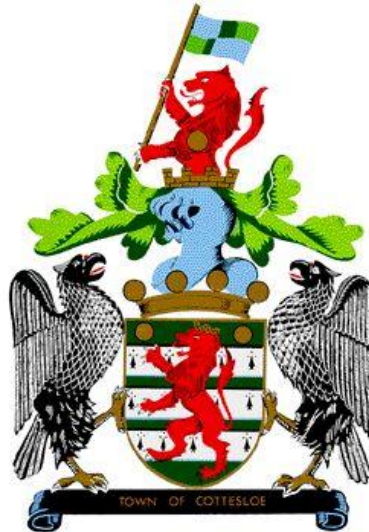


# TOWN OF COTTESLOE



## ORDINARY COUNCIL MEETING MINUTES

ORDINARY MEETING OF COUNCIL  
HELD IN THE  
Council Chambers, Cottesloe Civic Centre  
109 Broome Street, Cottesloe  
7.00 PM, Tuesday 22 November 2016

**MAT HUMFREY**  
Chief Executive Officer

23 November 2016

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Agenda and minutes are available on the Town's website  
[www.cottesloe.wa.gov.au](http://www.cottesloe.wa.gov.au)

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**1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS**

The Presiding Member announced the meeting opened at 07:01 PM.

**2 DISCLAIMER**

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

**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

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

The Mayor extended congratulations, on behalf of the Town of Cottesloe, to local resident Andrew Forrest, who was recently named WA's 2017 Australian of the Year.

The Mayor also congratulated local journalist, David Cohen, for receiving the Arthur Lovekin Prize for Excellence in Journalism. The prize was for the best article produced and published in WA, for a series of articles addressing the changes to strata law in WA.

The Mayor welcomed the Town's new Manager Engineering Services, Nick Woodhouse. Mr Woodhouse has worked in local government for a number of years, including at the Cities of Joondalup and Mandurah.

**4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****QUESTIONS TAKEN ON NOTICE – ORDINARY COUNCIL MEETING  
– 22 OCTOBER 2016**Questions Provided by Cr Boulter Emailed – 13 October 2016

Q1: Is a WorkForce Plan any part of the State government's Integrated Planning and Reporting Framework for Local Government?

A1: Yes.

Q2: Has the Town of Cottesloe ever had a WorkForce plan?

A2: Yes.

Q3: If so, can a copy be obtained on request by a Councillor?

A3: Yes.

Q4: Does the Town of Cottesloe have a current WorkForce Plan?

A4: Yes.

Q5: If not, why not?

A5: N/A.

Q6: If so, is it a confidential document?

A6: No.

Q7: If so, can a copy of the Workforce Plan be circulated to Councillors?

A7: Yes.

Q8: If not confidential, can the Workforce Plan be put on the Town of Cottesloe website?

A8: Yes.

Q9: In respect of Town of Cottesloe planning and development approval conditions, and building licences what site inspections are done as matter of routine by the Town of Cottesloe administration to ensure compliance with the conditions of these approvals?

A9: The inspection regime varies depending on the complexity of the approval and works undertaken.

Q10: If a resident is not satisfied that a neighbouring development is compliant with the conditions relating to the approvals referred to in question 7, what Town of Cottesloe administration response should a resident expect from the Town of Cottesloe administration following any complaint or concern about non-compliance with any such a condition? Should this response include a site inspection and written response to the concerned resident?

A10: The response to a complaint is specific to that complaint. Factors such as any evidence provided, the issue the subject of the complaint and whether or not the complaint can be substantiated affect the type and level of response provided.

Q11: Are Town of Cottesloe Councillors entitled to a copy of all documents relating to a contract let by the Town of Cottesloe?

A11: Yes.

Q12: Is there a written brief for the Town of Cottesloe Town of Cottesloe Foreshore Renewal Plan?

A12: Yes.

Q13: Is there a written brief for the Town of Cottesloe Station Street Place Making Strategy?

A13: Yes.

Q14: Is there a written brief for the Town of Cottesloe Local Bike Plan?

A14: Yes.

Q15: Is there a written brief for the Town of Cottesloe Beach Access Paths Refurbishment Plan?

A15: Yes.

Q16: Can a copy of these briefs be made available to Councillors on request?

A16: Yes.

Q17: What is the role of officer opinion in officer reports to Council?

A17: In the analysis of the relevant facts, laws and submissions, officers will need to provide a professional opinion and/or recommendation from time to time.

Q18: If a Councillor does not have enough information from an officer report to Council in order to make an informed decision, how should that Councillor obtain the missing information? Where should a response to that missing information be recorded on the public record?

A18: If Councillors is of the belief stated above, the appropriate course of action is to move a motion to defer the item, pending a further report.

Q19: What is the role of the "Policy Heading" in Town of Cottesloe Officer Reports to Council and what Policies and what Policy information should be reported under that heading?

A19: The Policy heading in reports is for officers to report on a policy that Council has adopted that guide the current decision Council is being asked to make.

Q20: Having regard to the recent Corruption and Crime Commission report into the Shire of Dowerin 10 October 2016, how were the Town of Cottesloe employee's activities relating to the Corruption and Crime Commission report concerning the Corruption and Crime Commission 4 February 2015 (<https://www.ccc.wa.gov.au/sites/default/files/Report%20on%20>

[Misconduct%20Risk%20in%20Local%20Government%20Procurement.pdf](#)) first drawn to the attention of the Town of Cottesloe administration?

- A20: The report from February 2015 relates to offences that occurred between mid 2010 and mid 2011. These activities were discovered by staff as a part of normal checks undertaken.
- Q21: Having regard to the recent Corruption and Crime Commission report into the Shire of Dowerin 10 October 2016, what new or amended policies and procedures has the Town of Cottesloe administration introduced in response to the Corruption and Crime Commission report concerning the Town of Cottesloe 4 February 2015?
- A21: Nil. A thorough review of the Town's procedures were undertaken following the offences that occurred in 2010 and 2011. While the Town's systems were robust, minor amendments were made in early 2012 in response to these events. Therefore no further action was required in 2015.

Questions Provided by Cr Boulter Emailed – 18 October 2016

- Q1: Does the Town of Cottesloe Policy Code of Conduct (RESOLUTION NO.: 12.1.5 ADOPTION: April 2008 due for REVIEW: April 2012) comply with the guidelines published by the WA Public Sector Commissioner published June 2016 at [https://publicsector.wa.gov.au/sites/default/files/documents/developing\\_a\\_code\\_of\\_conduct\\_guide\\_for\\_local\\_government\\_1.pdf](https://publicsector.wa.gov.au/sites/default/files/documents/developing_a_code_of_conduct_guide_for_local_government_1.pdf) ?
- A1: The document referenced is a "guide" for the development of a code of conduct – it is not a "standard" or "framework" for such policies. However, the current code of conduct was produced broadly in line with the guidelines within the document.
- Q2: If not, when is it proposed that the Town of Cottesloe Code of Conduct will be reviewed by the Town of Cottesloe administration for presentation to Council to promote best governance practice in compliance with the June 2016 recommendations by the WA Public Sector Commissioner?
- A2: No formal review is planned at this stage.

Questions Provided by Cr Pyvis Emailed – 19 October 2016

- Q1: Who or what entity owns the Scout Hall land?
- A1: The Scout Association of Australia, Western Australian Branch Inc ("Scouts WA").



- Q2: Who or what entity received the current building and use approvals for the Scout Hall land?
- A2: Scouts WA.
- Q3: What date did Town of Cottesloe first receive complaints from neighbours regarding traffic and parking problems relating to Scout Hall use?
- A3: August 2014, in response to the proposed Eric Street verge parking bays.
- Q4: Would Town of Cottesloe please provide Elected Members with a copy of the planning and use approval documents before Ordinary Council Meeting 25 October 2016?
- A4: This information was provided to Elected Members via email on 24 October 2016.
- Q5: Would Town of Cottesloe please provide Elected Members with a copy of the Reserve document that shows who the Scout Hall land is vested in and for what purpose, before Ordinary Council Meeting 25 October 2016?
- A5: The Certificate of Title and Memorial were provided to Elected Members via email on 24 October 2016.
- Q6: Who is responsible for the management of the Scout Hall land?
- A6: The Cottesloe Scout and Community Centre (CSCC) is jointly managed by the First Cottesloe Scout Group and North Cottesloe Surf Life Saving Club.
- Q7: Would Town of Cottesloe please provide Elected Members with a copy of any documentation relating to Lotterywest funding arrangements (with any annexures or variations) with the Scout Hall Management Committee that contributed to the redevelopment of the Scout Hall?
- A7: As the Town was not involved in this it is not in possession of such documentation; however, it is understood funding was provided based on the facility being used for Scouts and Community activities, with Cottesloe Playgroup and North Cottesloe Surf Life Saving Club specifically mentioned.
- Q8: Would Town of Cottesloe please provide Elected Members with a copy of the Rules of Association that govern the Scout Hall Management Committee before Ordinary Council Meeting 25 October 2016?

- A8: As the Town is not involved in this it is not in possession of such documentation. It is understood Scouts WA and North Cottesloe Surf Lifesaving Club have an occupancy deed between them regarding the shared management responsibility including a Management Committee.
- Q9: Who are the members of the Scout Hall Management Committee and which organisations do these individuals represent?
- A9: The Management Committee has four representatives, two from Scouts and two from North Cottesloe Surf Lifesaving Club. The current members are: Darren Tootell and Greg Ricket (Scouts), and Ian Clarke and Stephen McConkey (North Cottesloe Surf Lifesaving Club).
- Q10: On behalf of which entity is the Scout Hall Management Committee operating and reporting to?
- A10: Scouts WA and reporting back to their respective organisations.
- Q11: Is the commercial use of the Scout Hall by any yoga and dance classes and other events booked by the Management Committee and is this a permitted use under the current Town of Cottesloe / Western Australian Planning Commission approval?
- A11: The hall is available for hire under the auspices of the Management Committee. The planning approval is by the Town – the Commission is not involved. If the commercial yoga etc classes are seen to be the use *Recreation – Private* under Local Planning Scheme No. 3 then they are not permitted in the zone.
- Q12: Under the current approval arrangements, who is the person or body who would be prosecuted for a use not approved for the Scout Hall buildings?
- A12: Scouts WA, the Management Committee and those conducting the use may be held liable.
- Q13: How many onsite parking bays would the R-Codes require for the current commercial use of the Scout Hall?
- A13: The R-Codes don't apply to non-residential zones/developments. Under Local Planning Scheme No. 3, the parking requirement is discretionary, to be determined by the local government having regard to the demand, the nature of the use, the number of persons involved and the likelihood of traffic congestion.
- Q14: Is the commercial use of the Scout Hall capable of being approved if the Scout Hall Management Committee lodged a

planning application for approval of commercial use (such as yoga and dance classes and other events)?

