



# Town of Cottesloe

I hereby certify that the minutes of the Council meeting held on  
**Tuesday, 24 September 2019**  
were confirmed as a true and accurate record by Council resolution.

A handwritten signature in black ink, appearing to be 'D. King', is written over a horizontal line.

Signed:

Presiding Member

Date: 29/10/2019

# TOWN OF COTTESLOE



## ORDINARY COUNCIL MEETING

# MINUTES

ORDINARY COUNCIL MEETING  
HELD IN THE  
Council Chambers, Cottesloe Civic Centre  
109 Broome Street, Cottesloe  
6:00 PM Tuesday, 24 September 2019

**MAT HUMFREY**  
Chief Executive Officer

3 October 2019

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

The Presiding Member announced the meeting opened at 6:01pm.

**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 thanked three of the Town's Councillors who will be retiring. The Mayor thanked the Deputy Mayor, Cr Mark Rodda, Cr Sally Pyvis and Cr Rob Thomas for their services to the Town and its residents.

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

Mr Jack Walsh – 35 Grant Street, Cottesloe (taken on Notice at OCM 23 July 2019)

Q2. How much Administration time is taken up managing the Committees, given the original two were scrapped in an efficiency drive?

Q3. Since their inception, how many of the Committee decisions presented to Council meetings haven't been confirmed or rather been rubber stamped by Council?

**A2.** The three Standing Committees in place prior to December 2015 were replaced by the Agenda Forum and Briefing Forums. This measure has reduced the amount of time allocated and resources consumed.

The issue with regards to the advisory committees is a separate issue. We haven't got specific records for all staff members, but Council have progressed a review of the committees, which has been presented to the September Ordinary Council Meeting.

**A3.** No recommendations from committees have been "rubber stamped". Council has appropriately considered each recommendation made and made appropriate resolutions.

Sandra Boulter – 3 Millers Court, Cottesloe – Items 10.1.3, 10.1.14, 10.1.12

Q1. Under what form of land tenure do the Town of Cottesloe, Town of Mosman Park, Shire of Peppermint Grove and Town of Claremont own Lot 555(1) Gibney Street?

**A1.** The four local governments have title to the land in equal shares.

Q2. Is Lot 555(1) Gibney Street owned in green title?

**A2.** In the sense that no strata currently exists, yes.

- Q3. What is the wording of the notifications and/or conditions and/or notations and/or any other encumbrances on the Lot 555(1) Gibney Street "title" or other tenure, as the case may be?
- A3.** The land must be used for the purpose of providing aged accommodation.
- Q4. Are the conditions proposed by the officer in the RAR taken from the Town of Cottesloe standard conditions? Have the TOC standard conditions been modified for the proposed conditions in the RAR?
- A4.** There are no Town of Cottesloe "standard conditions".
- Q5. Are the advice notes proposed by the officer in the RAR taken from the Town of Cottesloe standard advice notes? Have the TOC standard advice notes been modified for the proposed conditions in the RAR?
- A5.** There are no Town of Cottesloe "standard advice notes".
- Q6. Are the conditions proposed by the officer in the RAR taken from the JDAP standard conditions? Have the JDAP standard conditions been modified for the proposed conditions in the RAR? If yes, how have the words been changed?
- A6.** The conditions are not taken from a set of standard conditions.
- Q7. Are the advice notes proposed by the officer in the RAR taken from the JDAP standard advice notes? Have the JDAP standard advice notes been modified for the proposed conditions in the RAR? If yes, how have the words been changed?
- A7.** The advice notes were not derived from a set of standard advice notes.
- Q8. What is the average building height on each of the north, west and south elevations of the proposed Wearne development?
- A8.** The average building height was not used for assessment purposes due to the topography of the land. The elevations, showing all heights are able to be viewed in the attachments to the RAR.
- Q9. What is the highest building height on each of the north, west and south elevations of the proposed Wearne development?
- A9.** Please refer to the RAR.
- Q10. What is the existing maximum building height of the existing buildings on the north side of Gibney Street (opposite Warne) and the south side of Warton Street (opposite Wearne)?
- A10.** This was not calculated for the purposes of the report. The Master Plan and Policy, when considered and adopted by Council, included diagrams that showed the massing of the current and proposed buildings.
- Q11. What are the potential building heights of any new development (at R30) for buildings on the north side of Gibney Street (opposite Wearne) and the south side of Warton Street (opposite Wearne)?

- A11.** There are no height restrictions on the site. Any future development would need to be considered by Council at that time.
- Q12. Is it the case that the licence from the Minister for Lands for the area for the shark barrier is only six months with no written options in the licence to renew the licence?
- A12.** There are no specific options, however the license agreement outlines how the term can be extended – which is standard practice for such licenses.
- Q13. Noting the shark barrier insurance amount is \$20m, what will be the extra insurance costs to TOC over each year including removal and replacement of the barrier?
- A13.** The amount referred to is for the Public Liability Insurance and is within the Town’s current level of cover. The barrier will result in an increase of approximately \$400 in the Town’s property insurance premiums.
- Q14. Can the WAPC exemption advice for WAPC approval be included in the minutes of this meeting? If not, why not?
- A14.** No – Council would have to have resolved to do this.
- Q15. Is the shark barrier contract subject to all approvals being obtained?
- A15.** No – however, the Council resolution adopting the tender noted that the final purchase order wasn’t to be issued until the approvals were obtained.
- Q16. Will the shark barrier contract be put on the TOC contract register to be established as a response to the Auditor’s adverse findings and recommendations?
- A16.** Yes, the barrier contract will be on the register but there are no “adverse findings” as claimed in the question.
- Q17. Will the contracts register be a publicly available document and be on the TOC website?
- A17.** No.
- Q18. If yes, when will the contracts register be put on the TOC website?
- A18.** Please refer to A17.
- Q19. What blocks of land (private or reserved) does MRW and/or Department of Transport own in all of the Town of Cottesloe, and in particular the parks, corners and houses on the western side of Eric Street Bridge?
- A19.**
- Lot 210 Plan 92582 – Park – 243 Curtin Avenue - Western Australian Planning Commission
- Lot 25 Plan 1932 – 247 Curtin Avenue - Western Australian Planning Commission



Lot 210 Plan 92582 – 251 Curtin Avenue – Privately owned

Lot 26 Plan 1932 – 86 Eric Street - Curtin Avenue - Western Australian Planning Commission

Lot 27 Plan 1932 – 84 Eric Street - Curtin Avenue - Western Australian Planning Commission

Lot 28 Plan 1932 – 82 Eric Street - Curtin Avenue - Western Australian Planning Commission

Lot 29 Plan 1932 – 80 Eric Street - Curtin Avenue – Privately owned

Q20. Given the announcement by Ports Minister McTiernan of the Five Port Option shortlist, and the fact that she has stated publicly that “duplicating the 6.2km of Curtin Avenue that stretches from Mosman Park to Swanbourne is not a good option.”

- What reasons have MRWA provided to TOC for taking over Curtin Avenue?

**A20.** It is a strategic road that already provides a vital access to the port.

Q21. Did the Town of Cottesloe approach Main Roads to take control of Curtin Avenue first, or Main Roads approach the Town of Cottesloe in the first instance in terms of the extension.

**A21.** No. As stated in the officer’s reports, MRWA did a review of the whole metropolitan area, which identified Curtin Avenue, among other roads, to come under the responsibility of Main Roads WA.

Jack Walsh – 35 Grant Street, Cottesloe – Item 10.3.5

Q1. Why has the council report not addressed previous community and council opposition to an extra carpark?

**A1.** The opposition referred to in the question related to a previous project that was discontinued by the Council. The project currently being considered was initiated by Council following the first project being discontinued.

Q2. All children eligible to attend the school live within walking distance, so what evidence is there to show an extra carpark is needed?

**A2.** The ability of children to walk to school is not a simple function of distance, other factors need to be considered. Secondly, the project is not primarily about providing an extra carpark but rather making the parking and other facilities there safer and more efficient.

Q3. Has there been a program to educate parents and children to the benefits of walking and riding to school?

**A3.** Yes.

Q4. Why hasn’t the walking bus program that included retirees, parents and grandparents, been revived?

**A4.** This would be for the school to initiate.

- Q5. Why aren't teachers or parents rostered to assist children at the gate, preventing those parents determined to drive from parking?
- A5.** Teachers or parents would have no authority to prevent someone from parking.
- Q6. Why does the report exclude the information that the school is experiencing a serious decline in student numbers and that this carpark would be required for about 60 minutes each school day and unused for approximately 180 days, that is 50% of each year?
- A6.** Student numbers will vary from year to year, however, as there is unlikely to be a decrease in population overall, it is unlikely that there will ever be a time when the school is not needed. With regards to the number of days the school is closed, it is considered common knowledge that there are school holidays and that schools are not open on weekends, hence it was not included in the report.
- Q7. The report does not stipulate how many threatened trees grow on the proposed site. Would the officer please inform us? This doesn't require an arborist.
- A7.** No trees are impacted by the proposed design. Tubestocks previously planted by the school will be relocated.
- Q8. How would the congestion be managed regarding cars backing out from the west drop-off area and those trying to access the new drop-off area (east side).
- A8.** Self regulating with vehicles reversing out of the western bays having to give way to vehicles moving out of the eastern bays.
- Q9. The school has 343 students. How does the current drop-off area compare with facilities at Scotch for 1400+ students?
- A9.** This is not within the Committee's terms of reference.
- Q10. The scant reference to costs and funding, is insufficient for authentic consultation or decision-making. Would the officer please elaborate and include costs already incurred?
- A10.** The report contains the information on costs for this project.
- Q11. The proposal impacts the whole community financially and environmentally, so why is there a recommendation to survey a selected group for comment, instead of proper community consultation.
- A11.** The whole community is welcome to participate in the online survey. As with many projects, people living close by may be alerted to the presence of a consultation program as they are more likely to be directly impacted.
- Q12. The carpark is being driven by a small pressure group. How would it benefit the remaining 7000 plus Cottesloe residents?
- A12.** Council will consider all the feedback provided to determine the future

of this project.

Q13. Have any of the developers associated with the foreshore committee expressed any interest in bidding to build the five storeys proposed for the John Black Dune Park?

**A13.** As the question seeks to call into question committee members and their motivations for volunteering their time to assist their community with the difficult and complex task of resolving the foreshore issue, no further comment will be provided.

Chilla Bulbeck – Unit 8, 19 Broome Street, Cottesloe – Item 10.1.11 and other topics

Q1. Residents at the beginning of Broome Street have noticed an increase in traffic noise because it is bouncing off the wall erected as part of the PSP. They request that a sound wall be built along Curtin Avenue to deflect the noise.

