

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING

AGENDA

ORDINARY COUNCIL MEETING
TO BE HELD IN THE
Council Chambers, Cottesloe Civic Centre, 109 Broome Street, Cottesloe
6:00pm Tuesday, 23 August 2022

Town of Cottesloe

ORDINARY COUNCIL MEETING

Notice is hereby given that the next Ordinary Council Meeting will be held in the War Memorial Hall, Cottesloe Civic Centre, 109 Broome Street, Cottesloe on **23 August 2022** commencing at **6:00pm**.

The business to be transacted is shown on the Agenda hereunder.

Yours faithfully,



Shane Collie
Acting Chief Executive Officer

19 August 2022

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Town for any act, omission, statement or intimation occurring during council meetings.

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Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a council meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Town of Cottesloe during the course of any meeting is not intended to be and is not taken as notice of approval from the Town.

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Members of the public should note that no action should be taken on any application or item discussed at a council meeting prior to written advice on the resolution of Council being received.

Agenda and minutes are available on the Town's website www.cottesloe.wa.gov.au



DISCLOSURE OF INTERESTS

Agenda Forum

Ordinary Council Meeting

Special Council Meeting

Name of Person Declaring an interest

Position

Date of Meeting

This form is provided to enable members and officers to disclose an Interest in the matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act 1995 and Local Government (Administration) Regulations 1996 34C.

INTEREST DISCLOSED

Item No

Item Title

Nature of Interest

Type of Interest

Financial

Proximity

Impartiality

INTEREST DISCLOSED

Item No

Item Title

Nature of Interest

Type of Interest

Financial

Proximity

Impartiality

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Nature of Interest

Type of Interest

Financial

Proximity

Impartiality

DECLARATION

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

DISCLOSURE OF INTERESTS

Notes for Your Guidance

IMPACT OF A FINANCIAL INTEREST (s. 5.65. & s. 67. Local Government Act 1995)

A member who has a **Financial Interest** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest:

- a. In a written notice given to the Chief Executive Officer before the Meeting or;
- b. At the Meeting immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- a. Preside at the part of the Meeting relating to the matter or;
- b. Participate in, or be present during, any discussion or decision making procedure relative to the matter, unless and to the extent that, the disclosing member is allowed to do so under *Section 5.68* or *Section 5.69* of the *Local Government Act 1995*.

INTERESTS AFFECTING FINANCIAL INTEREST

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest in a matter**.

1. A Financial Interest, pursuant to s. 5.60A or 5.61 of the *Local Government Act 1995*, requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are expectations in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e sporting, social, religious etc, and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e, if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors and ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **must** be given when the matter arises in the Agenda, and immediately before the matter is discussed. Under s. 5.65 of the *Local Government Act 1995* failure to notify carries a penalty of \$10 000 or imprisonment for 2 years.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) of the *Local Government Act 1995*; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the *Local Government Act 1995*, with or without conditions.

INTERESTS AFFECTING PROXIMITY (s. 5.60b Local Government Act 1995)

1. For the purposes of this subdivision, a person has a proximity interest, pursuant to s.5.60B of the Local Government Act 1995, in a matter if the matter concerns;
 - a. a proposed change to a planning scheme affecting land that adjoins the person's land; or
 - b. a proposed change to the zoning or use of land that adjoins the person's land; or
 - c. a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.
2. In this section, land (the proposal land) adjoins a person's land if;
 - a. The proposal land, not being a thoroughfare, has a common boundary with the person's land; or
 - b. The proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
 - c. The proposal land is that part of a thoroughfare that has a common boundary with the person's land.
3. In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

INTERESTS AFFECTING IMPARTIALITY

Definition: An interest, pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'.

A member who has an **Interest Affecting Impartiality** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- a. In a written notice given to the Chief Executive Officers before the Meeting or;
- b. At the Meeting, immediately before the matter is discussed.

IMPACT OF AN IMPARTIALITY DISCLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote.