A14: Not if the use is seen as not permitted as mentioned above. However, under Local Planning Scheme No. 3, were the use seen to be undefined, the local government has discretion to consider that it is consistent with the zone objectives so may be permitted. Alternatively, a scheme amendment could be considered to allow additional uses with associated conditions.

In this respect the Local Planning Strategy states: *In addition, the land use zones of LPS3 can provide opportunities for the location of services and facilities provided by the private sector, in particular those that cater to the needs of the aged population, such as medical, financial and leisure providers. Under LPS3 include land use opportunities for community-based personal services provided by the private sector to locate in appropriate zones.*

Q15: Have the Minister for Lands and Western Australian Planning Commission been advised of the issues relating to the non-permitted/non-approved commercial use of the Scout Hall?

A15: No.

Q16: If the Minister for Lands and Western Australian Planning Commission have been advised, would Town of Cottesloe please provide Elected Members with a copy of this advice and any response/s?

A16: N/A.

Q17: If the Minister for Lands and Western Australian Planning Commission have not been advised of the non-permitted commercial use of the Scout Hall, why not?

A17: The Town has been liaising with Scouts WA and the Management Committee on the matter.

Q18: Are the audio recordings made by Town of Cottesloe of Agenda Forums and Ordinary Council Meetings available under the *Freedom of Information Act 1992*?

A18: Each application made under the *Freedom of Information Act 1992* has to be assessed on the merits of that application.

Q19: Would Town of Cottesloe/Mayor please explain why Town of Cottesloe has not undertaken community consultation with residents and ratepayers prior to engaging solicitors to draw up the Draft License for Sculpture by the Sea Inc.?

- A19: The agreement was replacing a long standing agreement.
- Q20: Does Town of Cottesloe charge Sculpture by the Sea Inc. a fee for using the Cottesloe beachfront for its annual event?
- A20: No.
- Q21: Does Town of Cottesloe/Council provide any financial support/payments (in addition to the considerable Town of Cottesloe staff resources that are provided to assist manage the event and ensure the impact of the Sculpture by the Sea event on local residents is minimised AND its annual obligation to purchase an artwork) to Sculpture by the Sea Inc. for this event?
- A21: Yes.
- Q22: If the proposed Draft License for Sculpture by the Sea Inc. includes a sum of \$15,000 to be paid by Council if/when it doesn't not purchase an annual artwork, is Council able to purchase an artwork from the "Miniatures Exhibition" (less than \$15,000) in lieu of this proposed \$15,000 payment?
- A22: No.
- Q23: What is the dollar amount Council budgets annually to purchase an artwork from Sculpture by the Sea Inc.?
- A23: \$79,350.
- Q24: Would Town of Cottesloe please advise the dollar cost (funded from existing budget allocations) of the considerable Town of Cottesloe staff resources that are provided to assist manage the event and ensure the impact of the Sculpture by the Sea event on local residents is minimised?
- A24: No staff are assigned to this event specifically. The event impacts on the works supervisor who attends a half-day meeting to inspect the sculptures for safety, and senior staff who may be called upon if issues arise.
- Works staff do spend additional time on litter patrols and clean ups during the event, however, this additional work can be required on days when the event is not in place if weather conditions cause large numbers to attend the beach.
- Q25: Does Town of Cottesloe receive an increase in revenue from parking infringements issued over the three week period that the Sculpture by the Sea event is held? If so, how much is this revenue over and above the average revenue received by Town of Cottesloe over the event period?

A25: Parking revenue is affected by many factors; the most significant of which is weather. It is likely that with the large numbers of visitors that attend Sculpture by the Sea there is an increase in parking revenue, but no study has been undertaken to ascertain what this is.

Patricia Carmichael, 14/116 Marine Parade, Cottesloe – Re. Barchetta Café – Request for Expanded Lease Area

Q1: If the reserve is extended as proposed, will Council ensure that any redevelopment of the Barchetta building includes a kiosk to service beach goers?

A1: Any development on the site will be the subject of further approvals and the use of the site would be considered at that stage.

Re. License Agreement Portions of Reserves 44617, 6869 and 13718 (Cottesloe Beach) – Sculpture by the Sea Incorporated

Q1: Why does Council need to pay \$15,000 per annum, if no sculpture purchase is made? Can this be left out of the contract?

A1: The arrangements were negotiated with the event organisers and represent the minimum funding requirements of the organisers to host the event.

Helen Sadler, 39 Griver Street, Cottesloe – Re. Perth at 3.5 Million Intergrated Transport Plan

Q1: What is the Town of Cottesloe's position on the aspects of the Perth at 3.5 Million Intergrated Transport Plan, which will affect people who live in Cottesloe and the surrounding suburbs?

A1: The Council has not formed an opinion on this document.

Q2: Has the Town of Cottesloe made a submission in response to the Intergrated Transport Plan? If not, why not?

A2: No. The Town wasn't in a position to make a formal response in the time provided.

Gill Vivian, 115 Eric Street, Cottesloe - Re. License Agreement Portions of Reserves 44617, 6869 and 13718 (Cottesloe Beach) – Sculpture by the Sea Incorporated

Q1: Is there going to be public parking available within the Cottesloe grounds?

A1: This hasn't been considered at this stage.

Q2: Who pays for the beach clean up?

A2: The Town's staff and event volunteers undertake the cleaning of the beach in the course of their ordinary duties.

Q3: What benefit is the event to residents?

A3: Hosting an event such as Sculpture by the Sea provides residents with an opportunity to enjoy an artistic event in the beach environment.

Peter Rattigan, 9 Grant Street, Cottesloe – Re. Barchetta Café – Request for Expanded Lease Area

Q1: What is the purpose of excising the land around Barchetta from the beach reserve, to the exact proportions required by Yellowdot Enterprises for the expansion of the leased area, if there is no intention by Council to go ahead with the development at this stage?

A1: The application is being made to determine whether or not boundaries can be adjusted. Until this is known, detailed consideration of a proposal is not appropriate.

Q2: If the excision of the area out of the reserve is not for the precise purpose of expanding Barchetta, then why is Council moving to excise the land?

A2: See above.

Q3: Why was the proposal from Yellowdot Enterprises not provided to the consultants developing the Foreshore Plan?

A3: They are separate considerations.

Q4: Has a structural report been done on the original building on which Barchetta sits?

A4: Not at this stage.

Q5: What would be the parking requirement for a licenced restaurant seating 75 people?

A5: There is not a specific requirement for this site and parking will be considered at the development application stage.

Q6: Has the issue of parking been looked at in relation to this proposed excision on land? If so, what effect is the proposed expansion likely to have on parking in the area?

A6: Parking requirements will be considered at the development approval stage.

**QUESTIONS PROVIDED BY CR BOULTER EMAILED –  
6 NOVEMBER 2016**

**WILDFIRE**

Q1: Does the Town of Cottesloe have a Wild Fire Risk and Management Strategy?

Q2: If yes, where can it be accessed?

Q3: If not, why not?

Q4: What policies and procedures does the Town of Cottesloe have in place for managing vegetation that could pose a wildfire risk on:

a. Reserves; and

b. Private Land?

Q5: Who should residents and ratepayers contact in respect of land that they believe has vegetation or other flammable material that could pose a wildfire risk to the residents and ratepayers of Cottesloe and/or their neighbours?

**TOWN OF COTTESLOE ENTRY STATEMENTS**

Q6: What would be the procedure for renewing the entry statements to Cottesloe on pedestrian, cycle and road entries to the Town of Cottesloe?

Q7: When was the current signage established at South Cottesloe?

**RUBBISH COLLECTION HOT NIGHTS MAIN BEACH**

Q8: Does the Town of Cottesloe provide extra rubbish bins and collection facilities at the beach for hot weather evenings?

Q9: If not, what would be the cost of providing this extra service for patrons of our main beaches?

Q10: If so, what are the extra arrangements?

Q11: Does the Town of Cottesloe provide a ranger service at the main beach on hot nights to control littering, unruly behavior and illegal parking?

Q12: If not, what would be the cost of providing this extra service for patrons of our beach?

Q13: If yes, what are the extra arrangements?

#### TOWN OF COTTESLOE REPORTING TO COUNCIL FRAMEWORK

Q14: What are the Town of Cottesloe administration reporting requirements/obligations to Council from the "Integrated Planning and Reporting Framework and Guidelines" once the documents created under the IPR (such as the Community Strategic Plan) have been adopted by Council?

#### STATE ADMINISTRATIVE TRIBUNAL REVIEW OF 220 MARINE PARADE JOINT DEVELOPMENT ASSESSMENT PANEL REFUSAL

Q15: Will the Town of Cottesloe seek to be heard as a third party in the State Administrative Tribunal hearing of the appeal by the owner of 220 Marine Parade against the Joint Development Assessment Panel refusal of the development application for 220 Marine Parade?

Q16: If not, why not?

Q17: If not, what would it require for the Town of Cottesloe to seek leave to give evidence as a third party in the appeal?

Q18: If yes, who will appear seeking leave to give evidence as a third party and who will give evidence on behalf of the Town of Cottesloe if leave is granted?

A: The Mayor took the questions on notice.

#### QUESTIONS PROVIDED BY CR PYVIS EMAILED – 16 NOVEMBER 2016

Q1: As no Minutes of AGENDA FORUMS are kept, can Elected Members be provided with copies of "action notes" recorded by Town of Cottesloe Administration at monthly AGENDA FORUM meetings (ref Principle 13 in CEO's AGENDA FORUM PRINCIPLES) as a matter or practice?

Q2: Is an AGENDA FORUM meeting a council meeting or council committee meeting for the purpose of the *Local Government Act 1995*? If yes, what is the authority for this?

Q3: What are the *Local Government Act 1995* regulations/requirements for an Elected Member's attendance at AGENDA FORUMS?