**A1.** The Town will need to discuss the installation of a sound wall with MRWA. Any works would need to consider state planning policy 5.4, which relates to road and rail transport noise. (SPP 5.4).

Q2. Traffic using Broome Street as a rat runner enters very fast, making it dangerous for cars to leave their driveways (3 Broome Street in particular). Can the Council reconsider the proposal for making Broome Street a cul-de-ac at this end?

**A2.** This would require detailed consideration as any change to the road network will have implications for other roads. Traffic monitoring devices will be placed at this location to survey speeds and the Town will seek assistance from WAPOL in enforcing the speed limits in this area in the meantime.

Q3. Given the danger and noise posed by through traffic, can the residents along Curtin Avenue be consulted before Curtin Avenue is reclassified as a State Road?

**A3.** Residents were provided with the opportunity to meet with representatives from Main Roads WA and Town Staff in a public meeting, as well as the opportunity to provide written feedback.

Q4. I'm seeking clarification, I may have noticed something in the minutes. I noticed on 26 June 2018 that Council was reviewing its Green Infrastructure Management Plan, is that now operational, in which case I can look it up, but I couldn't find anything subsequently in the minutes after that.

**A4.** Council had to first resolve its Street Tree Policy, which has recently been completed. The next stage of the Green Infrastructure Management Plan will begin in the last quarter of the 2019.

Q5. Has the Council considered the value of a preventative street tree policy, in which a continuous stocktake of trees by a trained arborist

ensures those trees nearing the end of their life or otherwise posing a risk to property or person are lopped and/or replaced, along with ensuring that the overall canopy/carbon sink is increased in the process?

- A5.** The Town has recently reorganised its works team and have created a team that specifically manages the Town's Street Trees. A major consideration in doing this was to obtain the information suggested in the question to inform any future Green Infrastructure Management Plan.

Gail Manton – 5 Deane Street, Cottesloe – Item 10.3.5

**Q1.** What is the estimated total cost of the North Cottesloe Primary School car park relocation?

**A1.** \$550,000.

**Q2.** If answer is not known (not costed) explain the validity of community consultation without a known costing.

**A2.** See above.

**Q3.** What is the actual amount of substantial funding required from a) the Education Department and b) Main Roads to complete the car park?

**A3.** \$200,000 would be the minimum.

**Q4.** Council has allocated and approved \$350,000 of all ratepayers' money for the carpark. If the Education Department and Main Roads do not provide funding, the statement by Council has been made that "extra funding will come from reserves". Please explain which reserves and how much.

**A4.** In the event no funding is received, Council would need to determine which reserve could be used, or if the project would continue.

William Clements – 16 Victoria Street, Mosman Park – Item 10.1.1

**Q1.** How many Councillors have been to Warton Street to view the site of the proposal, the surrounding houses and the streetscape since receiving the Applicant's proposal in respect to 5 Warton Street?

**A1.** The administration is not in a position to answer this question.

Sandra Boulter – 3 Millers Court, Cottesloe – Item 10.3.5

**Q22.** Have any other solutions to the purported traffic congestion at the existing Eric Street "Kiss and Drop" at North Cottesloe Primary School been considered? If yes, can you please list these solutions.

**A22.** A number of other solutions have been tried over a number of years. These included increased surveillance and enforcement, a range of active transport activities provided by the school and other engineering solutions.

Q23. When the Town of Cottesloe is required to pay GST generally, in what circumstance is it repaid to the Town of Cottesloe. Please explain how GST works for local governments.

**A23.** The Town pays GST on every invoice, however we are able to recover these amounts from the Federal Government when our BAS is submitted. To explain how local governments manage GST would take more time and space than is allowed in this section.

Q24. Where are the \$37,675 in funds that former Town of Cottesloe Manager Engineering Services invoiced the Department of Education Head of Infrastructure on 20 June 2016? Was this actually paid to the Town of Cottesloe? If so, into what account was it paid and were the funds returned to the Department of Education?

**A24.** The invoice was raised on 20-06-2016 and the monies received on 15-08-2016 in Council's municipal account. The monies have not been returned.

## 4.2 PUBLIC QUESTIONS

Barb Dobson – 20 Florence Street, Cottesloe – Item 10.3.1

Ms Dobson outlined the work carried out over the last eight years by Cr Sally Pyvis and commended and acknowledged her hard work during that time.

Q1. Pages 50-80 of the arborist's report were illegible so I couldn't actually see which trees were low retention to high retention to medium retention. Page 9 of tonight's agenda says no trees are impacted by the proposed design and tubestocks previously planted by the school will be relocated. In the Post it says 33 trees were likely to be impacted, it says 15 of these are juveniles Even in the questionnaire, I couldn't see any reference to the number of trees to be removed. How many trees are being removed and why don't the juvenile trees count?

**A1.** There's no major trees to be removed. In order for us to finalise the number of trees, which are effectively small plantings, we await the feedback from the community for the design to be finalised for this number to be confirmed.

Ken McIntyre – 20 Florence Street, Cottesloe – Items 10.3.1 and 10.1.6

Q1. What is this community doing to mitigate climate change? We've just had trees removed for a bicycle path, instead of going around trees, we chop them down. We've got another section of this bike path going to Fremantle where more vegetation will be removed. I hear that there's a carpark going on down at the school, where there's going to be trees taken down.

**A1.** Council was concerned about losing trees along the bike path and we've committed to planting a very large number of more mature trees to replace the ones that came out, a lot more than what came out are

going back in. We've also been very busy planting trees over the last couple of years.

Q2. What are we doing to mitigate erosion on the coast?

**A2.** Taken on Notice.

Q3. Are we immune to climate change in Cottesloe?

**A3.** Taken on Notice.

Q4. Is there something about this community that says we can keep on going the way we're going without change?

**A4.** Taken on Notice.

Q5. Does Cottesloe have a future if we keep on going the way we're going?

**A5.** We're very concerned with plastic in the ocean, we're supporting Take 3 for the Sea and other groups, anything we can do. We may not be hitting headlines but Council in its own small way is trying to do something.

Chilla Bulbeck – Flat 8, 19 Broome St, Cottesloe – Item 10.3.1

Q1. Because of the cost associated with the carpark, I'm asking whether all ratepayers could be invited to undertake the community survey.

**A1.** The survey is open to anyone who wants to fill it in.

Q2. I'm asking could clarification on the green infrastructure that would be lost and the time it would take to recoup in terms of plantings be identified as part of the survey?

**A2.** Taken on Notice.

Q3. Could it be clearer, what would happen if the State and Federal Government won't fund the remainder of the project?

**A3.** Taken on Notice.

Q4. Will ratepayers be asked to fund the remainder of the carpark and if so can a question be included in the survey asking if ratepayers are willing to support this many hundreds of thousands to build the carpark?

**A4.** Taken on Notice.

Q5. The survey says the problem is improved access to North Cottesloe Primary School with a view to reducing congestion but I understand the congestion is only 10 minutes per day between 3:00pm and 3:10pm every day. Is this correct and if so can this be addressed in the survey?

**A5.** Taken on Notice.

Q6. A number of concerned residents feel they aren't being consulted and that there isn't any transparency so can Council address these issues?

**A6.** Taken on Notice.

Q7. Can Council consider the following ways of improving community access:

- ) Council and Agenda Forums and meetings to be live streamed so they can be viewed from home;
- ) The website to include a clear link for feedback: 'make a comment', 'make an enquiry' or, 'lodge a complaint';
- ) Council to include information on upcoming community consultation when undertaking letter drops; and
- ) Could Council staff be encouraged to go out for several hours every two or three months and do doorknocking to test the pulse of the community, identify issues and concerns and feed them back into the decision making.

**A7.** Taken on Notice.

## 5 PUBLIC STATEMENT TIME

### Heidy Hardisty – 12a Myera St, Swanbourne – Item 10.3.1

- ) There are many ways to make it better and safer for our children to get to and from school.
- ) The focus has been on creating of a new kiss and drop area, rather than the alternatives.
- ) I'm passionate about making our community better and saddened that the wider health and environment issues continue to be overlooked.
- ) Extremely frustrated that this new carpark on Railway Street is still on the table, when other options have not been properly explored.
- ) This proposal should not have progressed beyond July 2017 when the public clearly stated its objections and Council resolved not to support a road realignment.
- ) Two months later Council endorsed a concept plan, essentially the same as the previous one, in which the road is still being realigned from the east side of the carpark to the west side.
- ) The previous resolution not to support a road realignment should still stand.
- ) If Council disagrees with me, we can only settle the dispute in court.
- ) I respectfully request that Council reject the proposed road realignment and instruct the administration to work closely with the NCPS to develop and trial healthier alternatives for students travelling to and from school.
- ) The motion before you, if carried, will approve the plan for a new kiss and drop area before public consultation is complete.
- ) The consultation proposed is little more than a glorified survey in which the public can make limited suggestions on the proposed design.

- ) It's a waste of time and money.
- ) Public should be properly consulted on whether they want this new kiss and drop or not.
- ) Please focus on reducing the number of students that are driven to school and ensure health and environmental benefits.
- ) Please focus on spending the money (over half a million dollars) more wisely on education, public transport, and local conservation costs.

Paula Fievez – 18 Olding St, Melville – Item 10.1.2 (Representing Luke Matthews from 9 Warton Street, Cottesloe)

With regard to Street Setback:

- ) Clause 5.3.7 of the Scheme provides for Council to require an R20 front setback of 6m to be applied.
- ) Clause 5.1.2 of the deemed to comply provisions of the R-Codes clearly states that an R20 front setback needs to:
  - a) be in accordance with table 1 (a minimum of 6 metres); and
  - b) be set back from the primary street boundary corresponding to the average of the setback of existing dwellings on each adjacent property fronting the same street.
- ) This development application fails to meet both of these explicitly stated requirements.
- ) As the photographs provided to all elected members have demonstrated, the biased viewpoint locations selected by the Applicant grossly understate the negative impact on the residential amenity and view corridor of neighbouring properties.
- ) The Applicant wants Council to interpret the R20 setback requirement of clause 5.3.7 of the scheme to mean an 'average' setback. It has made the unsubstantiated and completely false claim that in this scenario it would be compliant with the Scheme and therefore no longer subject to Council discretion in relation to the front setback issue.
- ) If Council were to interpret the setback requirement to be an 'average' as opposed to a minimum, the proposal still fails for the following reasons:
  - a) The 'average' 6m setback fails to satisfy the second critical condition of an R20 zoned property because the proposed front setback does not correspond to the average of the setback of existing dwellings on each adjacent property fronting the same street.
  - b) In their calculation of 'average' setback the Applicant has conveniently failed to include the large window and balcony screens that project into the minimum setback area. Under part 5.1.2 C2.4 of the R-Codes, because these screens project more than one metre into the setback area and exceed 20% of the front façade, they must be included in the calculation of the average.



