantees can be given.

STAFF COMMENT

The Local Government Act 1995 has been amended several times since it was adopted. The amendments have largely focussed on single issues rather than a wholesale review of the Act itself.

The Regulations formed under the Act have also been amended several times since the implementation of the Act itself. Changes to the way local governments are required to undertake long term strategic planning is one of the most recent, although minor changes and clarifications were also made to the gift provisions as well. Again, these changes have focussed on addressing a single issue, rather than a wholesale review of the Act itself.

Given the Act is now more than 20 years old, it is not surprising that a broad review of the Act is now being implemented. When the Act was written, most local governments didn't have a webpage and instead relied on notices on notice boards and at their libraries to communicate information to residents. Councillors are required to attend meetings in person, rather than by electronic means and no contemplation is given to web-casting meetings in the Act itself. Given the way we communicate has changed so much in 20 years, it is likely that any review of the Act will look at these areas specifically.

As the review has a wide scope, the Town should ensure it stays engaged with the consultation process. However, at this stage, it is recommended that this work remain at a high level with a technical view only, rather than looking at any particular policy outcomes.

Officers have a number of suggestions for how the Act could be reviewed, not only to improve efficiency, but also to allow for greater use of technology in the administration of local governments. Elected Members will also have views on aspects of the Act that need modernising – so a mechanism is needed to allow for the development of a response.

As such, it is recommended that Council form a committee, with three elected member representatives, to work closely with the Chief Executive Officer, to develop a response

to the position paper, which can then be considered and if appropriate, endorsed by Council for sending to WALGA.

VOTING

Absolute Majority.

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Angers

That Council

1. Appoint;

1.

2.

3.

to the Local Government Act Review Committee, with administrative support to be provided by the Chief Executive Officer

2. Request that the committee, with the support of the Chief Executive Officer, prepare a response to the WA Local Government Association's position paper on the review of the Local Government Act 1995 for consideration at its September 2017 meeting.

AMENDMENT 1

Moved Mayor Dawkins, seconded Cr Angers

That the Recommendation be amended to include four nominees; Cr Angers, Cr Boulter, Cr Pyvis, and Mayor Dawkins

CARRIED 9/0

AMENDMENT 2

Moved Cr Boulter, seconded Cr Pyvis

That the words *'and a fifth position allocated to an other person, to be invited to the Committee, by the Committee'* be added following the words 'Chief Executive Officer' at end of Recommendation 1.

CARRIED 8/1

For: Mayor Dawkins, Crs Birnbrauer, Boulter, Downes, Pyvis, Rodda, and Thomas

Against: Cr Burke

AMENDMENT 3

Moved Cr Boulter, seconded Cr Pyvis

That Point 2 be amended to add the words *"but not limited to"* after the words *"a response to"*.

LOST 4/5

For: Crs Birnbrauer, Thomas, Boulter and Pyvis

Against: Mayor Dawkins, Crs Burke, Rodda, Downes and Angers

AMENDMENT 4

Moved Cr Boulter, seconded Cr Pyvis

That a Point 3 be added as follows:

Authorise the Cottesloe WALGA Zone Representatives to move an urgent motion at the next WALGA zone meeting that the submission period on the WALGA Position Paper on the review of The Local Government Act 1995 be extended for all Councils by 3 months.

LOST 3/6

For: Crs, Thomas, Boulter and Pyvis

Against: Mayor Dawkins, Crs Burke, Birnbrauer, Rodda, Downes and Angers

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda, seconded Cr Angers

That Council

- 1. Appoint;**
 - 1. Cr Philip Angers**
 - 2. Cr Sandra Boulter**
 - 3. Cr Jo Dawkins**
 - 4. Cr Sally Pyvis**

to the Local Government Act Review Committee, with administrative support to be provided by the Chief Executive Officer and a fifth position allocated to an other person, to be invited to the Committee, by the Committee.

- 2. Request that the committee, with the support of the Chief Executive Officer, prepare a response to the WA Local Government Association's position paper on the review of the Local Government Act 1995 for consideration at its September 2017 meeting.**

CARRIED 8/1

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

10.1.5 CIVIC CENTRE CATERING CONTRACT

File Ref: SUB/2419
Attachments: See - 1 August 2017 Briefing Forum for Quotation Submissions
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Garry Bird
Manager, Corporate & Community Services
Proposed Meeting Date: 22 August 2017
Author Disclosure of Interest: Nil

SUMMARY

To consider award of a contract with a catering firm for exclusive access to the Cottesloe Civic Centre for catering services.

BACKGROUND

Beaumonde Australia Pty Ltd trading as Beaumonde Catering, currently holds the exclusive rights to catered private functions in the Cottesloe Civic Centre. The contract was executed on 2 June 2011 and expired on 31 March 2013. The contract has been rolled over on a month by month basis since.

Submissions were sought through a quotation process in June 2017. The Request for Quotation has been widely advertised and four submissions have been received with varying levels of detail provided in response to the Request for Quotation specifications.

The submissions have been assessed by Staff, with the proposal received from Heyder and Shears being recommended to Council as the preferred application.

The submissions received have previously been supplied to Elected Members with the papers for the 1 August 2017 Briefing Forum and in the interests of saving paper have not been reproduced on this occasion.

STRATEGIC IMPLICATIONS

There are no perceived strategic implications arising from the Officer Recommendation.

POLICY IMPLICATIONS

Civic Centre Hall Bookings Policy

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

The contractor pays hire fees for the use of the Cottesloe Civic Centre for events, with these fees and charges set by Council in the adoption of the Annual Budget.

In 2016/2017 Beaumonde paid a total of \$10,345 (ex GST) in fees.

STAFFING IMPLICATIONS

Authorised Officers/Rangers are responsible for monitoring the use of reserves under the *Town of Cottesloe Local Government Property Local Law 1999*.

Administration Officers currently assist with event applications and bookings which includes determining the event classification for the purpose of determining fees applicable.

SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the Officer's Recommendation.