Q4: As Current Agenda Forum Principles are written by the CEO and have not been adopted by Council, what is the part of the *Local Government Act 1995* or the Council Resolution that binds Elected members to these Principles?



- Q5: What are the rules that bind the conduct of Elected Members at Town of Cottesloe Agenda Forums?
- Q6: Do Town of Cottesloe STANDING ORDERS apply to Agenda Forums? If not, why not? If yes, which Act or Regulation or resolution of Council applies Town of Cottesloe Standing Orders to AGENDA Forums?
- Q7: Regarding attendance at Agenda Forum meetings, how many Agenda Forum meetings can an Elected Member be absented from?
- Q8: Which Act or Regulation or resolution of Council informs the answer above?
- Q9: Are the BRIEFING FORUM Notes (not Agenda Forums or Ordinary Council Meetings), provided confidentially to Elected Members by the CEO, available under the *Freedom of Information Act 1992*?
- Q10: Are the "non-confidential" parts of the BRIEFING FORUM Notes (not Agenda Forums or Ordinary Council Meetings) provided confidentially to Elected Members by the CEO available to the public?
- Q11: Further to a ratepayer's enquiry, what is
- the number of people employed at the Town of Cottesloe
  - the title of each position
  - the FTE of each position
  - the name of the person currently holding each position?
- Q12: Further to a ratepayer's enquiry, what are the annual payments (remuneration) made to Elected Members
- the Mayor
  - the Deputy Mayor
  - each of the other 7 Councillors?
- Q13: What remuneration (other than that referenced in Question 12 above) does/do the Mayor, Deputy Mayor and Councillors receive for Elected Member work such as sitting on a Development Assessment Panel (DAP)?

A: The Mayor took the questions on notice.

#### **4.2 PUBLIC QUESTIONS**

Nil

**5 PUBLIC STATEMENT TIME**Tim Brazier, 10 McLaren Street, South Fremantle – Re. 10.1.6 Cottesloe Surf Life Saving Club Inc. – Request for Patrol Tower at South Cottesloe

- While Windsurfing WA supports any additional safety services in the south Cottesloe area, the organisation does not support the patrol tower being placed in the proposed location.
- A patrol tower in the proposed location represents a loss of amenity for windsurfers, due the impact in the rigging area and blocked access to the beach access path.
- There has been a lack of consultation with affected stakeholders. Windsurfing WA would like to be involved in any future discussions on the matter.

Kevin McCabe, Cottesloe – Re. 10.1.8 Procott – Request for Funding Assistance

- Procott's request for funding assistance for Christmas decorations is part of a five year plan.

**6 ATTENDANCE**Present

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

Officers Present

Mr Mat Humfrey  
Mr Garry Bird  
Mr Nick Woodhouse  
Mr Andrew Jackson  
Ms Siobhan French

Chief Executive Officer  
Manager Corporate & Community Services  
Manager Engineering Services  
Manager Development Services  
Governance Coordinator

**6.1 APOLOGIES**

Nil

Officer Apologies

Nil

**6.2 APPROVED LEAVE OF ABSENCE**

Nil

**6.3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7 DECLARATION OF INTERESTS**

Mayor Dawkins declared an impartiality interest in item 10.1.3 due to being a member of the Cottesloe Tennis Club.

Mayor Dawkins declared an impartiality interest in item 12.2.1 due to having met the owners of the property.

Cr Downes declared an impartiality interest in item 10.1.3 due to being a member of the Cottesloe Tennis Club.

Cr Angers declared an impartiality interest in item 10.1.8.

Cr Burke declared an impartiality interest in item 12.2.1 due to having met the owners of the property and knowing the owners for many years.

Cr Rodda declared an impartiality interest in item 12.2.1 due to knowing the owners of the property.

**8 CONFIRMATION OF MINUTES**

Moved Cr Rodda, seconded Cr Burke

[Minutes 25 October 2016 Council.DOCX](#)

The Minutes of the Ordinary meeting of Council held on Tuesday 25 October 2016 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 announced that items 10.1.6, 10.1.2, 10.1.3 and 10.2.1 have been withdrawn for discussion. All other items were dealt with en bloc.

## 10 REPORTS

### 10.1 REPORTS OF OFFICERS

#### PLANNING

##### 10.1.1 PLANNING APPLICATIONS DETERMINED UNDER DELEGATION

**File Ref:** SUB/2040  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Andrew Jackson  
Manager Development Services  
**Proposed Meeting Date:** 22 November 2016  
**Author Disclosure of Interest:** Nil

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#### SUMMARY

This report provides details of the planning applications determined by officers acting under delegation, for the month of October 2016.

#### 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

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**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

During October 2016 the following planning applications were approved under delegation:

<b>Address</b>	<b>Description</b>	<b>Date Determined</b>
1-8/9 Overton Gardens	Amendment to approval	3 October 2016
8 Deane Street	Two-storey dwelling	5 October 2016
26 Broome Street	Two-storey addition	6 October 2016
5/14 Warnham Road	Alterations	12 October 2016
8 Kiln Lane	Two-storey dwelling	14 October 2016
16 Webb Street	Additions	14 October 2016
156A Marine Parade	Additions/alterations	18 October 2016
7 Stanhope Street	Additions/alterations	31 October 2016

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION****Moved Mayor Dawkins, seconded Cr Rodda****THAT Council receive this report on the planning applications determined under delegation for the month of October 2016.****Carried 9/0**

**ADMINISTRATION****10.1.2 COTT CAT SHUTTLE BUS ROUTE ALTERATION**

**File Ref:** SUB/2258  
**Attachments:** [Route Option A](#)  
[Route Option B](#)  
[Route Option C](#)  
[Route Option D](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Melissa Rachan  
Sustainability Officer  
**Proposed Meeting Date:** 22 November 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The long-standing Cott Cat shuttle bus initiative, now in its fourteenth year of operation, underwent a review at an Elected Members workshop with the Town's Council in August.

Most notably, the workshop highlighted Council's desire to modify the service's existing route with a view to increase accessibility to the town centre.

Attached to this report is a map of initial route amendments as proposed by Elected Members at the workshop (route option D) as well as three alternative options, hereon in referred to as route option A, route option B and route option C. The route options are detailed in the 'Staff Comment' section.

This report recommends that Council endorse the revised objectives of the Cott Cat shuttle bus initiative and endorse route option A as the preferred route for the 2016/2017 season.

**BACKGROUND**

The Cott Cat initially emerged as an initiative suggested by the community. Accordingly, the service commenced during the summer of 2002/2003. Support for the service was further consolidated in the Sustainable Development Plan, developed by the former Care for Cottesloe Committee, and adopted by Council in 2003.

Transport was recognised as a major issue in the plan. This resulted in the recommendation to implement a shuttle bus service to deliver beachgoers and restaurant patrons between the train station and beachfront during peak summer periods; enable residents to travel to local shops and services; and discourage antisocial behaviour towards residents and property through encouraging beachfront hotel owners to offer an evening shuttle service.

During its time of operation the service has been subject to various challenges and barriers, some of which reoccur seasonally. For this reason, it has become apparent

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that the service has not been operating to its optimal capacity. As such, the Town's Council attended a workshop to undergo a detailed review of the initiative.

The objectives of the workshop were to ascertain the views of Elected Members regarding the future direction of the service, and to ensure these views form the backbone for determining the key objectives of the initiative for the 2016/2017 season and beyond.

Emerging from the workshop was a desire to reinvigorate the Cott Cat shuttle bus service from the form in which it currently exists. The objective of providing access to the beachfront hotels was seen as outdated due to a reduced number of antisocial behaviour reports stemming from the relevant hotels. Further to this, it was recognised that the service's key demographic comprises of visitors from outside of the local area, with survey data collected over various seasons supporting this claim.

As such, the revised objectives of the initiative are as follows:

1. Serve as the most direct route to the beach, for visitors and residents alike to enjoy the iconic Cottesloe foreshore, the multiple beachfront restaurants and amenities available.
2. Enhance the functionality of the service, to be utilised as a platform for attracting visitors to the town centre and promoting local businesses.
3. Encourage visitors and residents alike to leave their cars at home, with the objective of improving air quality, local traffic congestion, noise and crime.

## **STRATEGIC IMPLICATIONS**

Strategic Community Plan 2013 to 2023

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

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

The above priority area is further reflected in the Town's Corporate Business Plan 2014 – 2018, specifically priority area 3.4:

*"Increase public transport services and solutions for moving people to and from the beach area."*

## **POLICY IMPLICATIONS**

Nil

## **STATUTORY ENVIRONMENT**

Management of the car park on the eastern side of Cottesloe train station is vested in the Public Transport Authority. Therefore, without the managing authority's approval the Town is unable to utilise the proposed area to incorporate an additional Cott Cat stop at its own will.



**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**STAFFING IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

While a fundamental aim of the Cott Cat initiative is to encourage the use of sustainable transport modes, primarily public transport, survey results reveal that a majority of Cott Cat users do not have access to a car. Consequently, the initiative may not have a significant impact on the number of vehicles entering the road network.

Furthermore, any extension to the route from its existing form, such as route option B, C and D, although minor, will nonetheless result in increased use of resources in the form of fuel and, therefore, account for increased greenhouse gas emission entering the atmosphere.

**CONSULTATION**

Extensive consultation regarding potential route modifications has been undertaken with the bus service provider for the 2016/2017 season as well as the Public Transport Authority's Network and System Planner, Principal Contract Coordinator, Contract Manager and Infrastructure, Planning and Service Division.

Furthermore, officers have consulted with Procott in regards to their scope to collaborate with the Town in utilising the Cott Cat initiative as a platform to promote local business. With the Association having recently undergone reorganisation and presently engaged in a rebranding process, it is untimely for the Association to collaborate with the Town over the 2016/2017 Cott Cat season.

**STAFF COMMENT**

While strongly in support of Council's objective to promote the presence of the town centre to patrons of the Cott Cat shuttle bus, it is not recommended that the course of the service is rerouted to run east of Cottesloe train line at this point in time.

At the Elected Members workshop an initial route amendment was discussed, involving the incorporation of a stop in the car park east of Cottesloe train station – see route option D.