- ) It clearly highlights why the proposal does not meet the requirements of the Scheme and should not be approved in its current form.

William Clements – 16 Victoria Street, Mosman Park – 10.1.2

- ) Over the last two months I have set out the reasons for our opposition to this proposal.
- ) The proposal should not be approved because it does not comply with the Cottesloe Town Planning Scheme no. 3, in particular, section 5.3.5.

Sandra Boulter – 3 Millers Court, Cottesloe

- ) Thanked Cr Sally Pyvis for serving the Cottesloe community for eight years as a Councillor and outlined some of her achievements as follows:
  - ) Understood leadership, public interest and her community;
  - ) Stood up for the environment, including service on the Container Deposit Committee, instigation of the Fish Habitat Protection Area;
  - ) Successfully completed the ban on smoking on Cottesloe beach;
  - ) Supported the first balloon ban in WA by Council and the single-use plastic ban;
  - ) Responded to residents who sought her help and assisted them towards a resolution of their concerns;
  - ) When Cr Pyvis started her Councillor career Kevin Morgan was there:
    - o very few documents were confidential;
    - o all development applications were considered by a Councillor Committee published online in the minutes;
    - o Question time and public statement time went on as long as was needed; and
    - o Prompt customer service was a high priority.
  - ) Chaired the Beach Access Paths Committee to gain a much better outcome than might have been;
  - ) Understood good governance;
  - ) Thanked Cr Pyvis for her presence on Council and serving with independence, integrity and engagement.

Gill Vivian – 115 Erick Street, Cottesloe (read by Ms Boulter)

- ) Thanked Cr Pyvis for being a Council member for eight years and for those years of tireless service that she'd given Cottesloe, which was appreciated, and made the following points:
  - ) Cr Pyvis had no hidden agenda in coming onto Council.
  - ) She was active and vocal on our tree canopy.

- ) Extremely sorry to lose such a hard worker.
- ) She has been a dedicated person, extremely passionate about Cottesloe.
- ) Hope her replacement has knowledge, with something to offer ratepayers, by being au fait with all the current projects on the go right now.
- ) We don't need more consultants being called in as ratepayers have simply paid enough and we need to go forwards not backwards.

Sandra Boulter – 3 Millers Court, Cottesloe

- ) Councillors, you've been asked several times, in several items tonight to bind the incoming Council to your decisions regarding contracts.
- ) I think that's wrong and imprudent.
- ) I would ask you to defer those contracts that you're being asked to sign up to tonight, that a future incoming Council will have to deal with.

Tania Waters – 9 Wentworth St, Cottesloe

- ) Thanked Cr Pyvis for always:
  - o Representing the interests of electors, ratepayer and residents;
  - o Providing leadership and guidance to the community;
  - o Facilitating two-way communication between the community and the Council; and
  - o Participating in decision making processes at meetings.
  - o Making a stand for evidence-based decision making and making a stand for good governance.
- ) Congratulated Cr Pyvis on a job very well done.

Margaret Wilkes – 46 Griver Street, Cottesloe

- ) Added her thanks for Cr Pyvis and agreed with everything that's been said and added the following comments:
- ) Cr Pyvis has been tireless, a champion of the environment and especially the "precious jewel" that is Cottesloe Beach;
- ) Cr Pyvis' care for the marine environment and the ban on smoking on the beach have been outstanding;
- ) Paul and I and many, many other people in Cottesloe salute Cr Pyvis;
- ) Hoped any incoming Councillor would continue Cr Pyvis' work.

Stuart Hawley – PO Box 3054, Crawley – Item 10.1.2

- ) The planning rules in WA and in Cottesloe allow for much in the way of interpretation and discretion.
- ) Current proposal is a vast improvement on what is currently there.

- ) Current building is beyond its design life span and doesn't make a great contribution to the community.
- ) Hope the new proposal will be considered as a great improvement to the streetscape.
- ) Current proposal provides a reduction in density from 10 units to eight.
- ) We expect to be selling these units to more owner-occupiers, and hopefully that will provide a more positive contribution to the community.
- ) We have heard the concerns of the neighbours, some have been very supportive, others have made their objections heard.
- ) We've heard the concerns and made concessions on setbacks.
- ) We've resubmitted plans and want to be much more cooperative and considerate of the community's needs.
- ) We really hope this will be considered as a great outcome for the community as a whole.

Trent Will – Planning Solutions – 1/251 St Georges Tce, Perth – Item 10.1.2

- ) We've lodged revised plans to increase the street setback in response to concerns of neighbouring property owners.
- ) Responded to statements that were made on behalf of Mr Matthews as follows:
  - o the accusation that the viewpoints from the three images we prepared were biased is incorrect – the viewpoints were taken from the outdoor living areas at 7 and 9 Warton Street.
  - o The development does meet the average street setback of six metres.
  - o Averaging does not exclude the exemption for screens and balconies – the screens and balconies are included in the setback calculation.
  - o The street setback now reaches the six metre average for the R-Codes - officer's report quite clearly advises that it is compliant.
- ) The street setback that we've proposed is five metres at the nearest point but actually increases to eight metres on the side of the buildings.
- ) By increasing the setback on the side of the buildings, it actually improves the view corridor for the neighbouring properties.
- ) We've included some angles on one of the level two plans which shows that the view opens up, particularly from the balcony of 7 Warton Street, which gives them a broader view.
- ) The street setbacks are compliant, we don't believe there's any discretion to be exercised from the front.
- ) The Application is now left with very minor variations to the deemed to comply requirements of the R-Codes.

- ) As a result of these modifications the open space has increased from 41.3% to 44% which is just 1% short of deemed to comply requirements.
- ) The open space and the other remaining variations to the R-Codes have each been assessed to meet the design principles of the R-Codes and officers have deemed each of these elements to meet the design principles.
- ) On that basis the recommendation was recommended for approval.

## 6 ATTENDANCE

### Elected Members

Mayor Philip Angers  
Cr Mark Rodda  
Cr Michael Tucak  
Cr Helen Sadler  
Cr Lorraine Young  
Cr Rob Thomas  
Cr Sally Pyvis (*left at 7:52pm*)  
Cr Melissa Harkins

### Officers

Mr Mat Humfrey	Chief Executive Officer
Mr Neil Hartley	Acting Deputy Chief Executive Officer
Ms Freya Ayliffe	Manager of Compliance and Regulatory Services
Mr Shaun Kan	Manager Engineering Services
Ms Mary-Ann Winnett	Governance Coordinator

### 6.1 APOLOGIES

Nil

### Officers Apologies

Nil

### 6.2 APPROVED LEAVE OF ABSENCE

Nil

### 6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

**7 DECLARATION OF INTERESTS**

Cr Pyvis declared an IMPARTIALITY INTEREST in item 10.1.5

Cr Pyvis declared an IMPARTIALITY INTEREST in item 11.1

Cr Young declared an IMPARTIALITY INTEREST in item 10.3.1

Cr Harkins declared an IMPARTIALITY INTEREST in item 10.3.1

Mr Humfrey declared a FINANCIAL INTEREST in item 13.1.1

**8 CONFIRMATION OF MINUTES**

**Moved Cr Rodda**

**Seconded Cr Young**

**That the Minutes of the Ordinary Meeting of Council held on Tuesday 27 August 2019 be confirmed as a true and accurate record.**

**Carried 7/1**

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

**Against: Cr Pyvis**

**9 PRESENTATIONS**

**9.1 PETITIONS**

Nil

**9.2 PRESENTATIONS**

Nil

**9.3 DEPUTATIONS**

Nil

For the benefit of the members of the public present, the Mayor announced that items 10.1.2, 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.1.8, 10.1.9, 10.2.1, 10.3.1 and 10.3.2, 11.1, 13.1.1 have been withdrawn for discussion. All other items will be dealt with en bloc.

**10 REPORTS****10.1 REPORTS OF OFFICERS****PLANNING****10.1.1 PLANNING APPLICATIONS DETERMINED UNDER DELEGATION**

<b>File Ref:</b>	<b>SUB/2798</b>
<b>Applicant(s) Proponents:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>10.1.1(a) List of Open DAs 18 09 2019 [under separate cover]</b>
<b>Responsible Officer:</b>	<b>Mat Humfrey, Chief Executive Officer</b>
<b>Author:</b>	<b>Ed Drewett, Coordinator Statutory Planning</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**SUMMARY**

This report provides details of the planning applications determined by officers acting under delegation, for the month of August 2019.

**BACKGROUND**

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

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

**STRATEGIC IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STAFFING IMPLICATIONS**

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

**CONSULTATION**

Nil

**OFFICER COMMENT**

During August 2019 the following planning applications were determined under delegation:

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Address	Owner	Applicant	Description	Delegation Notice	Date Determined
28 Marine Parade	S Magee	Matthew Crawford Architects	Two-storey alterations & additions	05/07/2019	02/08/2019
2 Webb Street	2020 Developments Pty Ltd	2020 Developments Pty Ltd C/- Urbis Pty Ltd	Two-storey dwelling	27/07/2019	15/08/2019
125 Grant Street	Mr & Mrs Fleet	Owners	Garage	27/07/2019	19/08/2019
3B Napier Street	Raincove Holdings Pty Ltd	DGK Design Studio	Two-storey dwelling	06/07/2019	19/08/2019
3/15 Edward Street	A & E Garcia	Owners	Single-storey rear addition	27/07/2019	19/08/2019
84 Napier Street	V & H Keane	Patio Living	Carport	27/07/2019	19/08/2019
7 Florence Street	L M Clarke	Element Drafting & Design	Outbuilding (store/cellar)	27/07/2019	19/08/2019
58B Napier Street	B E & M J Elderfield	SJH Drafting	Garage	27/07/2019	19/08/2019
2 Broome Street	G Hesford	Roberts Day	Two-storey dwelling	27/07/2019	19/08/2019
2S/30 Jarrad Street	D-Surex Pty Ltd	C J Wholley & A L Wholley	Consulting rooms (two orthodontists)	27/07/2019	19/08/2019

Please note that Council will be provided with an up-to-date list of all outstanding Development Applications with the OCM Agenda.