With the declaration of this type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest exist.

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

I would like to begin by acknowledging the Whadjuk Nyoongar people, Traditional Custodians of the land on which we meet today, and pay my respects to their Elders past and present. I extend that respect to Aboriginal and Torres Strait Islander peoples here today.

2 DISCLAIMER**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION****4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4.2 PUBLIC QUESTIONS****5 PUBLIC STATEMENT TIME****6 ATTENDANCE****Elected Members**

Mayor Lorraine Young
Cr Helen Sadler
Cr Caroline Harben
Cr Craig Masarei
Cr Melissa Harkins
Cr Kirsty Barrett
Cr Chilla Bulbeck
Cr Brad Wylynko

Officers

Mr Matthew Scott	Chief Executive Officer
Mr Shane Collie	Director Corporate and Community Services
Ms Freya Ayliffe	Director Development and Regulatory Services
Mr Shaun Kan	Director Engineering Services
Mr Wayne Zimmermann	Manager of Planning
Mr Ed Drewett	Coordinator Statutory Planning
Ms Jacquelyne Pilkington	Governance Coordinator

6.1 APOLOGIES**6.2 APPROVED LEAVE OF ABSENCE**

Cr Paul MacFarlane

6.3 APPLICATIONS FOR LEAVE OF ABSENCE**7 DECLARATION OF INTERESTS****8 CONFIRMATION OF MINUTES****9 PRESENTATIONS****9.1 PETITIONS**

Procedure of Petitions – Local Government (Meetings Procedure) Local Law 2021, Clause 6.11

(3) The only question which shall be considered by the council on the presentation of any petition shall be:

- a) that the petition shall be accepted;*
- b) that the petition shall not be accepted;*
- c) that the petition be accepted and referred to the CEO for consideration and report; or*
- d) that the petition be accepted and dealt with by the full council.*

9.2 PRESENTATIONS**9.3 DEPUTATIONS**

10 REPORTS

10.1 REPORTS OF OFFICERS

COUNCIL RESOLUTION

That Council adopts the following en-bloc Officer Recommendations contained in the Agenda for the Ordinary Meeting of Council 23 August 2022:
____' ____' ____' ____' ____' ____' ____'

CORPORATE AND COMMUNITY SERVICES**10.1.1 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2021 TO 30 JUNE 2022**

Directorate: Corporate and Community Services
Author(s): Lauren Davies, Finance Manager
Authoriser(s): Shane Collie, Director Corporate and Community Services
File Reference: D22/31707
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

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

OFFICER RECOMMENDATION IN BRIEF

That Council receives the Monthly Financial Statements for the period 1 July 2021 to 30 June 2022.

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.
- Allocation of costs from administration, public works overheads and plant operations.
- Reconciliation of loans and investments.

OFFICER COMMENT

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

- The net current funding position as at 30 June 2022 was \$3,721,806 as compared to \$1,483,578 this time last year. This is due to a combination of higher revenue from Infringements, and less payments YTD, with a number of projects to be carried forward to the 2022/23 budget.

- Operating revenue is more than the year to date budget review by \$816,037 with a more detailed explanation of material variances provided on page 21 of the attached financial statements. Operating expenditure is \$2,383,681 less than year to date budget review, with a more detailed analysis of material variances provided on page 21. There are further end of year adjustments to be made.
- The Capital Works Program is shown in detail on pages 35 to 36 of the attached financial statements.
- The balance of cash backed reserves was \$8,266,992 as at 30 June 2022 as shown in note 7 on page 28 of the attached financial statements.