CONSULTATION

Town of Cottesloe Staff
Elected Members

STAFF COMMENT

Four submissions have been assessed against the Request for Quotation Specifications and Heyder and Shears Exclusive Caterers has been determined to be the best submission.

VOTING

Simple Majority.

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Burke

That Council award the contract for exclusive catering for events at the Cottesloe Civic Centre to Heyder and Shears for a term of three years effective 1 October 2017.

CARRIED 9/0

10.1.6 THIS ITEM WAS WITHDRAWN

10.1.7 HISTORIC GARDENS OF PERTH – WESTERN SUBURBS EXHIBITION

File Ref: SUB/2443
Attachments: Letter from Australian Garden History Society
Exhibition Overview
Exhibition Budget
Panel Examples
Newspaper Article
Responsible Officer: Garry Bird
Manager, Corporate & Community Services
Author: Sherilee Macready
Community Development Officer
Proposed Meeting Date: 22 August 2017
Author Disclosure of Interest: Nil.

SUMMARY

An application has been received from the Australian Garden History Society- West Australian Branch, who are seeking support from Council to assist with their Historic Gardens of Perth – Western Suburbs Exhibition, taking place at Cottesloe Civic Centre, from 7 to 16 September 2018.

BACKGROUND

Formed in 1980, the Australian Garden History Society brings together people from diverse backgrounds united by an appreciation of and concern for our parks, gardens and cultural landscapes as part of Australia's heritage. The Society promotes knowledge of historic gardens, significant landscapes and research into their history. It aims to examine gardens and gardening in their widest social, historic, literary, artistic and scientific context. The West Australian Branch has approximately 80 members and the Chair of the Branch Committee is John Viska.

The West Australian Branch organised the first Historic Gardens of Perth Exhibition which was exhibited at Perth Town Hall from the 13 to 23 May 2011, and was supported by the City of Perth. The Exhibition was successful and forms the model for the current Exhibition.

The Historic Gardens of Perth – Western Suburbs Exhibition will consist of high quality, large scale panels comprising photographic reproductions and garden plans featuring significant Western Suburbs parks and gardens. There will also be some gardening objects related to the storylines presented in display cases. A professional designer will be employed to create text and graphic panels, and other associated materials. Further information about the proposed gardens to be featured in the panels is attached to this report.

Highly experienced professional historians, researchers, curators and horticulturalists will form the project working party, and will produce an exhibition based on professional museum standards. These particular experts will offer their services as an in-kind donation to reduce the Exhibition costs.

The Exhibition will promote the importance of parks and gardens in the history of the development of the Western Suburbs and the key themes of the exhibition will highlight many largely unknown gardens in the locality. It is expected that the Cottesloe gardens will make up a third of the gardens featured in the Exhibition.

The Exhibition will be presented in the War Memorial Town Hall and the entry fee for patrons will be via a gold coin donation. The Exhibition will be open to the public daily between the hours of 10am and 4pm. Volunteers will be on hand to interact with the patrons.

Existing public toilets located in the War Memorial Town Hall will be adequate for the number of patrons attending the Exhibition over the 10 days. The Cottesloe Civic Centre has adequate parking available in the streets, and local residents will be encouraged to walk to the Exhibition.

The Exhibition is expected to draw strong interest from residents and local community organisations who will appreciate the detailed historical aspects of the exhibition and the opportunity to learn more about historic gardens of the Western Suburbs. Organisers expect at least 1500 people will view the Exhibition over the 10 days.

As part of the Exhibition, organisers are planning a small private Launch event on the afternoon of the first day of the Exhibition, Friday 7 September 2018. The Launch will consist of opening speeches and a light afternoon tea. Invited guests will include members of the historical and heritage communities of Western Australia, Elected Members from the relevant Western Suburbs Councils, and other relevant Dignitaries.

The Australian Garden History Society West Australian Branch recently applied to the Town for a 2017/2018 Donation Grant to assist with the costs of the Exhibition, as part of the annual Donations to local sporting and community organisations, but was unfortunately unsuccessful. The Society has subsequently written to Council as part of this application requesting Council waive the Hall hire fees for the duration of the Exhibition which totals \$4,320 and comprises 12 days of hire.

In support of this worthwhile community Exhibition, Officers recommend that in addition to waiving the Hall hire fees that Council donates \$1,000 to the organisers to assist with some of the costs of the Exhibition launch, for example catering costs and printing of guest invitations. In return, at the completion of the Exhibition, organisers will donate to the Town all the exhibition panels that feature Cottesloe gardens, which comprise at least 7 panels. These panels can be made available for other Cottesloe events for example used at The Grove Library, or at the annual Pioneer's Day event.

The Australian Garden History Society West Australian Branch has also indicated that if there are any funds remaining from the gold coin donations after exhibition costs are paid, then they will look to donate the funds to the Town of Cottesloe to be used to purchase plants outlined in the existing Cottesloe Civic Centre Conservation Plan.

STRATEGIC IMPLICATIONS

There are no strategic implications arising from the Officer Recommendation.

POLICY IMPLICATIONS

Event Classification Policy – this event is classified as a Community Booking under this policy, however, officers are of the view some dispensation could be provided as the event has the potential to significantly add benefit to the Cottesloe community. In addition, organisers have stated they will donate the Cottesloe historic garden panels from the Exhibition to the Town, and if able to, will make a formal donation to the further the garden planting scheme outlined in the existing Cottesloe Civic Centre Conservation Plan.

Donations Policy.

STATUTORY ENVIRONMENT

Local Government Act 1995.

FINANCIAL IMPLICATIONS

If Council charges the projected fees for the Exhibition under Community classification, it would total \$4,320. This includes 10 days of the Exhibit and two days of set up. This would be in addition to other costs that the organisers will have.

These figures are broken down as follows, as stated in the Schedule of Fees and Charges 2017-2018:

) Daily venue hire fee \$360 per day, totalling \$4,320

As one of the primary purposes of the Exhibition is to provide an opportunity for Cottesloe residents and local community groups to visit Cottesloe Civic Centre, to view an exhibition featuring local historic gardens, the officer recommendation is to waive the fees stated above. This would add support the event and assist the organisers in presenting the exhibition to the local community.