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Rodda

Seconded Cr Sadler

**THAT Council receive this report on the planning applications determined under delegation for the month of August 2019.**

**Carried 7/0**

**10.1.2 5 WARTON STREET**

**File Ref:** SUB/2798  
**Attachments:** 10.1.2(a) Revised Plans - 5 Warton Street [under separate cover]  
10.1.2(b) 5 Warton Street, Cottesloe - OCM Minutes - 27 August 2019 [under separate cover]  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Adrian Ortega, Coordinator Statutory Planning  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

On 23 July 2019, Council resolved to:

*Defer consideration of this item until the 27 August 2019 Ordinary Council Meeting.*

On 27 August 2019, Council resolved to:

*Defer consideration of this item until the 24 September 2019 Ordinary Council Meeting.*

The amended plans were assigned to officers on 9 September 2019, these have not been advertised to neighbours.

**ADDITIONAL COMMENTS**

No additional advertising was undertaken in addition to the consultation process which closed on 12 July 2019. Two (2) submissions were received, these are summarised below:

7 Warton Street

- ⌋ Not in favour of the new building as it is far larger than the existing flats and will dominate the neighbour's property;
- ⌋ It doesn't fit into the street and will be just another large building;
- ⌋ The development will occupy most of the land and there will be very little space between it and the neighbour's property;
- ⌋ Concerned about the required excavation effecting the neighbour's property and the loss of western views;
- ⌋ Photos of existing building are submitted.

9 Warton Street

- ⌋ The development fails to comply with some of the objectives set out in Part 5 of the Residential Design Codes, particularly:
    - To ensure that the design responds to the key natural and built features of the area and respond to the local context in terms of bulk and scale;
    - To ensure that open space (private and communal) is provided on site and:
      - landscaped to establish streetscapes;
      - provide a balanced setting and relationship to buildings; and
-



- provide privacy, direct sun and recreational opportunities.
- o To ensure that development and design is appropriately scaled, particularly in respect to bulk and height, and is sympathetic to the scale of the street and surrounding buildings.
- )] The proposal is not in compliance with the minimum and average site areas set out in Table 1 of the R-Codes;
- )] The proposal is not in compliance with building setbacks from the primary street boundary and would not satisfy the design principles;
- )] The proposal is not in compliance with the open space requirements;
- )] The proposal is not in compliance with building height guidelines of the R-Codes.
- )] The streetscape objectives of the R-Codes have not been complied with;
- )] The site planning and design objectives of the R-Codes have not been complied with; and
- )] The Building Design objectives of the R-Codes have not been complied with.

**Applicant's response**

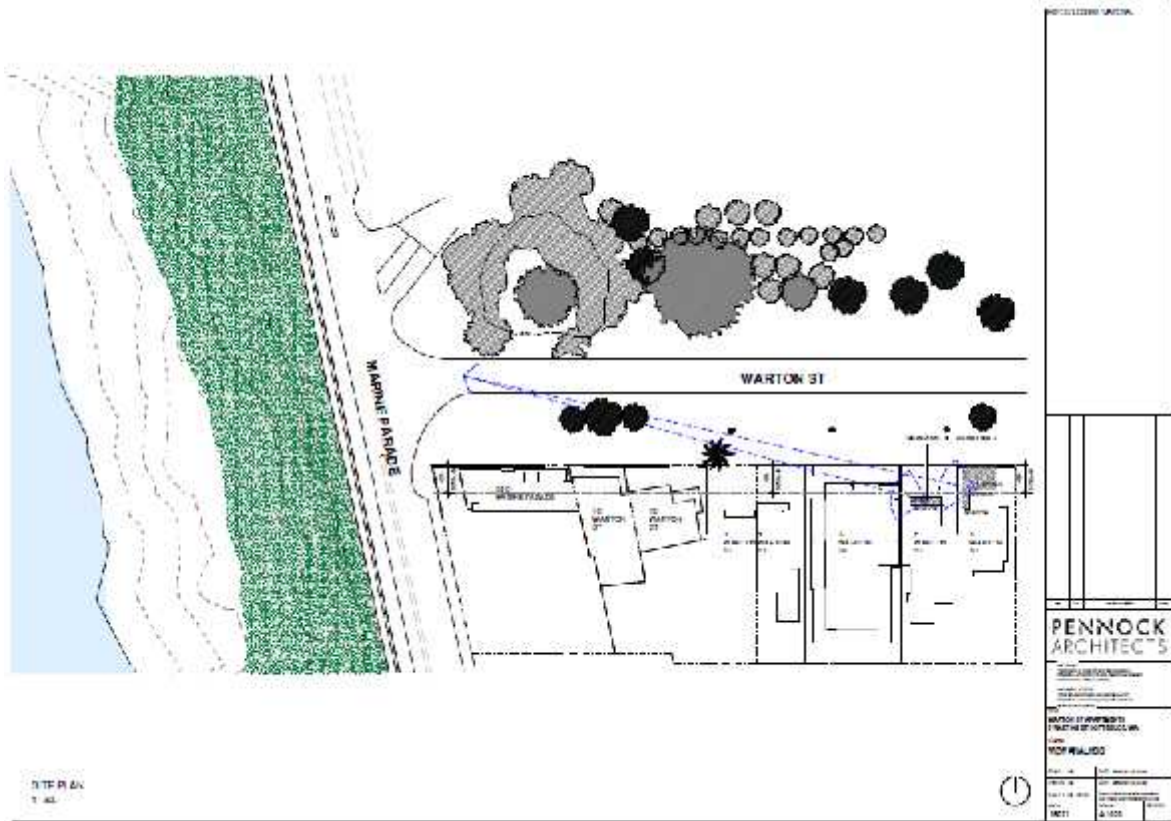
In addition to their submission dated 6 August 2019 (detailed in the 27 August Ordinary Council Meeting Report), the applicant provided the following comments 9 September 2019:

**Impact on Views**

A revised view analysis is provided in **Attachment 2**. The view analysis compares the existing views with the previous plans and the current plans. By increasing the street setback from 4m to 5m, the view toward the ocean broadens by 7 degrees. The analysis in Attachment 2 shows this visually, demonstrating a generous increase in the views which are afforded to the front balcony and courtyard of No. 7 and No. 9 Warton Street, Cottesloe respectively.

Notwithstanding, the proposal can now be adjudged to meet the requirements of Clause 5.3.7 and the consideration of view impacts is no longer required from a technical perspective.

Attachment 1 – View Analysis





**Staff comment**

As advised in the July and August Council reports, the proposed development has been assessed against the provisions of Local Planning Scheme No. 3 and the Residential Design Codes and is supported by staff and the Town’s Design Review Panel. However, the comments raised in the two neighbour submissions are required to be considered and balanced with the technical opinion provided by staff when Council exercises its judgement to determine the proposal against the Local Planning Scheme and the Residential Design Codes.

A table was included in the previous Council report (attached) which differentiates between the planning elements that require Council to exercise its discretion and elements which satisfy the deemed-to-comply provisions of the Residential Design Codes.

Although the Front Setback variations were previously discussed at the 27 August 2019 Ordinary Council Meeting, these no longer require the exercise of discretion (deemed to comply) as they meet the 5m minimum front setback and 6m average front setback. Furthermore, the amendments will help reduce the impact to neighbours’ views, which appeared to be the main concern in the neighbours’ submissions.

**BACKGROUND**

Zoning	MRS:	Urban
	LPS:	Residential R30
Use Class:		D - (means the use is not permitted unless the

	decision-maker has exercised its discretion by granting planning approval).
Development Scheme:	Local Planning Scheme No. 3
Lot Size:	840m <sup>2</sup>
Existing Land Use:	Multiple dwellings
Value of Development:	\$4M
Owner:	Essie Doris Stokes



**Above: Site location plan**

The development application was deferred at the Ordinary Council Meeting held on 27 August 2019 to allow the applicant more time to demonstrate compliance with a number of requirements, including Front Setback and Open Space. Council’s resolution is stated below:

**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

*Moved Cr Pyvis*

*Seconded Cr Tucak*

*THAT Council DEFER consideration of Item 10.1.1 Lots 4, 5 & 301 (5) Warton Street - Eight Multiple Dwellings pending receipt of amended plans.*

**CONCLUSION**

The proposed development has been assessed against the provisions of Local Planning Scheme No. 3 and the Residential Design Codes, and is supported.

The written submission provided by the applicant that included an Architectural Design Statement, detailed landscaping plans, a Waste Management Plan, a Bushfire Attack Level assessment, and a Traffic Impact Statement, assisted in enabling a comprehensive

assessment of the proposal by the Town and contributed to the applicant receiving support for the development from the Design Review Panel. It is noted that the amended plans were forwarded to officers on 9 September 2019 and were not advertised to neighbours. As the main concern of the neighbours appears to have related to the front setback, which now meets the deemed to comply provisions, no further comment was sought.

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER RECOMMENDATION**

THAT Council GRANT planning approval for eight multiple dwellings on Lots 4, 5 and 301 (No.5) Warton Street Cottesloe, as shown on the plans received 9 September 2019, subject to the following conditions:

1. All construction work being carried out in accordance with the requirements of the Environmental Protection (Noise) Regulations 1997.
2. The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.
3. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.
4. Air-conditioning plant and equipment shall be located closer to the proposed development than adjoining dwellings, and suitably housed or treated as may be necessary to ensure that sound levels do not exceed those specified in the Environment Protection (Noise) Regulations 1997.
5. The existing redundant crossover shall be removed and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Town.
6. A separate application for a new crossover and verge landscaping meeting Council specifications shall be submitted for approval by the Town.
7. The existing three lots being amalgamated and a new Certificate of Title being issued for the proposed lots prior to occupation.
8. The design and functionality of the vehicle access and bin store shall be to the Town's specifications and Australian Standards.
9. The driveway shall include the installation and maintenance of a system to warn entering vehicles of vehicles exiting the basement car park and to allow visitor vehicle access, to the satisfaction of the Town.
10. The pergola on the roof terrace shall be unenclosed and covered in a water-permeable material or unroofed. Details to be submitted at the building permit stage to the satisfaction of the Town.
11. A comprehensive Demolition and Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Demolition Permit and Building

Permit, and shall address (amongst other things) traffic management and safety for the street, worker parking, including off-site parking in consultation with and approval by the Town; and verge and street tree protection.

12. The owner/applicant shall be responsible for producing a comprehensive dilapidation report, to the satisfaction of the Town, to ascertain and monitor any damage caused to neighbouring properties as a result of the demolition and/or construction works, with copies being provided to the Town and relevant neighbours in order to consider any repairs required.