List of Accounts Paid for June 2022

The list of accounts paid during June 2022 is shown on pages 37 to 40 of the attached financial statements. The following material payments are brought to Council's attention:

- \$28,580.61 and \$29,123.04 to SuperChoice Services Pty Ltd for staff superannuation contributions.
- \$33,764.09 to Classic Contractors for Anderson Pavilion Development.
- \$177,355.030 to the Department of Fire & Emergency for ESL Quarter 4 levy.
- \$52,933.16 to Managed IT for various of IT services.
- \$94,281.42 to Solo Resource for waste removal services.
- \$77,000 for Sculpture by the Sea sponsorship.
- \$50,000.00 for the half yearly removal of the shark barrier.
- \$35,609.32 to Surf Life Saving WA for April patrolling services.
- \$36,243.11 to WMRC for transfer station waste disposal.
- \$34,3483.90 for FOGO caddy compostable liners.

Investments and Loans

Cash and investments are shown in note 4 on page 23 of the attached financial statements. The Town has approximately 53% of funds invested with the National Australia Bank, 22% with the Commonwealth Bank of Australia and 25% with Westpac Banking Corporation. Municipal term deposits were called in prior to 30 June, which is why more funds were with National Australia Bank at 30 June 2022.

Information on borrowings is shown in note 10 on page 32 of the attached financial statements. The Town had total principal outstanding of \$2,810,904 as at 30 June 2022.

Rates, Sundry Debtors and Other Receivables

Rates outstanding are shown on note 6 on page 25 and show a balance of \$260,244 outstanding as compared to a similar \$315,399 this time last year.

Sundry debtors are shown on note 6 on page 25 of the attached financial statements. The sundry debtors report shows that 30% or \$44,417 is older than 90 days. The majority of this was paid in July 2022. Infringement debtors are shown on note 6 on page 27 and were \$430,985 as at 30 June 2022.

ATTACHMENTS

10.1.1(a) Monthly Financial Report 1 July to 30 June 2022 [under separate cover]

CONSULTATION

Senior Staff.

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2021 to 30 June 2022 as submitted to the 23 August 2022 meeting of Council.

10.1.2 PINEAPPLE CLUB EVENT

Directorate: Corporate and Community Services
Author(s): Shane Collie, Director Corporate and Community Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D22/32972
Applicant(s): Zaccaria Concerts & Touring
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider the Event Application from Zaccaria Concerts & Touring to hold a music event "Pineapple Club" at the Cottesloe Foreshore on Saturday 19 November 2022, and a free community event the following day.

OFFICER RECOMMENDATION IN BRIEF

That the Event be approved subject to specific conditions relating to the issues that arose with the 2021 event. These conditions will be included in the event approval issued by the Principal Environmental Health Officer in accordance with relevant statutory legislation.

BACKGROUND

Zaccaria Concerts & Touring wish to hold another Pineapple Club event at the Cottesloe Main Foreshore on Saturday 19 November 2022 and an Event Management and Delivery Plan has been received. They also wish to hold further events in April and November each year though this report concentrates on the specific application for November 19 this year.

The organisers have proposed a 25% increase in ticket sales from 8,000 to 10,000.

The Event hire fee is \$25,000 and a bond of \$10,000 is paid. Additional fees from the event are also received being; health, waste and car bay hire (approximately \$8,500). There is also a Surf Babies and Surf Kids event scheduled for the morning of Saturday 19 November 2022 at Cottesloe Beach. The event organisers have commenced discussions with the Club to ensure the events do not conflict and that access issues identified from last year do not occur again.

Given the public interest in this matter and high profile, as well as the fact that there were some issues with the Event last, this Report is submitted to Council to determine whether Council desires to see the event continue, and importantly at this location.

OFFICER COMMENT

The issues around the event held last year on 27 November 2021 were damage to the lawn and associated infrastructure, anti-social behaviour and damage to the golf club fence. It is important to note that the turf under the Norfolk Island Pines immediately adjacent to Marine Parade was in a poor condition prior to the event.

Restriction on access to the area was also raised as part of the Debrief meeting held as the area was unavailable for public use for not only the duration of the event, but the set up and pack down, being approximately 10 days. This limited access also impacted the E-bike rental station next to the Cottesloe Surf Lifesaving Club which has a compounding effect on the licence agreement with the bike service provider. The lessee's were accommodative last year and in the interest of fairness, public access to these rental bikes should be provided

during the upcoming event. The lawn area was unable to be watered during this time and unfortunately this coincided with a very unusual hot spell of weather which contributed to further deterioration of the poor conditioned lawn.