Officers recommend that in addition to waiving the Hall hire fees that Council donate \$1,000 to the organisers to assist with the costs of the Exhibition launch, for example catering costs and printing of guest invitations.

Officers recommend organisers pay a \$200 bond for use of the War Memorial Town Hall to cover the duration of the Historic Gardens of Perth – Western Suburbs Exhibition, as per the Schedule of Fees and Charges 2017-2018.

STAFFING IMPLICATIONS

There are no staffing implications arising from the Officer Recommendation.

SUSTAINABILITY IMPLICATIONS

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

Organisers will be encouraged to use recyclable materials and environmental based products where appropriate, particularly in terms of catering.

CONSULTATION

Nil.

STAFF COMMENT

Staff have reviewed the application and are satisfied with the following information that has been provided:

-) The Exhibition and its materials will be of a high standard and will draw interest from residents and local community organisations.
-) Sanitary facilities and bins will be provided for patrons.
-) Parking facilities in the adjacent streets will be adequate to cover the additional 1500 patrons accessing the Cottesloe Civic Centre over the 10 day duration of the Exhibition.

Officers recognise the benefit to the Cottesloe community of the Historic Gardens of Perth – Western Suburbs Exhibition. Therefore, the officer recommendation is to waive all hire fees and donate \$1,000 to the organisers to assist in some of the costs of the Exhibition Launch event.

VOTING

Simple Majority.

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

That in regards to the application received from the Australian Garden History Society – West Australian Branch, requesting financial assistance from Council towards the Historic Gardens of Perth – Western Suburbs Exhibition, taking place at the War Memorial Town Hall at Cottesloe Civic Centre from Friday, 7 September to Sunday, 16 September 2018, that:

1. The venue hire fees totalling \$4,320 be waived for the War Memorial Town Hall, subject to this support being appropriately acknowledged;
2. A donation of \$1,000 to the Exhibition organisers to go towards the catering and arrangements for the Exhibition Launch; and
3. A bond of \$200 is paid by organisers for use of the War Memorial Hall for the duration of the Historic Gardens of Perth – Western Suburbs Exhibition.

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

That point two of the Officer Recommendation for Item 10.1.7 is amended to add the following words to precede the Officer Recommendation as follows:

“That Council defer consideration of a donation of \$1,000 to the Exhibition organisers to go towards the catering and arrangements for the Exhibition Launch; and...”

LOST 3/6

For: Crs Boulter, Pyvis, and Birnbrauer

Against: Mayor Dawkins, Crs Downes, Burke, Angers, Thomas and Rodda

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**Moved Cr Rodda, seconded Cr Downes**

That in regards to the application received from the Australian Garden History Society – West Australian Branch, requesting financial assistance from Council towards the Historic Gardens of Perth – Western Suburbs Exhibition, taking place at the War Memorial Town Hall at Cottesloe Civic Centre from Friday, 7 September to Sunday, 16 September 2018, that:

- 1. The venue hire fees totalling \$4,320 be waived for the War Memorial Town Hall, subject to this support being appropriately acknowledged;**
- 2. A donation of \$1,000 to the Exhibition organisers to go towards the catering and arrangements for the Exhibition Launch; and**
- 3. A bond of \$200 is paid by organisers for use of the War Memorial Hall for the duration of the Historic Gardens of Perth – Western Suburbs Exhibition.**

CARRIED 9/0

ENGINEERING**10.1.8 ADOPTION OF UPDATED VEHICLE FLEET ADMINISTRATION POLICY**

File Ref: POL/67
Attachments: Vehicle Fleet Administration Policy
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Nick Woodhouse
Manager, Engineering Services
Proposed Meeting Date: 22 August 2017
Author Disclosure of Interest: Nil

SUMMARY

A recommendation is made to adopt an updated *Vehicle Fleet Administration Policy*.

BACKGROUND

At the June 2017 Ordinary Meeting of Council it was resolved that Council:

1. *DEFER consideration of the Officer Recommendation until Council has had an opportunity to review the Town of Cottesloe Vehicle Fleet Administration Policy, with the proceeds from the sale of vehicles be allocated to the plant reserve.*
2. *Does not authorise the purchase of any vehicle until Council has completed its review of the Town of Cottesloe Vehicle Fleet Administration Policy.*

Carried 8/1

For: Mayor Dawkins, Crs Angers, Boulter, Burke, Downes, Pyvis, Thomas and Rodda

Against: Cr Birnbrauer

It is requested that the revised policy include the continued commitment to reduce the vehicle fleet size and the transition to electric vehicles as they become more cost effective.

STRATEGIC IMPLICATIONS

There are no perceived strategic implications arising from the Officer Recommendation.

POLICY IMPLICATIONS

The Officer Recommendation is to replace the current *Vehicle Fleet Administration Policy* with the attached, reviewed *Vehicle Fleet Administration Policy*.

STATUTORY ENVIRONMENT

There are no perceived statutory implications arising from the Officer Recommendation.

FINANCIAL IMPLICATIONS

The gradual reduction of the vehicle fleet will have a positive financial benefit for the Town as operational costs will decrease. The transition to electric vehicles will also reduce operational costs as they have lower running costs.

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the Officer Recommendation.

SUSTAINABILITY IMPLICATIONS

The Town's carbon footprint will decrease as the size of the fleet is reduced and as electric vehicles are introduced to the fleet. Electric vehicles have no carbon dioxide tail pipe emissions and hybrid vehicles have no emissions while running in electrical mode.

CONSULTATION

Town of Cottesloe Staff
Elected Members

STAFF COMMENT

The policy was reviewed by the Town of Cottesloe Executive team and also presented to Elected Members at the August Briefing Forum. It was suggested that the policy should be amended to include the reduction of the fleet, where possible, and the introduction of electric vehicles as they become more affordable.