Advice Notes:

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.
3. In relation to this planning approval, the owner/applicant is advised that the Town operates a notification system for intended demolitions, including letters to nearby owners/occupiers and a sign(s) on site. The Town sends an initial letter to those owners/occupiers, arranges for signage as appropriate, and requests the demolition contractor to also provide follow-up notification letters to those owners/occupiers ahead of the demolition works to confirm the timing and any other aspects.
4. The owner/applicant is advised that the removal of any hazardous materials/substances, including asbestos, is required to be undertaken in accordance with the relevant regulations and procedures.
5. The owner/applicant is advised that the lots may be required to be amalgamated and a new Certificate of Title be issued prior to the granting of a Building Permit.

**COUNCILLOR MOTION**

**Moved Cr Pyvis**

**Seconded Cr Tucak**

DEFER consideration of the amended plans for eight multiple dwellings on Lots, 4, 5 and 301 (No.5) Warton Street, Cottesloe until TOC Officers have reported to Council their responses to the continuing concerns of the objectors articulated in recent emails to Councillors, to ensure compliance with LPS3 including that the residential amenity and character of the streetscape is protected.

**Lost 2/6**

**For: Crs Tucak and Pyvis**

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

**COUNCILLOR MOTION**

**Moved Cr Pyvis**

**Seconded Cr Tucak**

REFUSE planning approval for eight multiple dwellings on Lot 4, 5 and 301 (No.5 ) Warton Street, Cottesloe.

Lost 2/6

For: Crs Tucak and Pyvis

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

**COUNCILLOR MOTION****Moved Cr Sadler****Seconded Cr Thomas**

THAT Council GRANT planning approval for eight multiple dwellings on Lots 4, 5 and 301 (No.5) Warton Street Cottesloe, as shown on the plans received 9 September 2019, subject to the following conditions and the addition of points 13 and 14 to the officer's recommendation:

1. All construction work being carried out in accordance with the requirements of the Environmental Protection (Noise) Regulations 1997.
2. The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.
3. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.
4. Air-conditioning plant and equipment shall be located closer to the proposed development than adjoining dwellings, and suitably housed or treated as may be necessary to ensure that sound levels do not exceed those specified in the Environment Protection (Noise) Regulations 1997.
5. The existing redundant crossover shall be removed and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Town.
6. A separate application for a new crossover and verge landscaping meeting Council specifications shall be submitted for approval by the Town.
7. The existing three lots being amalgamated and a new Certificate of Title being issued for the proposed lots prior to occupation.
8. The design and functionality of the vehicle access and bin store shall be to the Town's specifications and Australian Standards.
9. The driveway shall include the installation and maintenance of a system to warn entering vehicles of vehicles exiting the basement car park and to allow visitor vehicle access, to the satisfaction of the Town.
10. The pergola on the roof terrace shall be unenclosed and covered in a water-permeable material or unroofed. Details to be submitted at the building permit stage to the satisfaction of the Town.
11. A comprehensive Demolition and Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Demolition Permit and Building Permit, and shall address (amongst other things) traffic management and safety for the street, worker parking, including off-site parking in consultation with and approval by the Town; and verge and street tree protection.
12. The owner/applicant shall be responsible for producing a comprehensive dilapidation

report, to the satisfaction of the Town, to ascertain and monitor any damage caused to neighbouring properties as a result of the demolition and/or construction works, with copies being provided to the Town and relevant neighbours in order to consider any repairs required.

13. Front wall height that meets the deemed to comply provisions of the Local Planning Scheme 3.
14. Open space provision of 45% or greater is met.

That if the applicants elect to proceed to a SAT hearing the following reasons for the additional conditions are given:

1. The Front wall height does not meet the deemed to comply provisions OR design principles of the residential R-Codes.
  - ) Deemed to comply provisions state that front fences within the primary street setback area are required to be visually permeable above 1.2m.
  - ) Design principles require front fences to be low or restricted in height to permit surveillance and enhance streetscape. The current wall design limits surveillance to and from the street apart from the second floor. Satisfactory passive surveillance will occur if the street and the ground floor have reciprocal passive surveillance by lowering the front wall height to meet the deemed to comply provision.
  - ) There is no consideration needed for attenuation of traffic noise, privacy or noise screening as the development is not on a street designated as a primary or district distributor or integrator arterial by having a higher front wall.
2. Open Space Provision does not meet the deemed to comply OR design principles of the residential R-Codes.
  - ) Maintaining 45% open space would satisfy the deemed to comply provision.
  - ) Design principles include reducing the building bulk on the site consistent with the expectations of the applicable density code and/or as outlined in the local planning framework.
  - ) The proposed development reduces the number of residences from 10 to 8 on the property but is occupying a bigger footprint and reducing open space.
  - ) That the applicant has not demonstrated to the satisfaction of the Town a reason why the open space provision cannot be met.

#### **COUNCILLOR AMENDMENT**

**Moved Cr Young**

**Seconded Mayor Angers**

**That condition 14 be deleted.**

**Equality 4(5)\*/4**



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

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

#### **SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

**THAT Council GRANT planning approval for eight multiple dwellings on Lots 4, 5 and 301 (No.5) Warton Street Cottesloe, as shown on the plans received 9 September 2019, subject to the following conditions:**

- 1. All construction work being carried out in accordance with the requirements of the Environmental Protection (Noise) Regulations 1997.**
- 2. The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.**
- 3. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.**
- 4. Air-conditioning plant and equipment shall be located closer to the proposed development than adjoining dwellings, and suitably housed or treated as may be necessary to ensure that sound levels do not exceed those specified in the Environment Protection (Noise) Regulations 1997.**
- 5. The existing redundant crossover shall be removed and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Town.**
- 6. A separate application for a new crossover and verge landscaping meeting Council specifications shall be submitted for approval by the Town.**
- 7. The existing three lots being amalgamated and a new Certificate of Title being issued for the proposed lots prior to occupation.**
- 8. The design and functionality of the vehicle access and bin store shall be to the Town's specifications and Australian Standards.**
- 9. The driveway shall include the installation and maintenance of a system to warn entering vehicles of vehicles exiting the basement car park and to allow visitor vehicle access, to the satisfaction of the Town.**
- 10. The pergola on the roof terrace shall be unenclosed and covered in a water-permeable material or unroofed. Details to be submitted at the building permit stage to the satisfaction of the Town.**
- 11. A comprehensive Demolition and Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Demolition Permit and Building Permit, and shall address (amongst other things) traffic management and safety for the street, worker parking, including off-site parking in consultation with and approval by the Town; and verge and street tree protection.**
- 12. The owner/applicant shall be responsible for producing a comprehensive**

dilapidation report, to the satisfaction of the Town, to ascertain and monitor any damage caused to neighbouring properties as a result of the demolition and/or construction works, with copies being provided to the Town and relevant neighbours in order to consider any repairs required.

13. Front wall height that meets the deemed to comply provisions of the Local Planning Scheme 3.

That if the applicants elect to proceed to a SAT hearing the following reasons for the additional condition be given:

1. The Front wall height does not meet the deemed to comply provisions OR design principles of the residential R-Codes.
  - ) Deemed to comply provisions state that front fences within the primary street setback area are required to be visually permeable above 1.2m.
  - ) Design principles require front fences to be low or restricted in height to permit surveillance and enhance streetscape. The current wall design limits surveillance to and from the street apart from the second floor. Satisfactory passive surveillance will occur if the street and the ground floor have reciprocal passive surveillance by lowering the front wall height to meet the deemed to comply provision.
  - ) There is no consideration needed for attenuation of traffic noise, privacy or noise screening as the development is not on a street designated as a primary or district distributor or integrator arterial by having a higher front wall.
2. Open Space Provision does not meet the deemed to comply OR design principles of the residential R-Codes.
  - ) Maintaining 45% open space would satisfy the deemed to comply provision.
  - ) Design principles include reducing the building bulk on the site consistent with the expectations of the applicable density code and/or as outlined in the local planning framework.
  - ) The proposed development reduces the number of residences from 10 to 8 on the property but is occupying a bigger footprint and reducing open space.
  - ) That the applicant has not demonstrated to the satisfaction of the Town a reason why the open space provision cannot be met.

Carried 6/2

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

Against: Crs Tucak and Pyvis

**10.1.3 EXTENSION OF PLANNING APPROVAL - LOT 38 (109) BROOME STREET (COTTESLOE CIVIC CENTRE) - SEA CONTAINER FOR TEMPORARY STORAGE**

**File Ref:** SUB/2798  
**Attachments:** 10.1.3(a) Minutes - Sea Container Approval - 23 October 2019 [under separate cover]  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Mat Humfrey, Chief Executive Officer  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is being asked to consider a time extension for the existing 12 month current approval for the placement of sea container within the Cottesloe Civic Centre.

**BACKGROUND**

Council has previously approved the placement of this Sea Container in the Civic Centre for a period of 12 months at the 23 October 2018 Ordinary Council Meeting. The relevant Minutes, including the Council Report has been included in Attachment 1.

**STRATEGIC IMPLICATIONS**

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

Priority Area 5: Providing sustainable infrastructure and community amenities

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Heritage Council WA

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While the application has been supported, the support is conditional upon the placement being temporary, while a more permanent solution is sought. At the intention is to remove the sea container as soon as the new depot buildings are able to be used, there are no perceived issues arising from the conditional support.

**OFFICER COMMENT**

The Sea Container in question has been in place for nearly 12 months with no adverse feedback. The Sea Container is well screened and presents no issues for neighbours, being the Cottesloe Tennis Club and what is now a construction site on Napier Street.

The sea container is only needed for the storage of small plant and equipment, which is routinely used by the Works Crew during their normal operations. Once the new depot is available, the sea container will no longer be required and will be removed. The area in which it is currently situated will be rehabilitated.

If the approval is not extended, then the sea container will need to be removed on 23 October 2019. This will result in additional costs as the Works Crew will need to travel to the Stack Street Depot to access this type of equipment. Alternatively, the equipment will need to be taken at morning start up and left on trucks, which increases the risk of theft.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Rodda**

**Seconded Cr Sadler**

**THAT Council APPROVE the extension of the approval granted on 23 October 2018 for a period of 6 months.**

**Carried 7/1**

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

**Against: Cr Pyvis**

**ADMINISTRATION****10.1.4 TENDER - ANNUAL EVENT AT COTTESLOE BEACH**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Neil Hartley, Deputy Chief Executive Officer  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

In order to provide the best opportunity to secure an annual event for Cottesloe Beach, it is proposed to invite offers from suitable organisations (via a public tender process).

The first two events were for a single concert only. The current approval is to stage two concert events over a single weekend later in 2019, on a Saturday and Sunday afternoon/evening. The proposal to invite tenders will open up the opportunity from interested parties to lodge alternative proposals for Council's consideration.

A formal tender will ensure an accountable lodgement and assessment process is followed, and that the community has adequate opportunity to have input into the final tender consideration.