Management of the car park comes under the control of the Public Transport Authority. As such, the Town's request to incorporate a drop-off point was denied; correspondence received on 3 November 2016 is as follows:

*“As discussed today, unfortunately the PTA cannot approve the area you have identified for a proposed bus stop in the PTA car park area on the Eastern side of Cottesloe train station. This location has no raised passenger waiting area (and cannot easily be improved) making it dangerous disembarking passengers. This creates an unusually excessive step down creating an unsafe circumstance on PTA land – this is unacceptable to the PTA. In addition, this arrangement is in breach of*

*the Disability Standards for Accessible Public Transport leaving both PTA and the Town of Cottesloe exposed to claims for affected customers.”*

Furthermore, the following feedback was also provided in relation to route option D:

- The drop-off on the eastern side of the station has potential to act as a disservice to passengers with mobility issues, such as passengers with a disability or with prams, as the footbridge does not facilitate their needs or allow for at grade disembarkation.
- A service frequency drop to anything above a fifteen minute route is strongly advised against as frequency is key to driving patronage.
- The dead run in between trips is thought to be unsustainable, unproductive and excessive, almost longer than the route itself, wasting unnecessary resources.
- The service should endeavour to harmonise with the train timetable and the increased travel time may compromise the service’s ability to do this.
- Differential pick up and drop-off locations can cause confusion.

As such, the recommendation from the Public Transport Authority is to meet the second listed objective by focusing on vehicle signage, incorporation of an on-board screen and on-board announcements.

Route options B and C are proposed as alternatives in light of the Public Transport Authority being unable to accommodate the Town’s request. Both route options travel to the eastern side of the train line. However, at approximately a 5.5 kilometre round-trip, either option will result in a thirty minute service frequency.

Proposed route option B runs along Eric Street, however, this stretch of the route was identified as undesirable at the Elected Member’s workshop. Proposed route option C has also been included at the advice of the Public Transport Authority, in order to accommodate the objective of running the service east of the train line.

An additional stop could be included in line with route option C, utilising the existing bus shelter, located on the western side of Stirling Highway. However, this will increase the service’s run time and, therefore, reduce its frequency. For these reasons, it is not advisable that Council proceed with route options B or C.

Upon further investigation officers also advise against utilising the slip road, located on the eastern side of Curtin Avenue, as an entry point for the service to return to stop one. Safety is considered paramount, as such, the risk of contending with the limited space available and undertaking a 180° turn of a bus in a high pedestrian area twenty-two times over the course of the day is not recommended by officers.

Route option A, at approximately a 3.5 kilometre round-trip, runs a direct route between Cottesloe train station and Cottesloe beach. Although this option maintains its position on the western side of the train line, with fewer traffic lights to contend with, this route enables the service to retain its fifteen minute frequency, which is strongly recommended to maintain patronage.

In meeting the objective of utilising the service as a platform to promote local businesses, alternative methods can be sought such as on-board signage and announcements to advertise local businesses and enhance awareness on the presence and location of the town centre. As such option A is the recommended route option for the 2016/2017 season.

On whole, the intention to run the Cott Cat service on the eastern side of the train line with a view to attract visitors to the town centre is supported by officers, therefore, it is recommended that this option is explored for future seasons. However, in order to create an appropriate landscape for facilitating this objective, this may involve obtaining management rights over the Public Transport Authority's car parks.

### **VOTING**

Simple Majority

### **OFFICER RECOMMENDATION**

**Moved Cr Downes, seconded Cr Pyvis**

THAT Council:

1. Endorse the revised objectives of the Cott Cat shuttle bus initiative; and
2. Endorse route option A as the preferred route for the 2016/2017 Cott Cat shuttle bus service.

### **AMENDMENT**

**Moved Cr Pyvis, seconded Cr Boulter**

**That the word "revised" be removed from point one (1) and replaced with the word "following".**

**That the text:**

- i. **Serve as the most direct bus route from Cottesloe Train Station to the Cottesloe foreshore.**
- ii. **Utilise the bus service to advertise local Cottesloe businesses.**
- iii. **Encourage visitors and residents to use public transport."**

**be added to point one (1) after the words "revised objectives of the Cott Cat shuttle bus initiative."**

**Carried 9/0**

### **COUNCIL RESOLUTION**

**THAT Council:**

1. **Endorse the following objectives of the Cott Cat shuttle bus initiative;**
  - i. **Serve as the most direct bus route from Cottesloe Train Station to the Cottesloe foreshore.**

ii. **Utilise the bus service to advertise local Cottesloe businesses.**

iii. **Encourage visitors and residents to use public transport.**

**and;**

2. **Endorse route option A as the preferred route for the 2016/2017 Cott Cat shuttle bus service.**

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 9/0**

*Mayor Dawkins declared an impartiality interest in item 10.1.3 due to being a member of the Cottesloe Tennis Club, and stated that as a consequence there may be a perception that her impartiality may be affected and declared that she could consider the matter on its merits and vote accordingly.*

*Cr Downes declared an impartiality interest in item 10.1.3 due to being a member of the Cottesloe Tennis Club, and stated that as a consequence there may be a perception that her impartiality may be affected and declared that she could consider the matter on its merits and vote accordingly.*

### **10.1.3 NATURAL AREA MANAGEMENT PLAN FOR COTTESLOE TENNIS CLUB LANDSCAPE BUFFER**

**File Ref:** SUB/2278  
**Attachments:** [Natural Area Management Plan for Cottesloe Tennis Club Landscape Buffer](#)  
[Funding Request from Cottesloe Tennis Club](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Melissa Rachan  
Sustainability Officer  
**Proposed Meeting Date:** 22 November 2016  
**Author Disclosure of Interest:** Nil

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### **SUMMARY**

The Town of Cottesloe engaged a consultant to provide a comprehensive management plan for revegetating an area of land that has resulted from the expansion of Cottesloe Tennis Club, and adjoins John Black Dune Park.

Attached to this report is the Natural Area Management Plan and a letter from the Club, outlining its contribution to the project thus far, with a view to seek funding from Council.

This report recommends that Council approve a budget variation of \$6,500 (excluding GST) for the 2016/2017 financial year, to fund a portion of the costs to undertake the actions as outlined in the management plan.

### **BACKGROUND**

In 2014 Council provided support to Cottesloe Tennis Club for expansion of its area to include new grassed and hard courts. Expansion works involved extending the lease boundary some eighteen metres west, into John Black Dune Park, to accommodate the additional courts and provide a landscape buffer.

In line with the 2008 Cottesloe Natural Area Management Plan, John Black Dune Park is classified as completely degraded and, therefore, assigned as one of the highest priorities for development.

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John Black Dune Park is a natural re-growth sandy “park”, recognised as a green space although not formally landscaped or used. The 2008 Cottesloe Natural Area Management Plan identifies the Park as a modified stable dune, stating:

*“The area was extensively cleared in the 1960s and retains only small sections of remnant vegetation at its north east and south east corners. The remainder of the open area is dominated by Victorian Tea Tree and understorey weeds... The highly degraded state and lack of native vegetation makes this park to be more suitably classified as potential natural area (PNA) rather than an existing natural area (ENA), as its management will require establishing native vegetation, rather than enhancing bushland condition.”*

In 2014 the Town sought specialist landscape design consultancy to undertake a draft concept plan for the improvement of John Black Dune Park. The concept plan aimed to restore the Park to a representative natural area including passive recreational and interpretive integration.

However, this project was set aside while the process of preparing a more detailed Foreshore Refurbishment Plan took place. Council have resolved to re-visit the draft concept plan as a part of endorsing the Foreshore Refurbishment Plan for public comment.

### **STRATEGIC IMPLICATIONS**

Strategic Community Plan 2013 to 2023

Priority area 3: Enhancing beach access and the foreshore

Strategy 3.3: *Improve dune conservation outside of the central foreshore zone (implement NAMP).*

The above priority area is further reflected in the Town’s Corporate Business Plan 2014 – 2018.

### **POLICY IMPLICATIONS**

The project relates to Council’s policy framework for the provision and management of public open space.

Although the scope of works within the management plan focuses solely on the landscape buffer resulting from Cottesloe Tennis Club’s expansion, a key objective of the plan is to ensure that revegetation of the project area integrates seamlessly with any future development of John Black Dune Park.

### **STATUTORY ENVIRONMENT**

Cottesloe Tennis Club occupies Crown land reserved for recreation which is vested in the Town, who lease the site to the Club.

It is important to note that while the western landscape buffer is within the extended lease boundary of the Club, the northern buffer adjacent to Bryan Way comes under the Town’s management.

**FINANCIAL IMPLICATIONS**

As per the management plan, recommended actions for the 2016/2017 financial year amount to approximately \$6,500 (excluding GST). This project has not been accounted for in the 2016/2017 budget; therefore, the purpose of this report is to request a budget amendment for the above value.

Of this amount, approximately \$4,000 (excluding GST) is attributed to revegetation of the northern buffer, which comes under direct management of the Town. Conversely, approximately \$2,500 (excluding GST) is attributed to material costs as requested by Cottesloe Tennis Club.

A detailed breakdown of costs can be viewed in Section 5.0 of the attached Plan.

**STAFFING IMPLICATIONS**

Should Council agree to assuming complete responsibility for revegetating the northern buffer, management of the site is likely to involve planting, watering and general maintenance of the area.

**SUSTAINABILITY IMPLICATIONS**

The establishment of 'green corridors' is vital to the preservation of biodiversity within the local area.

Given the Park's proximity to the central foreshore zone dune system, its unique position and large compact shape, this public open space provides much opportunity for improved ecological links.

To this end, the 2015 Cottesloe Natural Area Management Plan Addendum recommends linking John Black Dune Park through the use of plant species indigenous to the site to provide linkages with Peters Pool area, resulting in increased amenity and habitat value locally.

**CONSULTATION**

Preparation of the management plan was undertaken by an environmental consultant with expertise in natural area management.

Additionally, consultation has taken place between representatives of Cottesloe Tennis Club and Coastcare Association.

**STAFF COMMENT**

The expansion of Cottesloe Tennis Club has resulted in the formation of a steep, sandy embankment surrounding the entire western boundary and a portion of the northern boundary, adjacent to Bryan Way.

As such, a Natural Area Management Plan was prepared with the following objectives:

- Stabilisation of the project area to prevent erosion and sand dispersal into surrounding areas.