It is expected that in the 2020's electric vehicles will become significantly cheaper as battery costs continue to fall. Batteries make up about 40% of the cost of electric vehicles so as competition increases and battery prices decrease the cost of electric cars will also fall. In 2012 the costs per-kilowatt-hour were \$542 and now they are \$139. It is predicted that kilowatt-hour costs will be beneath \$100 by 2020. Additionally, companies such as Tesla are preparing to produce the Model 3s on an immense scale for a broader market. Whilst initial adoption of the electric vehicle has been slow it is predicted that electric vehicles will make up 25% of the global market by 2040. Reports from Europe indicate that petrol and diesel for traditional vehicles will no longer be sold by 2040.

The number of vehicles that the Town currently has is a result of a vehicle having been traditionally included as part of an officer's salary package, to aide attraction and retention of staff. This was due to economic advantages for the Town in terms of the Fringe Benefits Tax and second hand vehicle resale value. However, recent changes to the Fringe Benefits Tax and the second hand vehicle market have resulted in the salary package option becoming less advantageous to the Town.

VOTING

Simple Majority.

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Angers

That Council adopt the updated *Vehicle Fleet Administration Policy*.

PROCEDURAL MOTION**Moved Cr Boulter, seconded Cr Thomas**

The Council defer consideration of the TOC Vehicle Fleet Policy pending consideration by officers of inclusion of applicable RAC tables and data, and inclusion of parts of other LG policies such as the Town of Mosman Park and the Town of Claremont and especially noting the tables in the City of Melbourne "Corporate Transport Policy", and a report back to Council accordingly.

LOST 4/5**For: Crs Boulter, Birnbrauer, Thomas and Pyvis****Against: Mayor Dawkins, Crs Rodda, Downes, Burke, and Angers****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION****Moved Cr Rodda, seconded Cr Angers****That Council adopt the updated *Vehicle Fleet Administration Policy*.****CARRIED 7/2****For: Mayor Dawkins, Crs Burke, Birnbrauer, Downes, Thomas, Rodda and Angers****Against: Crs Boulter and Pyvis**

Cr Downes and Cr Rodda declared an interest in this item and left the room at 8.21 PM

FINANCE

10.1.9 2017/2018 BUDGET AMENDMENT – NAPIER STREET DRAINAGE AND SEAVIEW GOLF CLUB CAR PARK

File Ref: SUB/2403
Attachments: Nil
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Garry Bird
Manager, Corporate & Community Services
Proposed Meeting Date: 22 August 2017
Author Disclosure of Interest: Nil

SUMMARY

To consider an amendment to the 2017/2018 Budget to upgrade drainage in Napier Street and asphalt the Sea View Golf Club car park that services the Town of Cottesloe storage area.

BACKGROUND

At the Special meeting of Council held 5 July 2017, to adopt the 2017/2018 Municipal Budget, two projects were deleted from the Budget as a result of the small number of Elected Members in attendance and the fact that two of the members in the Chamber held proximity interests in the following projects that were omitted:

-) Napier Street Drainage \$10,000
-) Sea View Golf Club car park \$38,904

STRATEGIC IMPLICATIONS

There are no perceived strategic implications arising from the Officer Recommendation.

POLICY IMPLICATIONS

There are no perceived policy implications arising from the Officer Recommendation.

STATUTORY ENVIRONMENT

Local Government Act 1995

To reinstate these two projects in the adopted 2017/2018 Budget, a budget amendment is required which requires an absolute majority of Council.

FINANCIAL IMPLICATIONS

The additional expenditure of \$48,904 is proposed to be funded from the Infrastructure Reserve where the funds were allocated at the time of deleting them from the final Adopted Budget.

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the Officer Recommendation.

SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the Officer Recommendation.

CONSULTATION

Town of Cottesloe Senior Staff

STAFF COMMENT

The works listed for the Seaview Golf Club have recently been undertaken. A full report on this matter will be provided to the Audit Committee for their review and recommendations.

VOTING

Absolute Majority is required to amend the current Budget.

OFFICER RECOMMENDATION

Moved Mayor Dawkins, seconded Cr Angers

That Council amend the 2017/2018 Budget by reinstating the following two projects omitted from the Budget, the costs of which are to be funded from the Infrastructure Reserve:

-) Napier Street Drainage \$10,000; and**
-) Seaview Golf Club car park (area north side storage shed/depot) \$38,904.**

CARRIED 7/0

Cr Downes and Cr Rodda returned to the room at 8.24 PM

10.1.10 NORTH COTTESLOE PRIMARY SCHOOL – FUNDING FOR ROAD PROJECT

File Ref: SUB/2449
Attachments: Nil
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 22 August 2017
Author Disclosure of Interest: Nil

SUMMARY

The Town received grant funding for a project which is not proceeding. The grant provider, the Education Department of WA, has asked for these monies to be returned. In order for this to occur, Council will need to resolve to transfer these funds from reserve.

BACKGROUND

In late June 2017 the Town received a grant of \$550,000.00 including GST from the Department of Education as part funding towards a road realignment project to allow for increased provision of parking at North Cottesloe Primary School along Railway Street in Cottesloe. It was anticipated the remaining funding for the project would be provided by State Government. These monies, excluding GST, were transferred to a newly created reserve, in July 2017, as per Council's resolution.

STRATEGIC IMPLICATIONS

This project was to be fully funded by grants and would solve a long standing parking and congestion issue at this location.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

This project was to be funded by external parties and therefore there are no financial implications at this stage to the Town.

STAFFING IMPLICATIONS

There are no staffing implications arising from the Officers Recommendation besides from some preliminary involvement by senior staff which can be accommodated within the Town's existing budget.

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

The Chief Executive Officer has met with officials from the Department of Education to see if the funding could be retained by the Town, with a new project scope to be developed. Unfortunately, the Education Department has formed the view that the funding was allocated for a specific project which included the realignment of Railway Street. As Council has resolved not to realign Railway Street, the Education Department has formally requested that the funds be returned.