**BACKGROUND**

At the November 2017 Briefing Forum, an item was presented that canvassed the idea of issuing a licence for an extended term for a music promoter to stage an event at Cottesloe Beach in November or December each year.

Two events have occurred within the Town of Cottesloe in November 2016 and April 2018. Approval was provided for an additional event scheduled for April 2019 which was cancelled due to the illness of the headline act. At the Ordinary Council Meeting held 26 March 2019, approval was given to stage a third/replacement major concert event. Approval incorporated a range of conditions designed to accommodate all stakeholders as best as possible.

The first two events were for a single concert only and were generally held without incident. The current approval is to stage two concert events over a single weekend later in 2019, on a Saturday and Sunday afternoon/evening.

**STRATEGIC IMPLICATIONS**

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

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

Major Strategy 1.3: Identify places to host more cultural events and activities.

## **POLICY IMPLICATIONS**

### **STATUTORY ENVIRONMENT**

#### *Local Government Act 1995*

Section 3.58 of the *Local Government Act 1995* outlines the process required to be undertaken for the 'disposal' of land (which includes to lease or otherwise dispose of). It is possible that a License (as proposed) would fall within the definition of disposal.

Other legislation will be relevant if Council in due course, elects to offer a contract for an annual event at Cottesloe Beach (vis. *Environmental Protection (Noise) Regulations 1997*; *Health (Public Buildings) Regulations 1992*; *Food Act 2008*; *Town of Cottesloe Health Local Law 1997*; *Town of Cottesloe Liquor (Licensed Premises) Policy*; *Health (Miscellaneous Provisions) Act 1911*; *Town of Cottesloe Local Government Property Local Law 2001*; *Town of Cottesloe Beaches and Beach Reserves Local Law 2012*; and Metropolitan Region Scheme. Approval from the Western Australian Planning Commission and the Department of Racing, Gaming and Liquor will also be required.

### **FINANCIAL IMPLICATIONS**

The calling of tenders will require officer time, public advertising and the preparation of suitable tender documentation. It is estimated that (excluding officer time) approximately \$2,500 will be required to fund the tender process. These funds can be sourced from the existing Cottesloe budget allocations for legal/tender expenses.

Any eventual event is likely to be classified as Commercial under the Event and Facility Classification Policy. Previous annual events (of a commercial nature) anticipating over 5000 people (vis. a fee of \$25,000/day) and this fee would be anticipated for any future events along similar lines to past examples. A bond in the vicinity of \$20,000 needs to also be applied.

Other minor fees would also be levied such as a Noise Monitoring Fee and Environmental Protection (Noise) Regulations exemption application fee, as required.

### **STAFFING IMPLICATIONS**

The calling of tenders can be conducted by existing staff with the nett time taken to undertake the process and report back to Council being approximately 50 officer hours (although this will be influenced by the number of requests received and tenders submitted).

If approved, officers will also for example, liaise with event organisers to review the relevant event plans and discuss the requirements of for example, the *Health (Public Building) Regulations 1992* and the *Food Act 2008*. Officers will also be required to attend the event to ensure compliance (for example, traffic management, risk management and relevant Acts) and hold a follow-up meeting as a de-brief.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There are no environmental implications relevant to the calling of tenders, however if approved in due course, such an event has the potential to impact on the beach

environment and comprehensive waste and traffic management plans will alleviate much of this risk.

### **CONSULTATION**

Staff

Elected Members

Consultation is also required with other stakeholders, like the Western Australian Planning Commission; the general community, the Cottesloe Surf Life Saving Club and with local businesses to inform them of the Council decision and for them to be offered input into the tender documentation.

### **OFFICER COMMENT**

Offering the chance from interested parties to lodge proposals for Council's consideration will provide an opportunity for several potential alternatives to be considered. Progressing those opportunities through a formal tender will ensure an accountable lodgement and assessment process is followed, and that the community has adequate opportunity to have input into the final tender consideration.

Overall, the 2016 and 2018 By The C event were a success, but it does undoubtedly impact on the amenity of local residents (for example, noise) and inconvenience/restrict access to the beach for the duration of the event. These factors will be taken into account in the preparation of the tender documentation/contract.

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Rodda**

**Seconded Cr Young**

**THAT Council AUTHORISE the calling of tenders for the provision of an annual beach concert event at Cottesloe Beach;**

- 1. For a three year period (2020 – 2022 inclusive); and**
- 2. With specifications that list the conditions that Council has imposed on the December 2019 event.**

**Carried 7/1**

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

**Against: Cr Pyvis**

**ENGINEERING****10.1.5 ARBORIST CONSULTANCY TENDER RECOMMENDATION**

**File Ref:** SUB/2798  
**Attachments:** 10.1.5(a) T08/2019 Tender assessment - Arborist Consultancy [CONFIDENTIAL] [UNDER SEPARATE COVER]  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Shaun Kan, Manager, Engineering Services  
**Author Disclosure of Interest:** Nil

Cr Pyvis declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "I am a Committee member of West Tree Canopy."

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**SUMMARY**

Tenders were recently advertised for Arborist Services to provide support to the Town's effective management of green spaces.

Council is asked to consider the submissions received, the analysis undertaken by staff and a recommendation to award the tender.

**BACKGROUND**

The Town requires ongoing Arborist technical advice and associated works to:

- )] Deliver the Council approved Capital Works Program.
- )] General tree maintenance and condition assessments around the Town.

The Town of Cottesloe's Purchasing Policy objectives are to:

- )] Provide compliance with the *Local Government Act 1995* and the *Local Government Act (Functions and General) Regulations 1996*.
- )] Deliver a best practice approach to all purchasing arrangements for the Town of Cottesloe, and accompanying procedures to assist staff.
- )] Ensure consistency for all purchasing activities that integrate all of the Town of Cottesloe's operational areas.

Depending on the value of works, the Administration either obtains quotes or tenders for individual projects to comply with the Purchasing Policy.

In order to provide an efficient, effective, economical and sustainable service to rate payers, a public tender process has been used to establish a fixed term contract with a supplier to provide the necessary goods and services (panel tender). Bids received will be assessed against quantitative and qualitative criteria to ensure that competence and value for money outcomes are achieved by the preferred supplier.

The recommended contractor was identified through this process. Three compliant tenders were received through the process.

A summary of the results are attached.

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**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.

**POLICY IMPLICATIONS**

The officer's recommendation is compliant with the Purchasing Policy. Please note the awarding of tender in this case would be considered a "panel tender" for the purposes of the Purchasing Policy.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

Section 3.57 (1) requires a Local Government to invite tenders before entering into a contract of a prescribed kind under which another person is to supply goods or services.

*Local Government (Functions and General) Regulations 1996*

Part 4 Division 2 – Tenders for Providing Goods and Services

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer's recommendation. Council's approval will improve staff efficiency and effectiveness with the option to utilise one sole supplier to deliver works within the contract scope.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There are no perceived sustainability implications arising from the officer's recommendation. However, improved green infrastructure management practices will likely have a positive effect on the sustainability of the Town.

**CONSULTATION**

Town of Cottesloe Staff

**OFFICER COMMENT**

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

Three submissions have been assessed against the Request for Tender Specifications and Selection Criteria.

The recommended tenderer (refer to confidential assessment attachment) has been determined to be the submission that best represents value for money as per the attached tender assessment. Rates provided are competitive in comparison with other bids received and their responses to the qualitative criteria have demonstrated potential to deliver high quality outcomes. Capability statements on their tender submissions and website have indicated that they possess the appropriate skills to provide arboriculture advice including carrying out tree maintenance and removal works.

Reference checks indicate that recommended tenderer are a competent, professional and skilled company, that have completed previous works the highest standards with excellent consideration to council budgets and timeframes.

Whilst acceptance of the recommendation establishes a panel arrangement, there is however no requirement to utilise the preferred supplier for all works and public tenders maybe advertised for projects should Council wish to do so.

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Rodda**

**Seconded Cr Harkins**

**THAT Council:**

- 1. APPROVE awarding the three year contract for the Arborist Consultancy to the recommended tenderer as per the confidential attachment;**
- 2. NOTES that this award will be under a panel supplier arrangement and is subject to the restrictions contained within the Purchasing Policy for panel tender arrangements.**

**Carried 7/1**

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

**Against: Cr Pyvis**

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**10.1.6 COASTAL AND MARINE ENGINEERING CONSULTANCY TENDER RECOMMENDATION**

**File Ref:** SUB/2798  
**Attachments:** 10.1.6(a) T072019 Tender Assessment [CONFIDENTIAL]  
[UNDER SEPARATE COVER]  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Shaun Kan, Manager, Engineering Services  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Tenders were recently advertised for Coastal and Marine Engineering Consultancy to provide technical advice and design services pertaining to the maintenance and upgrade to our coastline.

Council is asked to consider the submissions received, the analysis undertaken by the Administration and consider a recommendation to award the tender.

**BACKGROUND**

The Town requires Coastal and Marine to provide ongoing advice and design works to deliver the Council approved Capital and Maintenance Program along the Cottesloe Coastline.

The Town of Cottesloe's Purchasing Policy objectives are to:

- )] Provide compliance with the *Local Government Act 1995* and the *Local Government Act (Functions and General) Regulations 1996*.
- )] Deliver a best practice approach to all purchasing arrangements for the Town of Cottesloe, and accompanying procedures to assist staff.
- )] Ensure consistency for all purchasing activities that integrate all of the Town of Cottesloe's operational areas.

Depending on the value of works, the administration either obtains quotes or tenders for individual projects to comply with the Purchasing Policy.

However, many local governments, in order to provide an efficient, effective, economical and sustainable service to rate payers, procure through a public tender process to establish a fixed term contract with a supplier to provide the necessary goods and services. Bids received will be assessed against quantitative and qualitative criteria to ensure that competence and value for money outcomes are achieved by the preferred supplier.

The recommended contractor was identified through this process. Seven compliant tenders were received through the process, and three non-compliant. All bids submitted were assessed accordingly.

A summary of the results are attached.

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

**POLICY IMPLICATIONS**

The officer's recommendation is compliant with the Purchasing Policy. If the tender is awarded, it would be considered a panel tender for the purposes of the Purchasing Policy.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

Section 3.57 (1) requires a Local Government to invite tenders before entering into a contract of a prescribed kind under which another person is to supply goods or services.

*Local Government (Functions and General) Regulations 1996*

Part 4 Division 2 – Tenders for Providing Goods and Services

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer's recommendation. Council's approval will improve staff efficiency and effectiveness with the option to utilise one sole supplier to deliver works within the contract scope.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Town of Cottesloe Staff

**OFFICER COMMENT**

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

All seven submissions have been assessed against the Request for Tender Specifications and Selection Criteria.