Discussions have been held with the Event organisers seeking to see if it is feasible to hold the event at either the Civic Centre Gardens or the Cottesloe Sporting Grounds, noting that the resulting and inevitable lawn damage at the Civic Centre Gardens will have implications on other events such as weddings later in the summer season. Given the short interlude between this and follow on events, there may not be sufficient time for reinstatement. Notwithstanding this, the organisers have advised that the alternative locations are not acceptable with the beach atmosphere being a significant factor in the holding of the Event. Further these event spaces are not large enough to accommodate the number of patrons and infrastructure required for the event and the noise impact to surrounding residents would be more significant if held in the Civic Centre Gardens due to close proximity of residents.

The Event organisers have agreed to restrict the capacity of the Event to 8,000 people which indicates that their 25 percent increase mentioned earlier is no longer applicable. An expanded footprint is also being proposed to minimise interruption to the local community. This will result in increased access to both the beach and grassed area by members of the public during bump in/out and reduce damage to infrastructure as grassed areas will be able to be watered. Further, allowing the spread of patrons and activations allows grassed areas prone to wear and tear to be designated as infrastructure free zones, reducing the risk of damage. It is proposed high use infrastructure such as entry gates, toilets and bars/food vans will be placed on the road (in the road closure) reducing damage to grassed areas. It is proposed a portion of Marine Parade, directly adjacent to the event area will be closed from midnight Thursday until deemed safe to open Sunday (post event) once all infrastructure is removed.

The road closure will -

- Reduce traffic congestion through a well implements (and approved) traffic management plan;
- Place high-infrastructure on the road, minimising potential damage to grassed areas;
- Increase the footprint of the site reducing the overall impact through an increase in space/person
- Allow better access to the beach and grassed area by members of the public during the bump in.

Alternatively, the event organiser had advised that the road closure can be implemented Friday midnight however, this will require an over-night site bump in creating potential noise impact to nearby residents.

The recent closure of Marine Parade due to works being carried out by Water Corporation has demonstrated that the road closure will have minimal impact on traffic and businesses.

A Debrief meeting was held after the 2021 event and the organisers have committed to address all issues raised, including submitting an access plan for the bump in/out period (a draft plan is attached). The yellow lines indicate a safe work zone (during bump in/out), restricting public access however, vehicle entry and disability access will be maintained at all

times, with gates manned by security. Additionally the Seaview Golf Club is understood to be happy with the Event proceeding and want to be involved offering their space to have artists there, and a pre or post function.

WA Police were also happy with the event as too were surrounding businesses in general, notwithstanding that there were some businesses that expressed concerns with the event, in the main being patron behaviour including after the event.

The event complied with all event conditions, including the Regulation 18 Noise Approval, with zero noise complaints being received on the day of the event.

A free community event is proposed the following day Sunday 20 November 2022. The event will allow members of the community to enjoy the Pineapple Club experience and will include a silent disco, food trucks and other activities. In addition, Pineapple Club will be making a \$5,000 donation to a local Club/charity and propose to make this donation every year the event is held in Cottesloe.

Director of Development and Regulatory Services has advised that she observed most people well behaved for the duration of the 2021 event. Subject to conditions and monetary securities held, Council is encouraged to support events such as this which cater for a broad demographic of ages able to enjoy local artists in a controlled, safe and well-managed environment. Given general stakeholder support, event organiser's willingness to collaborate towards the best outcome, including involving local businesses in the event, and in the interest of fairness, the recommendation is to permit the event to proceed. However if sufficient substantiated unsatisfactory outcomes occur after the second time the event is held then Council should consider not to approve any future Pineapple Club events at this location.