STAFF COMMENT

Having now received an invoice from the Department of Education, there appears to be little choice but to amend the budget and return the funds to the Department. As Council's resolution expressly states;

That Council DOES NOT SUPPORT the proposed removal of trees or road realignment for the purpose of a new car park at NCPS.

and the funding received was premised on a road realignment and additional parking, it seems there is little room for negotiation.

Council's previous resolution also states:

That the TOC administration should work closely with the NCPS to find safer outcomes for travelling to and from, and dropping off and picking up students at NCPS and NC Pre-Primary School.

As such, officers will continue to work with the school community on a way to resolve the traffic and safety concerns. However, any project that results from this process will be required to be funded. At this stage there is no commitment to fund such works from either the Education Department or Main Roads WA. Any project would be subject to assessment and funds would only be allocated if available.

VOTING

Absolute Majority.

OFFICER RECOMMENDATION

That Council:

1. Amend the 2017/2018 budget to allow the funds received from the Education Department of WA to be transferred from Reserve back to the Municipal Fund and create an expenditure item to reflect the repayment of the funds to the Department of Education; and
2. Authorise the Chief Executive Officer to make a payment of \$550,000 (inc. GST) to the Department of Education to repay the grant funds received for the proposed works at North Cottesloe Primary School.

COUNCILLOR MOTION

Moved Mayor Dawkins, seconded Cr Rodda

That the Item be deferred to permit further consideration on this matter.

CARRIED 9/0

10.1.11 FINANCIAL STATEMENTS FOR THE MONTH ENDING 31 JULY 2017

File Ref: SUB/2459
Attachments: Monthly Financial Statements
Responsible Officer: Garry Bird
Manager of Corporate and Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 22 August 2017
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

There are no strategic implications arising from the Officer's Recommendation.

POLICY IMPLICATIONS

Investments Policy.
Investment of Surplus Funds Policy.

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

STAFFING IMPLICATIONS

There are no staffing implications arising from the Officers Recommendation.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications arising from the Officers Recommendation.

CONSULTATION

There has been consultation with senior staff in the preparation of this report.

STAFF COMMENT

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

-) The net current funding position as at 31 July 2017 is \$11,205,240 and is in line with previous financial years as shown on pages 2 and 22 of the attached Financial Statements.
-) Rates receivable as at 31 July 2017 stood at \$8,964,491 which is also in line with previous years as shown on pages 2 and 25 of the attached Financial Statements.
-) Operating revenue is more than year to date budget by \$124,593 with a more detailed explanation of material variances provided on page 21 of the attached Financial Statements. Operating expenditure is \$142,955 less than year to date budget with a more detailed analysis of material variances provided on page 21.
-) The Capital Works Program is approximately 19% complete as at 31 July 2017 and a full capital works program listing is shown on pages 33 to 36.
-) Whilst Salaries and Wages are not reported specifically, they do represent the majority proportion of Employee Costs which are listed on the Statement of Financial Activity (By Nature and Type) on page 7 of the attached Statements. As at 31 July 2017 Employee Costs were \$1,705 more than year to date forecasts.
-) The \$500,000 transfer to the Car Park Reserve for the car park and road realignment at Railway Street in Cottesloe and the transfer of \$83,000 to the Sculpture and Artworks Reserve took place in July 2017 leaving a balance of reserves of \$11,370,600.

List of Accounts for July 2017

The List of Accounts paid during July 2017 is shown on pages 37 to 45 of the attached Financial Statements. The following significant payments are brought to Council's attention;-

-) \$77,245.49 to the Australian Taxation Office for the business activity statement.
-) \$83,629.84 to Local Government Insurance Services for the Town's insurances.
-) \$56,031.76 to Landgate for the revaluation roll.
-) \$43,146.95 to Solo Resource Recovery for waste collection services.
-) \$52,800.00 to Seaview Golf Club being a grant.

-) \$36,628.90 to AD Engineering International Pty Ltd for a new speed advisory trailer.
-) \$34,402.44 to Edinger Real Estate for the monthly depot lease fee.
-) \$44,921.58 to Cobblestone Concrete for footpath construction works.
-) \$120,067.03 and \$93,536.24 to Town of Cottesloe staff for fortnightly payroll.
-) \$583,000.00 to National Australia Bank being transfers to reserves.

Investments and Loans

Cash and investments are shown in Note 4 on page 23 of the attached Financial Statements. Council has approximately 44% of funds invested with National Australia Bank, 23% with Bankwest, 17% with Commonwealth Bank of Australia and 16% with Westpac Banking Corporation. Council had a balance of \$10,773,680 in reserve funds as at 31 July 2017.

Information on borrowings is shown in Note 10 on page 30 of the attached Financial Statements and shows Council had total principal outstanding of \$4,668,733 as at 31 July 2017.

Rates, Sundry Debtors and Other Receivables

Rating information is shown in Note 9 on page 29 of the attached Financial Statements. As displayed on page 2, rates receivable is trending above previous years due to factors previously mentioned. It should be noted that as a result of an incomplete revaluation roll, the Town raised approximately \$181,000 in rates as a result of interim schedules sent through after the main roll. It is proposed that these surplus monies are used to lower the 2018/19 rates increase next financial year.

Sundry debtors are shown on Note 6, pages 25 and 26 of the attached Financial Statements. The sundry debtors show that 14% or \$17,811 is older than 90 days. Infringement debtors are shown on note 6(a) and stood at \$435,258 as at 31 July 2017.

Budget Amendments

There are currently no budget amendments.

VOTING

Simple Majority.

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Burke

That Council receive the Financial Statements for the period ending 31 July 2017 as submitted to the 22 August 2017 meeting of Council.

CARRIED 9/0

10.1.12 INDIANA TEA HOUSE – CONSIDERATION OF OFFER FROM LESSEE

File Ref: SUB/2449
Attachments: Nil
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Mat Humfrey
Chief Executive Officer
Proposed Meeting Date: 22 August 2017
Author Disclosure of Interest: Nil

SUMMARY

The Town has recently received an offer from Indiana Pty Ltd to settle the current market rent review process and to transfer care, control and management of the public toilets back to the Town on an ongoing basis.