The recommended tenderer (refer to confidential attachment) has been determined to be the submission that best represents value for money as per the attached tender assessment.

Rates provided are competitive in comparison with other bids received and their responses to the qualitative criteria have demonstrated potential to deliver high quality outcomes.

Reference checks indicate that the recommended consultants are a competent, professional and skilled company that have completed previous works to the highest standards with excellent consideration to council budgets and timeframes.

Whilst acceptance of the recommendation establishes a panel arrangement, there is no requirement to utilise the preferred supplier for all works and public tenders maybe advertised for projects should Council wish to do so.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Rodda

Seconded Cr Sadler

**THAT Council:**

1. **APPROVE** awarding the three year contract for Coastal and Marine Engineering Consultancy to the recommended tenderer.
2. **NOTES** that this award will be under a panel supplier arrangement and is subject to the restrictions contained within the Purchasing Policy for panel tender arrangements.

**Carried 7/1**

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

**Against: Cr Pyvis**

**10.1.7 ROAD CONSTRUCTION BUDGET AMENDMENT**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Shaun Kan, Manager, Engineering Services  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Following detailed engineering and costings, three specific projects in the capital section of the budget have come in approximately \$16,000.00 higher than the total allocated budgets.

Council is asked consider an amendment to the budget to transfer funds between general “road maintenance” allocation and these specific projects.

**BACKGROUND**

A visual condition assessment of the asphalt surface for the Town’s road network was carried out by the Administration. This is to prioritise the resurfacing works required over the 2019/2020 financial year. Determining factors comprised of surface ruts, cracking and skid resistance.

Roads that required resurfacing that did not qualify for the State Government’s Metropolitan Regional Roads Group contribution scheme were incorporated within this year’s budget. These projects would then be funded through the Town’s Roads to Recovery allocations that have been approved by the Federal Government. Remaining projects will be budgeted to occur over the next few years.

The Town would need to spend approximately \$50,000 per annum of grant allocated funds and meet a benchmark expenditure of municipal funded road construction projects over the next five years to avoid refunding any monies to the Federal Government.

The proposed budget amendment will achieve both criteria in the 2019/2020 financial year.

**STRATEGIC IMPLICATIONS**

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

Priority Area 5: Providing sustainable infrastructure and community amenities

Major Strategy 5.2: Manage assets that have a realisable value.

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

Priority Area 5: Providing sustainable infrastructure and community amenities.

Major Strategy 5.4: Maximise income from non-rates sources.

**POLICY IMPLICATIONS**

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

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**STATUTORY ENVIRONMENT***Local Government Act 1995**Roads to Recovery Guidelines***FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

The additional \$15,189.40 required for the road resurfacing works will be sourced through a transfer of approved budgets from 85.9000.3 – Road Maintenance as per the following table:

<b>Account Number</b>	<b>Project Location</b>	<b>Current Budget</b>	<b>Revised Budget</b>
40.1018.2	Beach Street (Marine Parade to Avonmore Terrace)	\$22,000.00	\$30,000.00
40.1034.2	Burt Street (Railway Street to Dalgety Street)	\$25,000.00	\$31,000.00
40.1012.2	Avonmore Terrace (Deane Street to Pearse Street)	\$28,000.00	\$30,000.00
85.9000.3	Road Maintenance	\$417,050.00	\$401,050.00
<b>Total Allocations</b>		\$492,050.00	\$492,050.00
<b>Budget Transfer from 85.9000.3 - Road Maintenance</b>		<b>\$16,000.00</b>	

**STAFFING IMPLICATIONS**

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

The works will be carried out by Roads2000, the Town's preferred asphalt contractor approved by Council in 2018.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Elected Members

Town of Cottesloe Staff

Residents along these roads will be notified of the works.

**OFFICER COMMENT**

Whilst there are additional costs associated with these works, this can be accommodated within the Town's approved 2019/2020 budget through a transfer of funds between allocations. Council's approval of this budget amendment will allow for these projects to be completed and the Town qualifying for the Federal Government's contribution towards these works.

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Rodda

Seconded Cr Sadler

**THAT Council by Absolute Majority AMEND the 2019/2020 budget as follows:**

- a. An increase of \$8,000 to Account 40.1081.2 – Beach Street (Marine Parade to Avonmore Terrace) to \$30,000;
- b. An increase of \$6,000 to Account 40.1034.2 – Burt Street (Railway Street to Dalgety Street) to \$31,000;
- c. An increase of \$2,000 to Account 40.1012.2 – Avonmore Terrace (Deane Street to Pearse Street) to \$30,000; and
- d. A decrease of \$16,000 from Account 85.9000.3 – Road Maintenance to \$401,050.

Carried 7/0



**FINANCE****10.1.8 FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2019 TO 31 AUGUST 2019**

**File Ref:** SUB/2798  
**Attachments:** 10.1.8(a) Financial Statements for the Period 1 July 2019 to 31 August 2019  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Wayne Richards, Finance Manager  
**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**

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.

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

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*Local Government (Financial Management) Regulations 1996*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

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

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Senior staff

**OFFICER COMMENT**

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

- )] The net current funding position as at 31 August 2019 was \$11,025,977 as compared to \$10,703,785 this time last year.
- )] Rates receivables at 31 August 2019 stood at \$4,317,040 as shown on pages 2 and 25 of the attached Financial Statements.
- )] Operating revenue is more than year to date budget by \$4,122 with a more detailed explanation of material variances provided on page 21 of the attached Financial Statements. Operating expenditure is \$325,680 less than revised year to date budget with a more detailed analysis of material variances provided on page 21.
- )] The Capital Works Program is shown in detail on pages 33 to 36.
- )] Whilst Salaries and Wages are not reported specifically, they do represent the majority proportion of Employee Costs which are listed on the Statement of Financial Activity (By Nature and Type) on page 7 of the attached Statements. As at 31 August 2019 Employee Costs were \$46,664 more than the budgeted year to date amount.
- )] The balance of cash backed reserves was \$10,376,587 as at 31 August 2019 as shown in note 7 on page 27 of the monthly financial statements.

**List of Accounts for August 2019**

The List of Accounts paid during August 2019 is shown on pages 37 to 44 of the attached Financial Statements. The following significant payments are brought to Council's attention:

- )] \$38,500.00 to Eco Shark Barrier Pty Ltd for preliminary works regarding the shark barrier.
- )] \$26,911.46 to Green Skills Inc for dune rehabilitations works.

- )] \$50,326.11 to Rico Enterprises Pty Ltd for waste collection and disposal costs.
- )] \$163,633.80 to the Shire of Peppermint Grove being a contribution towards the Grove Library services.
- )] \$25,471.62, \$24,332.52 & \$24,679.53 to SuperChoice Services for staff superannuation contributions.
- )] \$31,869.75 to Aspect Studios Pty Ltd for foreshore master planning services.
- )] \$118,943.06 & \$114,734.58 to the Town of Cottesloe staff for fortnightly payroll.
- )] \$1,000,000.00 & \$800,000.00 to the Commonwealth bank of Australia for new term deposits.
- )] \$1,000,000.00 to Bankwest for a new term deposit.
- )] \$1,000,000.00 to National Australia Bank for a new term deposit.

### **Investments and Loans**

Cash and investments are shown in note 4 on page 23 of the attached Financial Statements. Council has approximately 41% of funds invested with National Australia Bank, 20% with Bankwest, 29% with Commonwealth Bank of Australia and 10% with Westpac Banking Corporation. Council had a balance of \$10,376,586 in reserve funds as at 31 August 2019.

Information on borrowings is shown in note 10 on page 30 of the attached Financial Statements and shows Council had total principal outstanding of \$3,744,012 as at 31 August 2019.

### **Rates, Sundry Debtors and Other Receivables**

Rates revenue information is shown in note 9 on page 29 of the attached Financial Statements. Rates outstanding are shown on note 6 on page 25 and show a balance of \$4,317,040 as compared to \$4,208,733 this time last year.

Sundry debtors are shown on note 6, page 25 of the attached Financial Statements. The sundry debtors show that 1% or \$1,822 is older than 90 days. Infringement debtors are shown on note 6 page 26 and stood at \$404,513 as at 31 August 2019.

### **Budget Amendments**

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

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Rodda

Seconded Cr Harkins

**THAT Council RECEIVE the Financial Statements for the period 1 July 2019 to 31 August 2019 as submitted to the 24 September 2019 meeting of Council.**

**Carried 7/1**

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

**Against: Cr Pyvis**

**EXECUTIVE SERVICES****10.1.9 COMMITTEES AND ADVISORY BODIES**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Mat Humfrey, Chief Executive Officer  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is being asked to consider a new structure for advisory committees, working groups and panels, to be put in place following the upcoming elections.

**BACKGROUND**

At its meeting in February 2019 Ordinary Council Meeting, Council resolved;

*That the administration bring back a report on the appropriateness and efficiency of the existing Committee Structure to the April Council meeting, such report to include any suggested changes to that structure.*

A report was then presented to the May 2019 Ordinary Council Meeting, where Council resolved;

*That Council;*

- 1. Notes the contents of this report; and*
- 2. Requests the administration to further investigate and develop the Community Reference Group Model for Council's consideration.*

Following the May meeting, the administration has provided an update to Council at the September Briefing Session.

**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.

**POLICY IMPLICATIONS**

If the Officer's Recommendation is accepted by Council, several policies will need to be reviewed and updated. These include;

1. Acquisition of Artworks Policy
  2. Citizen of the Year Policy
  3. Design Advisory Panel Policy
-

4. Open Committee Meetings Policy
5. Standing Committee Roles Policy

### **STATUTORY ENVIRONMENT**

#### *Local Government Act 1995*

The Act provides guidelines for the establishment of committees and the appointment of members. As this report does not recommend either the creation of a committee or the appointment of committee members, there are no perceived implications.

It should be noted that Council is required to have an Audit Committee. The Act and Regulations also have requirements for the Audit Committee membership, the role of the Audit Committee and certain functions of the Audit Committee. The report does not make any recommendations for changes to the Audit Committee.

### **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

### **STAFFING IMPLICATIONS**

The current committee structure creates a high level of administrative work. The Officer's Recommendation seeks to reduce this workload which will free up staff time to concentrate on Council's priorities.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

Elected members

### **OFFICER COMMENT**

Council needs to consider the current resource allocation to committees and whether or not the current structure is leading to better decisions being made by Council. The current structure has 13 committees, which is considered high for a local government the size of the Town of Cottesloe. There are also committees that the Town doesn't have, such as an Integrated Planning and Reporting Committee, which could prove beneficial to the Town in the long term. As there is already a resourcing issue, we haven't been in a position to consider any further committees in the short term.