ATTACHMENTS

- 10.1.2(a) Pineapple Club Cottesloe Beach Attach 1 - Sat 19 November 2022
[CONFIDENTIAL] [UNDER SEPARATE COVER]**
- 10.1.2(b) Pineapple Club Cottestloe Beach Attach 2 - Sat 19 November 2022
[CONFIDENTIAL] [UNDER SEPARATE COVER]**
- 10.1.2(c) Pineapple Club - During Build - 19 November 2022 [CONFIDENTIAL] [UNDER SEPARATE COVER]**
- 10.1.2(d) Pineapple Club - Site Plan Event Day - 19 Nov 2022 [CONFIDENTIAL] [UNDER SEPARATE COVER]**

CONSULTATION

Zaccaria Concerts & Touring.

STATUTORY IMPLICATIONS

Health (Miscellaneous Provisions Act) 1911

Health (Public Buildings Regulations) 1992

Environmental Protection (Noise) Regulations 1997

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Priority Area 3: Enhancing beach access and the foreshore

Major Strategy 3.2: Continue to improve access to beach facilities.

RESOURCE IMPLICATIONS

An Environmental Health Officer will be on site for the duration of the event to ensure compliance with event conditions, including noise level limits.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council approve the holding of the Pineapple Club event hosted by Zaccaria Concerts and Touring at the Cottesloe Foreshore on Saturday 19 November 2022 subject to the following conditions:

- 1. Full compliance with the submitted Event Management, Risk Management Plan and Access Plan;**
- 2. Beach access by the general public being maintained at all times (not through the event site);**
- 3. That aside from the Event day itself that watering of lawn areas be maintained from the time sprinklers are deactivated.**

10.1.3 PROPOSED PARKING AND PARKING FACILITIES LOCAL LAW LOCAL 2022

Directorate: Corporate and Community Services
Author(s): Shane Collie, Director Corporate and Community Services
Authoriser(s): Matthew Scott, Chief Executive Officer
File Reference: D22/10522
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

This report proposes advertising the intention to make a new Parking and Parking Facilities Local Law for the Town of Cottesloe.

OFFICER RECOMMENDATION IN BRIEF

That Council seek submissions on the proposal for a new Parking and Parking Facilities Local Law pursuant to Clause 3.12 of the Local Government Act 1995.

BACKGROUND

The Town of Cottesloe currently has a Parking and Parking Facilities Local Law as published in the *Government Gazette* on 10 July 2009. The Minister for Local Government has carriage of the powers conferred by the *Local Government Act 1995* for the Standing Orders Local Law.

It is recommended that the Town of Cottesloe Parking and Parking Facilities Local Law be remade to account for amendments in legislation and better practice given that the current Local Law is 13 years old. Statutory reviews of Local Laws are due every 8 years.

OFFICER COMMENT

Up to date and relevant Local Laws are an important cornerstone of good governance and the Town has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner. The repeal and replacement of this Local Law will result in more efficient and effective local government by removing an outdated Local Law from the public record.

To comply with the provisions of Section 3.12 of the Act, when proposing to make a Local Law, the Presiding Person is required to give notice of the purpose and effect of the proposed Local Law at the Council meeting where the Local Law is being considered.

The purpose and effect of the proposed Town of Cottesloe Parking and Parking Facilities Local Law 2022 is as follows:

Purpose: To provide for the orderly control and regulation of Parking and Parking Facilities within the Town of Cottesloe.

Effect: To ensure that all matters associated with parking within the district of the Town of Cottesloe are governed by this Local Law unless otherwise provided in the Act, regulations or other written law.

The draft Local Law has been through the following scrutiny in terms of its drafting:

- In 2009 the existing Local Law was examined by the Administration, including Ranger Services and Regulatory officers.
- The Western Australian Local Government Association (WALGA) Model Local Law was combined with the Town's previous existing Local Law and updates made where required.
- A new draft of the Local Law based on the WALGA model was prepared, while retaining those sections that are relevant and specific to the Town of Cottesloe.