Council is being asked to consider that offer and set in place a process to determine whether or not the offer will be accepted.

BACKGROUND

Between 1996 and 2000, a series of Council resolutions and agreements saw the building, commonly known as Indiana Tea House, built on Cottesloe Beach and leased on a long term basis. The initial lease was for a period of 21 years (expired in August 2016), however subsequent events saw the lease extended for a period of 25 years (in the form of a 15 year option and a 10 year option). At the exercise of the first option, and at each 5 years there after, the rent for the lease is reset at market value. In the intervening years, rent increases by CPI.

In late 2016, the process of agreeing the new market value began. The Town has received a valuation of \$219,000 for the site, which was provided to the lessee as evidence for a new market rent value. The lessee engaged their own valuer, as the lease allows them to, who provided a rental figure of less than \$100,000. In order to determine the market rent, a process of agreement between the two valuers was then required. This process appears to be drawing to a close with the offer provided by the lessee.

The public toilets at the Indiana Tea House have been an issue for some time. In April 2015, the Cottesloe Residents and Ratepayers Association presented the Town with the “Toilet Seat of Shame” at the Ordinary Council Meeting to express their dissatisfaction with the state of the toilets (cleanliness and maintenance) as they were at that time. It was made clear to the Council of the time, that the control of the toilets being with the lessee was not an acceptable excuse and that the Town should make efforts to get the toilets back under the Town’s control. More recently at the 2016 Annual Electors Meeting, the Residents and Ratepayers Association, via their secretary, stated the toilets should be renovated by the Town rather than continuing with legal action. The offer put forward by the lessee would allow this to occur.

During the last two summers, the Town took back control of the cleaning of these facilities and the number of complaints has significantly reduced. However, the Town

did not take back maintenance of the facilities, which is now being considered. By allowing the Town to undertake maintenance (including preventative maintenance), the ongoing issue with the toilets could be resolved.

STRATEGIC IMPLICATIONS

Priority Area 3 – Enhancing beach access and the foreshore

Strategy 3.2 – Continue to improve access to beach facilities

Actions

- b. Renovate and improve public ablutions at Cottesloe Beach
- c. Provide universal access to all facilities at Cottesloe Beach

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

The sections of the Act relating to the disposal of assets do not apply in this case as the Town is effectively receiving an asset. There does not appear to be any mandatory advertising required under this section, or any other section of the Act.

As the acceptance of the offer would require an amendment to the Town's budget, the relevant sections of the Act and Regulations would apply. If the Town accepts the offer, a budget amendment will be required to allow the toilets to be properly maintained.

FINANCIAL IMPLICATIONS

If the offer from the lessee is accepted, the rent for the Indiana Tea House increase from approximately \$140,000 to \$195,000. However the Town will need to allocate half of these funds (as an indication) to the cleaning and maintenance of the toilet facilities. That being said, if the Indiana Tea House was not present on the beach, the Town would have the full costs of cleaning and maintaining a set of public toilets with no income at all to defray the costs.

STAFFING IMPLICATIONS

There are no direct staffing implications arising from the officer's report.

SUSTAINABILITY IMPLICATIONS

There are no direct sustainability implications arising from the officer's recommendation. If the Council ultimately resolves to accept the offer from the lessee, there could be sustainability benefits if the facilities are updated and more efficient equipment and fittings used.

CONSULTATION

It is being recommended that Council authorise the Chief Executive Officer to give notice that an offer has been received from the lessee for the Town to take care, control

and management of the existing public toilets at the Indiana Tea House. This notice would provide 14 days for people to comment before Council ultimately determine whether or not to accept the offer.

The Town's Community Consultation Policy does not appear to make any comment on this type of agreement being the subject of consultation, however amendments to existing lease arrangements are rare, particularly where a part of the leased area is being returned (rather than a new area being added to the lease). Given the most likely reason this scenario is not specifically mentioned in the Policy is that it rarely occurs, and the intent of the policy suggests that major or profound change should be the subject of notices, officers are recommending a short period of public notice to allow for residents and ratepayers to make comment.

STAFF COMMENT

Other Maintenance

It is important to note that the lessee would still remain responsible for all other maintenance at the Indiana Tea House. The Town would only be responsible for the cleaning and maintenance of the public toilets under the offer provided. The Town has care control and management of other parts of the premises (surf club facilities and a small office) under an existing sublease arrangement.

The current advice is that the Town would be responsible for the care, control and management of the toilet facilities, but that this would not include anything outside of these areas – such as the sewers and drains. The Town would also conduct an audit of the facilities before resuming control to ensure any outstanding maintenance items are seen to before they become the Town's responsibility.

Cleaning

The Town has taken responsibility for the cleaning of these toilets for the last two summers and all indications are that this has resulted in far fewer complaints than was previously experienced. There were still issues from time to time with regards to maintenance and several instances were requested maintenance had to be followed up several times (although it should be noted that the work was done). It is believed that by having responsibility for the maintenance too, the Town will be able to achieve a greater level of cleanliness than it has previously been able to as preventative maintenance can also be scheduled appropriately.

Consultation

While these decisions should not be rushed, it would be advantageous to reach agreement in time for arrangements to be set in place for the upcoming summer season (if that is what Council determines to do). Given that large sections of the community have previously stated their opinions that the Town should take control of the toilets and maintain them to the level the community expects, this offer is seen as a positive one that will allow the Town to meet these requests.

Rent

The offer as presented does represent a compromise. As stated in the financial implications section, the Town will need to spend more than the current rent increase in cleaning and maintaining the toilets in that area. However, it should be noted that if Indiana were not there at all, the Town would still be expected to clean and maintain a set of public toilets with no rent income to defray the costs at all.