- Recommend plant species native to the area to function as a windbreak, serving to protect the Club's courts from strong coastal winds.
- Recommend plant species native to the area to form a naturally cohesive and aesthetically pleasing environment.
- Provide a detailed breakdown of management actions and associated costings.

Officers have been working collaboratively with members of Cottesloe Tennis Club and Coastcare Association to provide input into the outcome of the final management plan.

In embarking on preparation of the plan, the process is thought to have strengthened relationships between the involved parties, ensuring that the diverse needs of each group are adequately represented within the plan.

As outlined in the attached letter, it is anticipated that members of Cottesloe Tennis Club and Coastcare Association will work together to undertake the labour associated with planting, watering and maintaining the western landscape buffer. These actions account for the most significant cost and time in the revegetation process.

Further to this, with guidance from the management plan, the Club's members have carried out the following work:

- Bank formation
- Installation of steps to provide access and maintain protection of the area
- Erosion control and dune stabilisation of the western buffer in the form of hessian covering
- Purchasing and planting of some trees and shrubs, primarily in the windbreak zone
- Installation of a drip irrigation system to water the windbreak

In account of Cottesloe Tennis Club's proactive approach to rehabilitate the area to date, the Club has written to the Town seeking funding for the remaining costs to undertake the actions as outlined in the plan. For the western buffer this includes plant procurement and other associated materials.

Within the attached letter, the Club has also requested that the Town assume full responsibility to undertake revegetation works along the northern buffer, lying outside of the Club's lease area.

In light of Council resolving to re-visit the 2014 draft concept plan for John Black Dune Park, the partnership between Cottesloe Tennis Club and Coastcare Association, in conjunction with the Town, is vital to the successful delivery of the management plan actions and, more significantly, the long-term management of the Park.

It is, therefore, recommended that Council approve the budget variation to undertake the works as outlined in the management plan.



**VOTING**

Absolute Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rodda, seconded Cr Angers**

**THAT Council:**

- 1. Receive the Natural Area Management Plan for Cottesloe Tennis Club Landscape Buffer;**
- 2. By absolute majority, approve a budget variation of \$6,500 (excluding GST) for the 2016/2017 financial year to rehabilitate the landscape buffer resulting from the expansion of Cottesloe Tennis Club; and**
- 3. Assume full management for the rehabilitation of the northern boundary landscape buffer, adjacent to Bryan Way.**

**Carried 6/3**

**For: Mayor Dawkins, Crs Angers, Burke, Rodda, Birnbrauer & Downes  
Against: Crs Boulter, Thomas & Pyvis**

**10.1.4 ADOPTION OF UPDATED GROUP FITNESS AND PERSONAL TRAINING POLICY**

**File Ref:** SUB/2194  
**Attachment:** [Group Fitness and Personal Training Policy Submission](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Garry Bird  
Manager Corporate & Community Services  
**Proposed Meeting Date:** 22 November 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

A recommendation is made to adopt an updated Group Fitness and Personal Training Policy.

**BACKGROUND**

At the August Council Meeting, Council voted to adopt the updated Group Fitness and Personal Training Policy for advertising. The Town sought community comment and feedback on the proposed changes to the Group Fitness and Personal Training Policy. Written submissions were invited until Wednesday 2 November 2016.

The changes to the Policy were outlined in the August Council Meeting Agenda and included; updated definitions of class types, eligibility criteria requesting applicants provide evidence of qualifications, first aid knowledge and insurance cover and that trainers display standard signage provided by the Town of Cottesloe.

Only one submission has been received. This submission did not relate to the changes to the Policy, but to the cost of Group Fitness and Personal Training Permits. The amendment to the Schedule of Fees and Charges was not required to have public consultation.

**STRATEGIC IMPLICATIONS**

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

**POLICY IMPLICATIONS**

The Officer's Recommendation is to replace the current Group Fitness and Personal Training Policy with the attached, reviewed Group Fitness and Personal Training Policy.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Town of Cottesloe Local Government Property Local Law 1999*

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**FINANCIAL IMPLICATIONS**

The costs for Group Fitness and Personal Training Permits stated in the 2016/2017 Schedule of Fees and Charges has had a substantial increase from previous years. This will assist with the costs of maintaining the reserves used for the classes.

The implementation of standard Town of Cottesloe signs indicating approval of Group Fitness Classes or Personal Training Sessions will have little financial implication. The Town has a budget for office supplies that staff can order blank plastic signs and staff can make the permits using office materials.

**STAFFING IMPLICATIONS**

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

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

**SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Town of Cottesloe Staff  
Fitness Australia  
Group fitness and personal training providers  
Perth local authorities  
Community Members

**STAFF COMMENT**

Officers have spent considerable time researching and updating the Policy to ensure that it is on par with other Councils whilst still being fair to existing users.

The Group Fitness and Personal Training Policy is important in regulating the use of Council reserves by fitness groups. This ensures that members of the public are not excluded from the use of reserves and public open spaces and equipment as it is based on a first come, first serve basis.

Existing Group Fitness and Personal Training providers have verbally indicated their support to the proposed changes.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Dawkins, seconded Cr Rodda**

**THAT Council:**

- 1. Adopt the updated Group Fitness and Personal Training Policy; and**
- 2. Thank the individual who provided a submission.**

**Carried 9/0**

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**10.1.5 ADOPTION OF THE 2015/16 ANNUAL REPORT AND ANNUAL ELECTORS MEETING**

**File Ref:** SUB/19  
**Attachment:** [Annual Report](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Garry Bird  
Manager Corporate & Community Services  
**Proposed Meeting Date:** 22 November 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

A recommendation is made to accept the Annual Report for the 2015/16 financial year, including the Annual Financial Statements and to hold the Annual General Electors Meeting on Wednesday 14 December 2016.

**BACKGROUND**

The Annual Report (see attached) is made up of a number of reports including those of the Mayor and Chief Executive Officer, an overview of progress towards the Strategic Community Plan and the Corporate Business Plan, the annual financial statements, the Auditor's Report and other statutory and prescribed reports and information.

The last General Meeting of Electors was held on Wednesday 16 December 2015.

The Town of Cottesloe Audit Committee met on Tuesday 1 November 2016, to discuss the Annual Financial Statements and matters raised by the Auditor in their Audit Report and Management Letter. The Committee subsequently resolved as follows;

***“OFFICER & COMMITTEE RECOMMENDATION***

*Moved Cr Rodda, seconded Cr Angers*

*THAT the Town of Cottesloe Audit Committee recommend to Council adoption of the 2015/2016 Audit Report and Management Letter.*

*Carried 3/0”*

At this Audit Committee Meeting, there was a general discussion regarding the Town's financial performance and specific comment on the financial ratios. This discussion is summarised in the following extract from the Audit Committee Minutes;

***“COMMENT ON RATIOS***

*Ratios provide useful information when compared to industry and internal benchmarks and assist in identifying trends.*

*By providing this overview, we aim to improve the understanding of the trends and how they interact. This is beneficial for the allocation of scarce resources and planning for the future.*

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Information relating to the statutory ratios disclosed in the financial report is summarised in the table below and our commentary is provided on the following pages.

	Target Ratio <sup>1</sup>	Actual 2016	Council's Adjusted Ratios					Council's 5 Year Trend <sup>2</sup>	4 Year Average <sup>3</sup>	
			2016	2015	2014	2013	2012	Regional	State	
Current Ratio	≥ 1	1.08	1.08	1.03	1.26	1.20	1.08	↓	1.42	2.29
Asset Sustainability Ratio	≥ 1.1	0.54	0.54	0.82	0.49	0.53	1.13	↓	1.06	1.23
Debt Service Cover Ratio	≥ 10	4.20	4.20	3.03*	3.38	3.89*	3.25	↑	22.23	14.01
Operating Surplus Ratio	≥ 0.15	0.01	0.01	(0.05)*	0.00	0.04*	0.01	↑	0.07	(0.02)
Own Source Revenue Coverage Ratio	≥ 0.9	0.98	0.98	0.91*	0.98	1.01*	0.97	↑	0.94	0.68
Asset Consumption Ratio	≥ 0.75	0.80	0.80	0.73	0.46	0.32	N/A	↑	0.69	1.16
Asset Renewal Funding Ratio	≥ 1.05	1.06	1.06	1.05	1.05	1.05	N/A	↑	0.99	1.00

<sup>1</sup>Target ratios per Department of Local Government Guidelines except the Debt Service Ratio which is a target devised by Moore Stephens (and based on experience). For information, DLGC Guidelines indicate a target Debt Service Cover Ratio of 5.

<sup>2</sup> The 5 year trend compares the 2016 ratio to the average of the adjusted ratios for the last 5 years (except for the Asset Consumption and the Asset Renewal Funding Ratios which are a 4 year trend).

<sup>3</sup> The average in relation to the Regional and State comparisons is a 4 year average of 2012, 2013, 2014 and 2015.

\* Adjusted for "one-off" timing/non-cash items.

## COMMENT ON RATIOS

### Regional and State 4 Year Averages

Regional and State 4 year averages are based on the statutory ratios which have been reported in published financial reports. They provide a useful reference point as they are indicative of trend.

### Commentary on Specific Ratios

#### • Asset Sustainability Ratio

The Asset Sustainability ratio (ASR) expresses capital expenditure on renewal and replacement of existing assets as a percentage of depreciation costs. This ratio is used to identify any potential decline or improvement in asset conditions. A percentage of less than 100% on an ongoing basis indicates assets may be deteriorating at a greater rate than spending on renewal or replacement.

This ratio is below the target level and both Regional and State 4 year averages and is trending downwards against the average over the last five years.

Analysis of the components of the ASR calculation indicate the reason for the downward trend appears to be capital renewal and replacement expenditure being below budgeted levels, rather than an increase in the depreciation costs. However, the reason for the low level of the ratio would appear to be a combination of lower than required capital renewal and replacement expenditure and depreciation costs potentially being higher than the actual consumption of the assets.

Further analysis of renewal and replacement expenditure levels and depreciation costs, (particularly with respect to remaining useful life assessments) may provide greater insights to this ratio.

Interpretation of this ratio should be considered together with the Asset Consumption Ratio (0.80) and the Asset Renewal Funding Ratio (1.06) which are both above target levels and trending upwards.

### **Debt Service Cover Ratio**

The Debt Service Cover Ratio measures Council's ability to service debt out of its uncommitted or general purpose funds available from its operations. Whilst this ratio is below target levels it is trending upwards.