Matters within the Local Law that are considered significant for Council's consideration are as follows:

1. Table of Contents and page numbers of the Local Law will be removed when the Local Law is at the gazettal stage. All Local Laws are treated this way now to avoid confusion with the Government Gazette Table of Contents and page numbering systems.
2. The Residential and Visitor Parking Permit section has been amended and now references a separate Parking Policy allowing for greater flexibility. This Policy does not form part of the Local Law and is still in draft format and will be submitted to Council at a later point in time for adoption. The non finalisation of this Policy need not delay the lengthy Local Law making process, particularly as Council has been seeking this Local Law to be updated for some time now.
3. The section relating to paid parking has been retained though Council has not introduced paid parking and there is no intention to do so. The section is retained as it provides Council the ability to introduce paid parking, but it does not have to and there remains the State imposed restrictions surrounding this matter.
4. Areas "A" and "B" have been removed from the draft Local Law. The reason is that this now provides consistency in penalties across the district.
5. The fines and penalties within the Local Law are consistent with the WALGA Model and industry standard. The Joint Standing Committee on Delegated Legislation (JSCDL) is likely to reject the Local Law if the penalties differ from the Industry Standard.
6. The remainder of the Local Law is principally the same as the current Local Law and is compatible with the Parking System introduced by the Town in 2021.

Please note that the local law is currently being reviewed by the Solicitors, this process will be completed by the Council Meeting.

ATTACHMENTS

10.1.3(a) UPDATED Local Law - Parking & Parking Facilities [under separate cover]

CONSULTATION

The formal consultation process is embedded in the legislation associated with the review of a Local Law. Consultation consists of two 6 week advertising periods.

STATUTORY IMPLICATIONS

Local Government Act 1995

3.5. Legislative power of local governments

- (1) *A local government may make Local Laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.*

3.12 Procedure for making a Local Law

- (1) *In making a Local Law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
- (a) *give local public notice stating that —*
- (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
- (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
- (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
- (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
- (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*
- * Absolute majority required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
- (a) *stating the title of the local law; and*
 - (b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section —*
- making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

POLICY IMPLICATIONS

There is the intention to introduce a Policy relating to Residential and Visitor Parking as noted at Council's Briefing Session held on 12 July 2022. This will be formally submitted to Council for adoption in due course and need not hold up the progress of the Local Law itself.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Corporate Business Plan 2020 – 2024*.

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

Priority Area 6: Providing open and accountable local governance

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

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation and consist predominantly of officer time.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council PROVIDES Local Public Notice that it proposes to make the Town of Cottesloe Parking and Parking Facilities Local Law 2022, as contained within *Attachment 1* to this report, inviting public submissions on the proposal in accordance with Section 3.12 (3) (iii) of the *Local Government Act 1995*.

10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES

10.2.1 RECEIPT OF COASTAL HAZARD RISK MANAGEMENT AND ADAPTATION PLAN (CHRMAP) STEERING COMMITTEE MINUTES

- Attachments:**
- 10.2.1(a) Signed Unconfirmed Minutes - 15 August 2022 [under separate cover]**
 - 10.2.1(b) Draft Community Stakeholder Engagement Plan (CSEP) - CHRMAP(3) [under separate cover]**

THAT Council RECEIVES the attached Unconfirmed Minutes of the Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) Steering Committee Meeting held on [Monday, 15 August](#) and ADOPTS the recommendations contained within.

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

12.2 OFFICERS

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

MOTION FOR BEHIND CLOSED DOORS

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

13.1.1 T03/2022 - ERIC STREET PRINCIPAL SHARED PATH CONSTRUCTION - TENDER RECOMMENDATION

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (c) as it contains information relating to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

MOTION FOR RETURN FROM BEHIND CLOSED DOORS

In accordance with Standing Orders 15.10 that the meeting be re-opened to members of the public and media, and motions passed behind closed doors be read out if there are any public present.

13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

14 MEETING CLOSURE