In recent years, the Town has agreed to take the toilets back for the 6 busiest months of the year, with the lessee contributing what they would normally pay for the cleaning of the toilets to the Town. This resulted in the Town paying the difference between what was commercially required by the lessee as opposed to what would be paid to maintain the toilets from a public interest perspective. Essentially this offer would extend these previous arrangements to a 12 month, ongoing agreement, and as such is recommended by officers.

Funding

If the care, control and management of the toilets returns to the Town, there will be an expectation that some of the facilities (such as universal access facilities) are improved to meet modern standards. Moreover, there will also be an expectation that the general amenity of the toilets is improved by simple renovations. Such renovations will also likely result in a reduction of ongoing cleaning costs.

Given the profile of Cottesloe Beach and the type of upgrades that would be considered, officers are confident that grants will be available to the Town to offset some of these costs. Either via water efficiency grants, tourism grants or grants to improve universal access – there is assistance to local governments in this respect.

Conclusion

The offer provided by the lessee was not solicited by the Town and has arisen as a result of the market rent review process. The Town has asked the lessee to consider returning other areas of the facility to the Town's care and control since receiving the above offer, but they have declined that request at this stage.

Officers see this offer as an opportunity to resolve a long running issue for the community and as such are recommending it for approval, subject to community consultation.

VOTING

Simple Majority.

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Angers

That Council

1. Authorise the Chief Executive Officer to give local public notice of the offer received from Indiana Pty Ltd that;
 - a. Sets the outcome of the market rent review at \$195,000 per annum;
 - b. Sees care, control and management of the public toilets in the Indiana building return to the Town; and
 - c. Submissions be sought for a period of 14 days after which a Special Council Meeting will be held to determine whether the offer is accepted.

AMENDMENT 1

Moved Cr Boulter, seconded Cr Pyvis

That point one is preceded by the words:

“Subject to receiving a second independent expert legal opinion about the lease generally and the Lessee’s offer to return the toilets, and that opinion raising no issues that should be reviewed by Council before advertising the proposal; and

“Subject to the report by an expert hydraulic being received in terms of outstanding maintenance of items that could be leading to the smells around the toilets and any other items identified at a more thorough survey/inspection,”

And replace the words “a Special Council meeting” in 1(c) after the word “which” with the words “a report will be made to Council” and delete the words “will be held” from 1(c).

LOST 3/6

For: Crs Thomas, Boulter and Pyvis

Against: Mayor Dawkins, Crs Burke, Birnbrauer, Rodda, Angers and Downes

PROCEDURAL MOTION

Moved Cr Boulter, seconded Cr Pyvis

That Council suspend standing orders for the purpose of discussion on this matter.

LOST 3/6

For: Crs Thomas, Boulter and Pyvis

Against: Mayor Dawkins, Crs Burke, Birnbrauer, Rodda, Angers and Downes

AMENDMENT 2

Moved Cr Boulter, seconded Cr Pyvis

That a second point be added as follows:

That the expert hydraulic report referred to above relates to identifying any potential causes of the smells/future risk of smells around the Indiana toilet block including but is not limited to :

- 1. Inspecting the service duct for the Male Ablutions – the smell is there directly outside even with the door locked. Inspect all the pipework to the cistern flush pipes and whether or not they are leaking from the rubber connectors. Water is ponding on the floor and going bad and eventually flows out of the shaft – if the stack that connects to sewer is leaking and discharging on to the floor outside.*
- 2. If a second source of the smell is the grease trap – and if the lid is not sitting flush and if there is a hose tap within 6.0mtrs as required by the Water Corporation. Whether or not the Grease Trap has not been cleaned out properly and if the lid has been re-greased when taken up.*
- 3. If another source of the smell is the Sand Trap – if the lid like the grease trap is not sitting flush and if there is a hole in the lid.*
- 4. Camera inspections of the ductwork*
- 5. Identification of anything else that requires maintenance that would serve to eliminate the smells around and within the Indiana toilet block.*

LOST 4/5

For: Crs Thomas, Birnbrauer, Boulter and Pyvis

Against: Mayor Dawkins, Crs Burke, Rodda, Angers and Downes

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda, seconded Cr Angers

That Council;

- 1. Authorise the Chief Executive Officer to give local public notice of the offer received from Indiana Pty Ltd that;**
 - a. Sets the outcome of the market rent review at \$195,000 per annum;**

- b. Sees care, control and management of the public toilets in the Indiana building return to the Town; and
- c. Submissions be sought for a period of 14 days after which a Special Council Meeting can be held to determine whether the offer is accepted.

CARRIED 9/0

**10.1.13 PROCOTT INC. – COTTESLOE VILLAGE CHRISTMAS CARNIVAL
2017**

File Ref: SUB/47
Attachments: Event Management Plan
Event Map
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Garry Bird
Manager, Corporate & Community Services
Proposed Meeting Date: 22 August 2017
Author Disclosure of Interest: Nil

SUMMARY

ProCott Inc. is seeking Council's approval to host the Cottesloe Village Christmas Carnival in Napoleon Street on Friday 1 December 2017.

BACKGROUND

The Cottesloe Village Christmas Carnival is a rebranding of the former Cottesloe Village Carnival and Hullabaloo events which operated successfully for six years before a hiatus in 2016.

The event will be held on Friday 1 December 2017 on Napoleon Street from 4.00pm until 9.00pm. Set up and pack down will occur from 10.00am on the Friday until 1.00am on Saturday.

It is proposed that Napoleon Street be closed for the event which will see different activities set up on the street. These activities include:

-) Food and beverage stalls;
-) Kids and adult entertainment;
-) Music;
-) Arts and crafts; and
-) Other cultural activities.

The Town of Cottesloe will supply general waste and recycling bins for the event which will be emptied and cleaned by contractors engaged by ProCott Inc.

Extra toilets and bins to cater for the expected number of patrons attending the event will be provided by the event organisers.

STRATEGIC IMPLICATIONS

There are no strategic implications arising from the Officer Recommendation.