Based on our experience a Local Government of your circumstances with a Debt Service Ratio consistently below 10 would be experiencing difficulty in maintaining their assets and service level over the medium and longer term.

Notwithstanding this, analysis of the level of this ratio in relation to Council's financial position and the other ratios would indicate there are mitigating factors leading us to conclude being below target to a be low risk factor. The mitigating factors referred to are:-

- Council has significant cash reserves;
- a portion of Council's borrowings are self-supporting loans funded by community organisations rather than funds available from operations (noting Council remains responsible should the community organisation be unable to repay their loan to Council);
- Council's Own Source Revenue Coverage Ratio is above target levels.

### **COMMENT ON RATIOS**

#### **Summary**

Overall, as a general comment, the Town's ratio position, appears consistent with prior years.

Whilst some ratios are below the accepted industry benchmark, given the relative strength of the other ratios and the Town's balance sheet and own source revenue capability, lower ratios may be expected and acceptable in the short term, provided other measures/strategies are maximised.

We would also like to take this opportunity to stress one-off assessments of ratios at a particular point in time can only provide a snapshot of the financial position and operating situation of the Town. As is the case with all ratios and indicators, their interpretation is much improved if they are calculated as an average over time with the relevant trends being considered.

We will continue to monitor the financial position and ratios in future financial years and suggest it is prudent for Council and management to do so also as they strive to manage the scarce resources of the Town."

### **STRATEGIC IMPLICATIONS**

Priority Area 6      Providing Open and Accountable Local Governance  
Major strategy 6.2    Continue to deliver high quality governance, administration, resource management and professional development.

The Town is now well placed to proceed with capital upgrades and improvements. The Town's reserves are sound and its assets are generally well maintained. This combination means that with well planned projects, the Town can move forward on some of the more pressing capital improvements required.

### **POLICY IMPLICATIONS**

Nil

### **STATUTORY ENVIRONMENT**

The relevant sections of the *Local Government Act 1995* read as follows:

#### **5.27. Electors' general meetings**

- (1) A general meeting of the electors of a district is to be held once every financial year.

- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

#### **5.29. Convening electors' meetings**

- (1) *The CEO is to convene an electors' meeting by giving -*
  - (a) *at least 14 days' local public notice; and*
  - (b) *each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.*
- (2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.*

#### **5.53. Annual reports**

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain -*
  - (a) *a report from the mayor or president;*
  - (b) *a report from the CEO;*
  - [(c), (d) deleted]*
  - (e) *an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;*
  - (f) *the financial report for the financial year;*
  - (g) *such information as may be prescribed in relation to the payments made to employees;*
  - (h) *the auditor's report for the financial year;*
  - (ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;*
  - (hb) *details of entries made under section 5.121 during the financial year in the register of complaints, including -*

(i) the number of complaints recorded in the register of complaints;

(ii) how the recorded complaints were dealt with; and

(iii) any other details that the regulations may require; and

(i) such other information as may be prescribed.

#### **5.54. Acceptance of annual reports**

(1) Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year. \*

**Absolute majority required.**

(2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

#### **5.55. Notice of annual reports**

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Regulations 15 and 19B of the *Local Government (Administration) Regulations, 1996* require that:

#### **15. Matters for discussion at general electors' meetings s. 5.27(3)**

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

#### **19B. Annual report to contain information on payments to employees s.5.53(2)(g)**

For the purposes of section 5.53(2)(g) the annual report of a local government for a financial year is to contain the following information -

(a) the number of employees of the local government entitled to an annual salary of \$100 000 or more;

(b) the number of those employees with an annual salary entitlement that falls within each band of \$10 000 over \$100 000.

### **FINANCIAL IMPLICATIONS**

The higher than expected surplus at the end of the financial year is a result of many factors, including:



1. The timing of capital projects, most of which will progress to completion in the 2016/2017 financial year and beyond.
2. There were several revenue streams that recorded higher than budgeted income, in particular planning and building fees were higher than expected as were parking revenues.
3. Administration have focused on maintaining the lowest level of operational expenses possible, while ensuring that all possible revenue streams are maximized. This focus does result in operating improvements which allow funds to be reallocated to capital projects.

The cost to produce, print and distribute the Annual Report is minimal and contained within existing operating budget allocations. The Annual Report Summary is not being published this year and will result in a cost saving to Council of approximately \$8,000.

### **STAFFING IMPLICATIONS**

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

### **SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

The Annual Report is presented to the Annual Electors Meeting for the community to be able to comment. At this stage, the Annual Electors Meeting is proposed for Wednesday 14 December 2016.

### **STAFF COMMENT**

The Annual Report as attached contains a thorough analysis of the year ended 30 June 2016. As can be seen from these reports, Council and staff have been exceptionally busy during the last financial year and this will continue through the current financial year.

The report shows that the Town is in a strong position and will be able to progress many strategic projects in the short to mid term. With increasing costs, such as staffing, utilities and waste disposal charges, there continues to be pressure on the Town's operating budgets. This pressure will need to be managed to ensure it does not overly affect rates in future years.

It is recommended that the Town hold its Annual General Meeting of Electors on Wednesday 14 December 2016. It is proposed to hold the meeting in the newly renovated Lesser Hall.

The meeting cannot be held less than 14 days and not more than 56 days from the Council meeting at which the Annual Report is adopted. The date recommended complies with these restrictions, while ensuring that staff have sufficient time to publish the Annual Report for residents to consider prior to the Annual Elector's Meeting.

**VOTING**

Absolute Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Dawkins, seconded Cr Rodda**

**THAT Council:**

- 1. Adopt the Annual Report for 2015/16 as attached;**
- 2. Adopt the 2015/16 Annual Financial Statements as attached to the Annual Report; and**
- 3. Set the Annual General Meeting of Electors for 7:00 PM on 14 December 2016 in the Lesser Hall.**

**Carried 9/0**

**10.1.6 COTTESLOE SURF LIFE SAVING CLUB INC. – REQUEST FOR PATROL TOWER AT SOUTH COTTESLOE**

**File Ref:** PUB/17:87  
**Attachments:** [Cottesloe Surf Life Saving Club Request Plan](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Garry Bird  
Manager Corporate and Community Services  
**Proposed Meeting Date:** 22 November 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

To consider a request from the Cottesloe Surf Life Saving Club Inc. to install a patrol tower for the summer months at South Cottesloe in the vicinity of “Dutch Inn” as per the attached Plan.

**BACKGROUND**

The basis of the request from the Cottesloe Surf Club Inc. is as follows;

*“The Cottesloe SLSC is responsible for patrolling the beach from the Napier Street/Marine Parade intersection North of the Club House, South to the Cable Station and the small stretch of beach on the Cott/Mosman Park boundary. At the moment we patrol the water only, South, using the IRB which can not carry first aid and life saving equipment.*

*With the increased popularity of the South Cott surf spots, the ever increasing number of kite and wind surfers and the large numbers of local residents using the dog beach we have realised a need for a more visible and well equipped outpost closer to the action.*

*The traffic on Marine Parade and the cycle/pedestrian pathway south to Fremantle Surf Club and beyond is increasing and we feel our response time to that part of the beach will be too slow in the case of heart attack, heat stroke, drowning, or missing children.*

*For instance, a dog walker suffers a heart attack at the dog beach adjacent to Beach Street. By the time the lifesavers on the main beach get the message and respond, fifteen minutes has gone by and by the time lifesavers arrive on the scene with defib and oxy viva another fifteen minutes has passed. Patient is dead when ambulance arrives five minutes later.*

*Response time from the proposed South Cott Patrol Post equipped with defib and oxy viva would be two minutes. Patient has pulse and is breathing when the ambulance arrives twenty minutes later.*

*In recent years South Cottesloe has seen many accidents involving cars, bike riders, pedestrians and surfers. Many of those accidents have resulted in many serious injuries and death on at least four occasions*

*The tower will have instant direct radio contact with Surfcom (ambulance), Rescue Chopper (search and rescue), CottSurf Main Beach Patrol and Water Police if necessary.*

*We also think the presence of lifesavers and life saving equipment will give confidence and offer a feeling of security and wellbeing to the beach goers at South Cott.*

*I have chosen the site identified on the location map because it is visible from the road, the pathway and the beach. From that location "straddling" the groyne at Dutch Inn we can monitor the dog beach South and the surf beach North. The site has a level solid surface next to the playground and lots of empty space around it. It will be a great stop off point for a rest and a chat with lifesavers who can give out water, sun cream and advise to walkers, bike riders, kite surfers and swimmers when gearing up and heading for the waves.*

*I hope this explains our thoughts and strategy for introducing life saving and first aid services to South Cottesloe."*

### **STRATEGIC IMPLICATIONS**

There are no strategic implications arising from the Officer Recommendation

### **POLICY IMPLICATIONS**

Beach Policy

The installation of a patrol tower in the South Cottesloe area is permitted under the provisions of this Policy.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government Property Local Law 2011*

*Local Government Beaches and Beach Reserves Local Law 2012*

### **FINANCIAL IMPLICATIONS**

There are no financial implications arising from the Officer Recommendation.

### **STAFFING IMPLICATIONS**

There are no staffing implications arising from the Officer Recommendation.

### **SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications arising from the Officer Recommendation.

### **CONSULTATION**

Cottesloe Surf Life Saving Club Inc.

**STAFF COMMENT**

Staff are generally supportive of the request; being of the view the installation of a patrol tower at South Cottesloe would enhance public safety in this area.

The location of the tower is not considered ideal as the site chosen is popular with windsurfers who use this grassed area for setting up their equipment. It is recommended that alternative sites be explored in consultation with the Club and that the final location is to be approved by the Chief Executive Officer.

The Cottesloe Surf Life Saving Club Inc. has indicated that there would be no sponsorship signage on the new tower other than a small acknowledgement of the State Government who has funded the purchase of the tower and the Club's logo.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

**Moved Cr Rodda, seconded Cr Burke**

THAT Council:

1. Approve the installation of a lifeguard patrol tower in the vicinity of the area known as "Dutch Inn" for the summer 2016/17 season;
2. That the final location is to be approved by the Chief Executive Officer; and
3. That this be reviewed in April 2017 following public consultation.

**PROCEDURAL MOTION & COUNCIL RESOLUTION**

**Moved Mayor Dawkins, seconded Cr Pyvis**

**THAT Council defer the item.**

**Carried 9/0**

**FINANCE****10.1.7 FINANCIAL STATEMENTS FOR THE MONTH ENDING 31 OCTOBER 2016**

**File Ref:** SUB/2256  
**Attachments:** [Financial Statements](#)  
**Responsible Officer:** Garry Bird  
**Author:** Manager Corporate & Community Services  
Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 22 November 2016  
**Author Disclosure of Interest:** Nil

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**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**

Nil

**POLICY IMPLICATIONS**

Town of Cottesloe Investment Policy

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

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**STAFFING IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**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 31-10-2016 is \$7,425,797 and is in line with previous financial years as shown on pages 2 and 22 of the attached Financial Statements.
- Rates receivable as at 31-10-2016 stood at \$3,346,436 of which \$179,494 relates to deferred rates.
- Operating revenue is less than year to date budget by \$6,609 and operating expenditure is \$1,230,178 less than year to date budget. A more detailed explanation of material variances is provided on page 21 of the attached Financial Statements and it should be noted that depreciation expenses have not been posted for 2016/17.
- Expenditure on capital works is \$895,238 as compared to a year to date budget of \$1,910,559 with a full capital works program listing shown on pages 33 to 36. As at 31-10-16 the year to date expenditure for capital works was 20.1% of the total.
- 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 31-10-2016 Employee Costs were \$60,336 more than year to date forecasts.

A breakdown of reserve funds is shown in note 9 on page 27 with the balance of reserve funds at \$10,821,521 as at 31-10-2016.

**List of Accounts for October 2016**

The List of Accounts paid during October 2016 is shown on pages 37 to 43 of the attached Financial Statements. The following significant payments are brought to Council's attention:-

- \$29,644.00 to Fines Enforcement Registry for fees relating to recovery of unpaid infringements
- \$56,373.30 & \$44,347.53 to Suez Recovery and Recycling for waste collection services
- \$155,101.87 to Colgan Industries for the restoration works at the Lesser Hall
- \$28,820.00 to B & B Waste Contractors for verge waste collection services
- \$123,515.20 to WA Treasury for loan repayments

- \$28,777.85 to WMRC waste disposal services
- \$28,710.00 to Claremont Asphalt for asphalt works
- \$32,779.45 to Surf Life Saving WA for life guard services
- \$121,107.36 to Local Government Insurance Services for Council's insurances
- \$88,555.58 & \$85,353.23 to Town of Cottesloe staff for fortnightly payroll

**Investments and Loans**

Cash and investments are shown in Note 4 on page 23 of the attached Financial Statements. Council has approximately 38% of funds invested with National Australia Bank, 26% with Bankwest, 25% with the Commonwealth Bank of Australia and 11% with Westpac Banking Corporation.

Information on borrowings is shown in Note 10 on page 30 of the attached Financial Statements. As at 31-10-2016 the Town had \$4,898,016 of borrowings outstanding.

**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 in line with the previous year.

Sundry debtors are shown on Note 6, pages 25 and 26 of the attached Financial Statements with 31% or \$30,440 older than 90 days. Outstanding infringements are summarised on page 26 of the attached Financial Statements. As at 31-10-2016 the total outstanding value of infringements was \$423,153 with the majority of this over ninety days old.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Dawkins, seconded Cr Rodda**

**THAT Council receive the Financial Statements for the period ending 31 October 2016 as attached.**

**Carried 9/0**



*Cr Angers declared an impartiality interest in item 10.1.8 and stated that as a consequence there may be a perception that his impartiality may be affected and declared that he could consider the matter on its merits and vote accordingly.*

### **10.1.8 PROCOTT – REQUEST FOR FUNDING ASSISTANCE**

**File Ref:** SUB/1540  
**Attachments:** [Budgeted Donations](#)  
[Letter from ProCott](#)  
[Donation Policy](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Garry Bird  
Manager Corporate & Community Services  
**Proposed Meeting Date:** 22 November 2016  
**Author Disclosure of Interest:** Nil

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### **SUMMARY**

Council is being asked to consider a request from Procott Inc. for a donation of \$10,000 to assist with the cost of placing Christmas decorations in Napoleon Street this year.

The total cost of the installation for this year is estimated to be \$21,314.25, with ProCott Inc. contributing the balance of \$11,314.25.

### **BACKGROUND**

Each year Council makes a series of grants/donations to community groups as a part of its budget process. This year \$39,000 of the \$40,000 available has been allocated to community groups. The list of allocations can be found in Attachment 1.

Procott have previously written to Council, outlining their intention to place Christmas decorations in the public spaces within the Town Centre over time. The display is intended to incrementally increase each year, as outlined in the letter provided as Attachment 2.

Council resolved in November 2015 to provide \$5,000 funding to ProCott Inc. to commence the purchase of Christmas decorations, which represented 50% of the total cost.

### **STRATEGIC IMPLICATIONS**

Priority Area 1 Protecting and enhancing the wellbeing of residents and visitors.  
Major Strategy 1.3 Identify places to host more cultural events and activities.

The Christmas decoration project is in keeping with this strategic objective by providing increased activity in the Cottesloe Town Centre, especially given the decision by ProCott Inc. to discontinue the “Hullabaloo Festival”.

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**POLICY IMPLICATIONS**

The Town has a Donations Policy (Attachment 3). The assessment criteria of this policy would support this application. A brief assessment is included below;

- Procott are an eligible group for a donation as they have a visible presence within Cottesloe;
- The project for which funds are being applied for will have a benefit to Cottesloe residents;

**STATUTORY ENVIRONMENT**

Section 6.8 of the Local Government Act 1995 Applies. This section states:

***6.8. Expenditure from municipal fund not included in annual budget***

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or*
  - (b) is authorised in advance by resolution\*;* or
  - (c) is authorised in advance by the mayor or president in an emergency.*

*\* Absolute majority required.*

As no allowance has been made in the annual budget for this particular item, a Resolution of Council (by absolute majority) is required for the total expenditure.

**FINANCIAL IMPLICATIONS**

While there has been no allowance made in the Town's budget for this item, the Town's current budget situation will allow for the expenditure to be incurred and accounted for in the mid-year budget review. A combination of savings on other projects and a higher level of income than budgeted will more than cover this additional expenditure.

**STAFFING IMPLICATIONS**

There are no staffing implications arising from the Officers Recommendation.

**SUSTAINABILITY IMPLICATIONS**

The lights on the proposed installations are LED lights, which will keep energy consumption to a minimum.

**CONSULTATION**

Nil – as the application was received late, no time has been available for further consultation.

**STAFF COMMENT**

The application being made by Procott is supported by staff in this instance. The reasons being are;

- Procott are requesting 50% of the costs, with the remaining costs being met by the organisation itself;

- The placement of these decorations will enhance the amenity of the area during the Festive Season;
- Procott appear to have a well thought through plan not only for this year's installation, but for the incremental increase for these decorations in the years ahead.

**VOTING**

Absolute Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Dawkins, seconded Cr Rodda**

**THAT Council, by Absolute Majority:**

- 1. Approve the allocation of \$10,000 to Procott as a donation (to be included in the Donations List) for this financial year; and**
- 2. Approve the temporary placement of Christmas Decorations on Napoleon Street, subject to the placement and method of attachment being to the satisfaction of the Chief Executive Officer.**

**Carried 9/0**

## 10.2 REPORT OF COMMITTEES

### AUDIT COMMITTEE – 01 NOVEMBER 2016

#### 10.2.1 REVIEW OF THE LONG TERM FINANCIAL PLAN

**File Ref:** SUB/2298  
**Attachments:** [Revised 10 Year Financial Plan](#)  
**Responsible Officer:** Garry Bird  
**Author:** Manager Corporate & Community Services  
Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 22 November 2016  
**Author Disclosure of Interest:** Nil

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#### SUMMARY

Council is being asked to consider endorsing a review of the 10 Year Financial Plan.

#### BACKGROUND

The Town, as a part of the State's Integrated Planning and Reporting Framework (IPRF), is required to consider its financial position when examining either the Corporate Business Plan or the Strategic Community Plan. It is recommended that a financial plan, of not less than 10 years, be used for such considerations.

#### STRATEGIC IMPLICATIONS

While there are many estimations and forecasts required for the compilation of the 10 year plan, it does show the trend for Cottesloe is positive. The sale of the depot will allow several strategic projects to proceed.

One note of caution the plan does raise though is that with the improvements expected at the foreshore and town centre, there will be a corresponding increase in the amount of depreciation the Town records each year. The Department provides guidance that the asset sustainability ratio should remain above 0.9, or alternatively, the amount of money spent on asset replacement each year should be more than 90% of the depreciation expense for that year.

The Town's asset sustainability ratio exceeds the level required for this ratio (significantly) in the first year of the plan, but then dips slightly below the required level for the next five years before rising above the recommended target level of 0.9. This is logical, in that in the first stage of the plan, the renewal works undertaken well and truly exceed the level of depreciation, however, they add to the depreciation expense from that point on, where the Town has little renewal works left to do.

The Town's officers will make representations to the Department that the ratio could be improved by including net reserve transfers to the asset renewals, as recently renewed assets don't generally need further works, but money should be set aside for their renewal when required.

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

**FINANCIAL IMPLICATIONS**

Overall, the Town finances for the next 10 years are looking positive. Rate increases are kept to a minimum while the major strategic projects are able to be achieved.

In the first years of the plan, there will be a shift in the Town's finances, as major capital works are scheduled at the foreshore. The Town had previously considered reducing its debt using some of the funds from the sale of the Council depot, however the penalties for doing so were so large that management have deemed this not to be prudent. This can be reviewed on an ongoing basis as external factors such as changes to the prevailing interest rate will have a large bearing on this.

The plan has been prepared on the basis of the information available at present, including any funding. If State grants or assistance were to become available for any of the large projects within the plan, the flow on effect to the Town's overall position would be significant. The lower the replacement loans can be kept, the stronger the position the Town will be in.

**STAFFING IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

*Local Government Act 1995*

**CONSULTATION**

Nil

**STAFF COMMENT**

Overall, the plan shows that the Town is able to progress major strategic projects, while reducing its debt burden in the medium to longer term. The ten year plan shows a series of either small surplus or small deficits over the ten years. In the event that in any financial year the Town experiences increased levels of surplus's (as has been the case in recent financial years) then it would be prudent that the Town use these resources either for asset renewal or transfers to reserves to be used for asset renewal in future years.