POLICY IMPLICATIONS

Event Classification Policy

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

Council currently raises a differential rate for the Cottesloe town centre, the proceeds of which are directed to ProCott to fund marketing and other activities to attract visitors to the area. The cost of staging the Cottesloe Village Christmas Carnival will be funded from this differential rate income.

STAFFING IMPLICATIONS

Ranger Services, which are met within normal budgeting allocations.

SUSTAINABILITY IMPLICATIONS

Adequate arrangements will be made for rubbish collection and removal, including the provision for recycling.

CONSULTATION

ProCott Inc.

STAFF COMMENT

ProCott Inc. believe the Cottesloe Village Christmas Carnival will bring both the retailers, service providers and local community groups in the Cottesloe business district together in a Village style atmosphere that would highlight the best that Cottesloe has to offer.

The event will also showcase Cottesloe to a wider community as an alternative shopping and recreation destination to other more well known precincts in the western suburbs and beyond.

The 2015 Cottesloe Village Carnival event was a success, with approximately 13,000 people attending the one day Festival on Napoleon Street, and included an increase in the number of families attending the event than previous years.

VOTING

Simple Majority.

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Thomas

That Council approve the application to hold the 2017 Cottesloe Village Christmas Carnival on Napoleon Street on Friday 1 December 2017, from 4.00pm to 9.00pm, subject to the following conditions:

- 1. Class the event as a “Community Event” and waive all hire fees for the event as per previous years.**
- 2. Adequate arrangements for rubbish removal and collection, including the provision for recycling.**
- 3. Compliance with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*.**

4. **Additional toilets must be provided based on the expected attendance number to the event.**
5. **Structural Certification may be required to be provided to the Council for any temporary tents or marquees with an area of 18m² or greater.**
6. **Electrical Certification (Form 5) needs to be provided for any electrical work associated with the event. This needs to be completed by the licensed electrical contractor before the event commences.**
7. **Food handling activities (such as temporary food stalls) need to comply with requirements of the *Food Act 2008*.**
8. **Compliance with the *Environmental Protection (Noise) Regulations 1997*.**
9. **Compliance with the Town's *Beaches and Beaches Reserves Local Law 2012*.**
10. **Appropriate Public Liability Insurance, with cover no less than 10 million dollars.**
11. **No balloons to be used during the event.**
12. **That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event; and**
13. **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.**

CARRIED 9/0

10.2 REPORT OF COMMITTEES

That Council note the Minutes of the following Committee Meetings with consideration given to the Committees' recommendations as highlighted below.

-) Bike Planning Committee (22 June 2017 draft Minutes to be distributed).
-) Bike Planning Committee (18 July/01 August 2017 draft Minutes to be distributed).
-) Beach Access Paths Committee (25 July 2017 draft Minutes to be distributed).

NOTED BY COUNCIL

11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:**11.1 ELECTED MEMBERS****PROCEDURAL MOTION****Moved Cr Boulter, seconded Cr Pyvis****That Council accept the Notice of Motion moved by Cr Boulter****CARRIED 6/3****For: Mayor Dawkins, Crs Burke, Boulter, Pyvis, Downes and Thomas****Against: Crs Birnbrauer, Rodda and Angers****COUNCILLOR MOTION - WALGA ZONE COMMITTEE MEETING AND THIRD PARTY APPEAL RIGHTS (TPARS)****Moved Cr Boulter, seconded Cr Pyvis****That Council endorse the following motions to be put to the WALGA Metropolitan Zone Meeting on Thursday, 31 August 2017 or later Zone meeting as decided by the WALGA Metropolitan Zone Central Zone committee:**

- 1. Reject the WALGA Recommendations 1-4 at WALGA State Council Agenda Item 5.4 Outcomes of Consultation – Third Party Appeal Rights in Planning in the 8 September 2017 Agenda.**
- 2. Move that WALGA advocate for the introduction of Third Party Appeal Right and consult “members” and run Elected Member workshops as to “member’s” preferred model.**
- 3. Obtain expert advice as to who can make a submission on a Discussion Paper where the WALGA AGM resolution was to “consult members”.**

CARRIED 8/1**For: Mayor Dawkins, Crs Boulter, Burke, Birnbrauer, Thomas, Downes,****Angers and Pyvis****Against: Cr Rodda****Councillor Rationale**

- 1. Cottesloe Council supported TPARs. The Officer recommendation to Council did not support TPARs.**
- 2. The WALGA AGM resolution was to “consult members”.**
- 3. “Local governments” are the only “members” and submitters other than “members” made submissions and were received and counted.**
- 4. One reading of s.2.5 and s2.6 of the LG Act, suggests that a “member” submission has to come from a Council as a formal resolution.**

5. The submissions table in the WALGA Recommendations Report is unclear. However, it is reported on the fourth page of the Report that there are 18 Council resolutions as submissions, of which 78% (14) are for TPARs and 22% (4) are against TPARs. The Report states that 53% of submitters were in favour.
6. LG employees often do not support third party appeal rights. LG employees do not represent the community, but Elected Members, through Council, do.
7. The process of simply emailing a Discussion Paper to CEOs and expecting them to pass on and explain in circumstances where many CEOs and officers do not support the introduction of TPARs is not good enough or sufficient consultation.
8. The process of including the TPAR Discussion Paper in a long list of items in a newsletter to Elected Member does little credit to the importance of this debate.
9. The significance of a TPAR Discussion Paper needs careful explaining.
10. Many mayors and elected members were not aware of the TPAR Discussion Paper, or were not aware what it meant or were aware of its significance.
11. This process tended to favour local government employees' opinions, above elected members and the community they represent.

11.2 OFFICERS

Nil.

12 MEETING CLOSED TO THE PUBLIC

12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

13 MEETING CLOSURE

The Presiding Member declared the meeting closed at 9.19 PM

CONFIRMED MINUTES OF 22 AUGUST 2017, PAGES 1 – 58 INCLUSIVE.

PRESIDING MEMBER:

POSITION:



DATE: 26 / 9 / 2017