When considering average rate increases for such plans, we are mindful of what economic conditions could be like in 5 to 10 years time. At present, inflation is low, commodity prices are low and interest rates are low. The prospect of all three of these factors remaining at their record lows for the next 10 years is difficult to forecast. In reality, the current economic conditions are unusual, and in all likelihood, will change in the next 5 to 10 years, which will have an impact on the Town's expenses, and hence rates.

The average rate increase across the plan is set at 4.00%. This figure can be re-examined on an annual basis during budget preparation. In all likelihood, the actual rate increase will likely be lower in the first few years of the plan and then slightly higher in the second half of the plan, as economic conditions change. Officer have used averages for these calculations (for all figures) to show that if conditions remain within the normal ranges, the Town's finances will remain strong.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rodda, seconded Cr Downes**

**THAT Council endorse the 10 Year Financial Plan as presented to the Audit Committee on 01 November 2016.**

**Carried 6/3**

**For: Mayor Dawkins, Crs Angers, Burke, Rodda, Birnbrauer & Downes  
Against: Crs Boulter, Thomas & Pyvis**

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

Nil

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

Nil

**12.2 OFFICERS**

The Chief Executive Officer tabled a report, *No. 25 Mann Street – Proposed Four Lot Subdivision*.

**Moved Mayor Dawkins. seconded Cr Rodda**

**That the report *No. 25 Mann Street – Proposed Four Lot Subdivision* be considered at urgent business.**

**Carried 9/0**

*Mayor Dawkins declared an impartiality interest in item 12.2.1 due to having met the owners of the property, and stated that as a consequence there may be a perception that her impartiality may be affected and declared that she could consider the matter on its merits and vote accordingly.*

*Cr Burke declared an impartiality interest in item 12.2.1 due to having met the owners of the property and knowing the owners for many years, and stated that as a consequence there may be a perception that her impartiality may be affected and declared that she could consider the matter on its merits and vote accordingly.*

*Cr Rodda declared an impartiality interest in item 12.2.1 due to knowing the owners of the property, and stated that as a consequence there may be a perception that his impartiality may be affected and declared that he could consider the matter on its merits and vote accordingly.*

**12.2.1 NO. 25 MANN STREET – PROPOSED FOUR-LOT SUBDIVISION**

**File Ref:** 3460  
**Attachments:** [Aerial](#)  
[Property Photos](#)  
[MI Place Description](#)  
[WAPC Location Plan](#)  
[Applicant Submission](#)  
[Subdivision Plan](#)  
**Responsible Officer:** **Mat Humfrey**  
**Chief Executive Officer**  
**Author:** **Andrew Jackson**  
**Manager Development Services**  
**Proposed Meeting Date:** **22 November 2016**

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**Author Disclosure of Interest:** Nil

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## **SUMMARY**

This subdivision matter was included in the Delegation List of 18 November 2016 and has been called-up to Council. The Town's comment is required by 9 December 2016, hence this late item to the November Council meeting as the December Council meeting is after the due date – the Western Australian Planning Commission generally prefers not to extend the comment period.

The recommendation is to advise the Commission that the proposal should not be supported.

## **BACKGROUND**

Subdivisions are determined by the Western Australian Planning Commission, who refers applications to the Local Government and other agencies for comment within 42 days.

The Commission operates under its relevant legislation and policies in determining applications. It imposes conditions on approvals or refuses proposals for reasons, either of which are appealable to the State Administrative Tribunal.

## **STRATEGIC IMPLICATIONS**

Relates to infill subdivision/housing, heritage and streetscape.

## **POLICY IMPLICATIONS**

Governed by Western Australian Planning Commission subdivision policies.

## **STATUTORY ENVIRONMENT**

*Planning & Development Act 2005*

Local Planning Scheme No. 3

Residential Design Codes

Western Australian Planning Commission Development Control Policies 1.1

Subdivision of Land General Principles and 2.2 Residential Subdivision

## **FINANCIAL IMPLICATIONS**

Nil

## **STAFFING IMPLICATIONS**

Nil

## **SUSTAINABILITY IMPLICATIONS**

Nil

## **CONSULTATION**

The statutory subdivision process does not include advertising. Comments from Local Governments and agencies address the public interest. The referral period enables the Town's officers to assess proposals at a technical level having regard to

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local controls (eg zoning, density, etc) for comment and recommendation to the Commission.

Local Governments do not have official discretion to advertise subdivision applications that are not theirs, and are not necessarily in a position to answer questions about applications. If advertising was undertaken by the Local Government (within the timeframe) the Commission is not obliged to consider neighbour/community comment and false expectations may be raised – there is no third party appeal right.

Most applications are relatively minor and comply, which can be supported by the Town and are approved by the Commission. Occasionally proposals do not comply and/or would have adverse impacts, which are not supported, although in its judgement the Commission may approve or modify a proposal.

### **STAFF COMMENT**

The landowners are JWS and AE Loh and the applicant is Kim McGowan Licensed Surveyor.

The application proposes a two-stage subdivision of Lots 27 and 28 Mann Street. The purpose of staging is not stated, but presumably it relates to keeping options open, interim accommodation, financing, etc. Neither is the timing of staging mentioned, which would have to occur within the three-year period for an approval to be implemented.

The lots are zoned Residential R20 under Local Planning Scheme No. 3 and have a combined area of 1666m<sup>2</sup>.

#### **Stage 1 – retaining existing dwelling:**

Proposed Lot 1: 380m<sup>2</sup> (excluding pedestrian access leg: 320m<sup>2</sup>)  
Proposed Lot 2: 385m<sup>2</sup>  
Proposed Lot 3: 900m<sup>2</sup>

The proposed three lots satisfy the average (450m<sup>2</sup>) and minimum (350m<sup>2</sup>) lot areas required under the Residential Design Codes, given the overall site area. However, if the proposed pedestrian access leg is excluded, the effective area of Lot 1 is only 320m<sup>2</sup>, making it small for the R20 locality. Also, Lot 1 provides the minimum 10m frontage required under the Codes only by a truncation at the north-eastern corner, whereby the lot is actually predominantly narrower, making it more difficult to develop than a regular-shaped lot.

The proposed pedestrian access leg is the required 1.5m width, but is not perpendicular to Mann Street, whereby the proposed adjoining lots would have angled boundaries, appearing inconsistent with the established surrounding traditional lot pattern. Although this design retains sufficient area for further subdivision (Stage 2) following demolition of the existing dwelling, it does not constitute orderly and proper planning and rather is a device to create four lots on a site that would otherwise accommodate only three lots. Were all the lots rectangular, which is preferable, they would not meet the required site areas. As mentioned, regular lots are also easier for design and development.

**Stage 2 – demolishing existing dwelling:**

Proposed Lot 1:	380m <sup>2</sup> (excluding pedestrian access leg: 320m <sup>2</sup> )
Proposed Lot 2:	385m <sup>2</sup>
Proposed Lot 3a:	450m <sup>2</sup>
Proposed Lot 3b:	450m <sup>2</sup>

The dwelling straddles two existing lots. It is heritage-classified as Category 3 in the Town's Municipal Inventory. The dwelling is described as an Edwardian Bungalow, constructed in 1915 by architect/builder Alfred Riggs which contributes to the streetscape. Externally it appears intact, well-maintained and attractive, being in keeping with the character, treed streetscape.

Category 3 means that the dwelling is significant as an individual building, ideally to be retained and conserved. This does not necessarily prevent demolition, as would inclusion in the Local Planning Scheme Heritage List. However, limiting the subdivision to Stage 1 would achieve retention of the dwelling whilst affording reasonable development potential.

The Melaleuca street trees along Mann Street are also classified in the Town's Municipal Inventory for retention/protection. They are described as a distinctive streetscape element; a striking, mature planting of paperbarks.

**Conclusion**

Any subdivision of the subject land should be regular in shape to be consistent with orderly and proper planning and the character of the locality, as required by the abovementioned Western Australian Planning Commission subdivision policies. In addition, vehicular access via Mann Street to proposed Lots 2 and 3b is constrained by the heritage-listed street trees. Further, Stage 2 would result in demolition of a heritage-classified dwelling, to the detriment of the streetscape.

Therefore, it is considered that the maximum appropriate subdivision of the subject land would be for Stage 1 only and as rectangular lots in accordance with the Commission's policy requirements.

**VOTING**

Simple majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Boulter, seconded Cr Downes**

**1. THAT Council advise the Western Australian Planning Commission that it does NOT SUPPORT the proposed subdivision of Lots 27 and 28 (No. 25) Mann Street, Cottesloe (WAPC Reference 154405), for the following reasons:**

- (i) the proposal is inconsistent with the Commission's Development Control Policies 1.1 Subdivision of Land General Principles and 2.2 Residential Subdivision, as the lots would be irregularly-shaped and would appear inconsistent with the established surrounding traditional lot pattern;**

- (ii) proposed Lot 1 does not have vehicle access via a dedicated public road as required, but seeks to rely on the privately-owned adjoining lane (Lot 66) for access. The owner of the lane is not a party to the application and any access easement is insufficient for the purpose of subdivision;
  - (iii) Vehicular access to proposed Lots 2 and 3b via new crossovers from Mann Street would adversely affect the Melaleuca street trees, which are heritage-classified in the Town's Municipal Inventory for their streetscape quality and create an important sense of place;
  - (iv) The Stage 2 subdivision would cause demolition of the existing dwelling, which is heritage-classified as Category 3 in the Town's Municipal Inventory, being significant as an individual building, whereby the demolition which would be detrimental to the heritage, character, streetscape and amenity of the locality; and
  - (v) The application demonstrates that Stage 1 could achieve retention of the heritage-listed dwelling whilst affording reasonable development potential. That would be the maximum appropriate subdivision of the subject land and ensure rectangular lots in accordance with the Commission's policy requirements.
2. That this report be forwarded to the Western Australian Planning Commission by way of explanation of the Town's planning assessment and Council's recommendation.

Carried 9/0

**13 MEETING CLOSED TO PUBLIC**

**13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil

**13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC**

Nil

**14 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 08:09 PM.

CONFIRMED MINUTES OF 22 November 2016 PAGES 1 – 59 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

DATE: ..... / ..... / .....