Council should also be mindful of the expectation that can exist with any group referred to as a "committee". Several comments and questions received from members of the public at Council Meetings, would suggest that there is a perception that committees are making decisions on behalf of Council, which is not the case. As no committee at the Town currently has any form of Delegated Authority, all committees are only able to provide advice and recommendations to Council, not make decisions on Council's behalf.

The proposed structure put forward in the officer's recommendation suggests that four types of advisory body be used by the Town. These are "advisory committees", "working groups", "panels" and "community reference groups".

### **Advisory Committees**

These groups are the most formal of the groups recommended. They would keep formal Minutes, would be expected to move, second and vote on recommendations to Council as well as having open meetings. Due to the workload that they create and the formal nature of their meetings, only groups with a particularly high profile or significant governance role should be referred to as advisory committees.

### **Working groups**

These groups would have a defined membership and regular meetings. Typically working groups would be formed to address a single issue and would work with professional staff (administration staff and/or consultants) to prepare a proposal that Council have requested. This could be to prepare a design for a piece of community infrastructure or the formation of a new policy.

Working groups should have a terms of reference document that outlines what it is that Council have requested they do and a timeframe for that to be achieved.

### **Panels**

Typically panels would provide Council with feedback on a proposal that has been prepared by a third party. Panels wouldn't normally be required to provide a recommendation that either supports or rejects a proposal, but rather would be asked to provide feedback and raise points that Council should consider when they are making their determination. One panel the Town currently has that demonstrates how this can best work is the Design Advisory Panel.

Panels should have a policy that outlines when they are called upon, who would chair the panel and how their feedback is provided to Council.

### **Community Reference Groups**

These groups work best where Council is seeking to hear of issues that they currently might not be aware of or where Council needs to hear from a section of the community. While Council would normally appoint the core of the reference group, it can also allow people meeting a certain criteria to participate.

Community Reference Groups should have a clear charter that outlines how they meet, who is allowed to participate and what happens with any issues raised during their meetings.

### **Conclusion**

At this stage, Council is being asked to endorse the structure below which will then allow the administration to work on the final details prior to the Council, post election, forming any new advisory bodies and making appointments to them. As noted above, some of the changes will necessitate the updating of policies and ideally, the Council will endorse any Terms of Reference documents or Charters that are required when people are appointed to the groups later this year.

There are three committees that are not recommended to continue. These are the Public Events Committee, Nomenclature Committee and the Short Stay Use Committee. It is also recommended below the Public Open Space Committee and the Beach Access Path Committee be merged into one Working Group.

### VOTING REQUIREMENT

Simple Majority

### OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Cr Thomas

**THAT Council ENDORSE the following structure for advisory bodies, to be implemented following the October 2019 election;**

<b>Group</b>	<b>Purpose</b>
<b>Public Art Advisory Committee</b>	<b>Advise Council and make recommendations on any acquisition to and the maintenance of the Town's Public Art Collection.</b>
<b>Audit Committee</b>	<b>As per the Act and Regulations.</b>
<b>Active Transport Working Group</b>	<b>Replaces the Bike Planning Committee. Advise Council on the infrastructure and policy requirements to increase active transport within the Town of Cottesloe.</b>
<b>Community Safety Reference Group</b>	<b>Put forward issues and ideas with a view to improving community safety within the Town.</b>
<b>Design Advisory Panel</b>	<b>To advise Council on the design quality of submissions or applications made to the Town.</b>
<b>Universal Access and Inclusion Community Reference Group</b>	<b>Put forward ideas and raise issues with a view to improving universal access across the Town.</b>
<b>Foreshore Precinct Advisory Committee</b>	<b>Advise Council and make recommendations on improvements to the Central Foreshore Zone.</b>
<b>Public Open Space Working Group</b>	<b>Replaces Beach Access Path and Public Open Space Committees. Advise Council on infrastructure and policy requirements to improve all public open space provided by the Town (outside the Central Foreshore Precinct).</b>
<b>North Cottesloe Primary School Traffic Safety</b>	<b>Advise Council and make recommendations on improvements to infrastructure associated with North</b>

<b>Advisory Committee</b>	<b>Cottesloe Primary School.</b>
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**Carried 7/1**

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

**Against: Cr Pyvis**



**10.2 RECEIPT OF COMMITTEE MINUTES**

**10.2.1 RECEIPT OF COMMITTEE MINUTES**

- Attachments:**
- 10.2.1(a) Unconfirmed Minutes - North Cottesloe Primary School Traffic Safety Committee - 9 September 2019 [under separate cover]**
  - 10.2.1(b) Unconfirmed Minutes - Art Advisory Panel Meeting - 5 September 2019 [under separate cover]**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Rodda**

**Seconded Cr Young**

**THAT Council note the attached Unconfirmed Minutes of the Committee Meetings.**

**Ñ1 North Cottesloe Traffic Safety Committee – 9 September 2019**

**Ñ1 Art Advisory Panel – 5 September 2019**

**Carried 7/1**

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

**Against: Cr Pyvis**

**10.3 REPORTS OF COMMITTEES****NORTH COTTESLOE PRIMARY SCHOOL TRAFFIC SAFETY COMMITTEE - 9 SEPTEMBER 2019****10.3.1 KISS AND DROP COMMUNITY ENGAGEMENT**

<b>File Ref:</b>	<b>SUB/2630</b>
<b>Attachments:</b>	<b>10.3.1(a) North Cottesloe Primary School Community Engagement - Councillor Amendments August OCM</b>
	<b>10.3.1(b) Community Engagement Plan - North Cottesloe Primary School Car Park - Cr Tucak amendments</b>
	<b>10.3.1(c) Community Engagement Plan - North Cottesloe Primary School Car Park - Cr Harkins Amendments</b>
	<b>10.3.1(d) North Cottesloe Primary School - Kiss and Drop Consultation Imagery</b>
	<b>10.3.1(e) Arborlogic - Design Specific Tree Assessment Report</b>
	<b>10.3.1(f) Traffic Engineering Report - North Cottesloe Primary School</b>
<b>Responsible Officer:</b>	<b>Mat Humfrey, Chief Executive Officer</b>
<b>Author:</b>	<b>Denise Tyler-Hare, Project Manager</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

Cr Young declared an IMPARTIALITY INTEREST in item 10.3.1 by virtue "I am a former (a long time ago) member of the school community."

Cr Harkins declared an IMPARTIALITY INTEREST in item 10.3.1 by virtue "Eight years ago I was a member of the North Cottesloe Primary School community."

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**SUMMARY**

The Committee recommendation from the July 2019 Committee Meeting was presented to Council at the August Ordinary Council Meeting. Council has resolved to defer the item to allow the administration to review the proposed amendments.

**BACKGROUND**

At the 8 April 2019 North Cottesloe Primary School Traffic Safety Committee meeting, a Traffic Engineering and Tree Assessment Report were presented to the committee.

At the April 2019 Ordinary Council Meeting, Council accepted the committee's recommendation and approved:

- )] Limited sight investigation to be undertaken by an Arborist, as recommended in the Tree Assessment Report provided no material damage is done to any tree;
  - )] The preparation of a community consultation plan that provided indicative cost and funding opportunities;
-

- ) Extending consultation area for directly impacted stakeholders further south to Napier Street.

The completed community consultation plan provides an outline of proposed online survey questions, public information session details, responses to frequently asked questions and supplementary attachments.

The arborist site investigations have been delayed until detailed design in conjunction with other engineering investigations when a preferred option would then be known. This recommended cost effective approach will provide more relevant and purposeful results to progress the approved concept.

Following engagement with various utility service authorities on the current concept, ATCO Gas and Western Power have indicated that up to twelve weeks lead time is required to obtain approvals to work within close proximity to their infrastructure.

Western Power is also unlikely to support isolating the power supply to Railway Street's overhead power lines for the works during summer due to the higher electricity demand and charges \$6,500 per day to implement this precautionary measure if approved.

Furthermore, the Town would need to engage a contractor to provide a precise construction program before a permit can be issued. Any changes to approved timeframes would require a re-application through the lengthy process that could result in a significant delay and cost to the project.

The attached alternative lower cost concept option that mitigates the above risk has been developed for Council's consideration and included in stakeholder consultation.

### **STRATEGIC IMPLICATIONS**

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

Priority Area 2: Achieving connectivity between east and west Cottesloe

Major Strategy 2.4: Proactively pursue solutions for improved access to North Cottesloe Primary School, with a view to reducing congestion on Eric Street.

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

Priority Area 5: Providing sustainable infrastructure and community amenities.

In the 2017-2018 Corporate Business Plan, 4 actions were contained to the strategy, being:

- a. Develop a costed project that relocates the school's parking and drop off point from Eric Street to Railway Street;
- b. Develop a costed solution for the intersection of Railway Street and Eric Street;
- c. Lobby the State Government to make an appropriate allocation for the parking relocation; and
- d. Lobby to the State Government to upgrade the Eric Street rail bridge and the intersection of Curtin Avenue and Railway Street.

Actions a. and b. were allocated to the 2017/2018 year in the Corporate Business Plan, with actions c. and d. to commence in the 2018/2019 financial year.

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

**FINANCIAL IMPLICATIONS**

The final financial implications will only be known once a preferred concept is approved.

The Town will then negotiate with the Department of Education and Main Roads Western Australia for funding contributions.

Currently, \$350,000 has been approved in the 2019/2020 budget. The initial and alternative concept is estimated to cost \$550,000 and \$350,000 respectively. This includes provisional sums for known risk and contingencies for unforeseen circumstances. Allowance has only been made for road resurfacing without any major road reconstruction earthworks.

Depending on the preferred option approved, outcome of the tender process and State Government funding, Council will need to determine how (or if) any shortfall is funded.

The following summarises the cost to date associated with developing the original plan reflected in Appendix A of the attached Traffic Engineering Report:

<b>Item Description</b>	<b>Expenditure</b>
Arborist Studies	\$5,780.00
Traffic Engineering Report	\$4,400.00
Site Feature Survey	\$2,980.00
Geotechnical Testing	\$5,700.00
<b>Total Expenditure</b>	<b>\$18,860.00</b>

**STAFFING IMPLICATIONS**

A construction contractor would need to be engaged for the works through an open tender process as the Town does not have sufficient resources to undertake works of this magnitude. Project management and contract administration functions will be undertaken by the Town's engineering staff.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

Both options are expected to improve traffic flow and safety along Eric Street through a reduction in vehicle queues through the roundabout. This includes new footpath connects to Eric Street bridge and the future principal shared path to promote cycling as an alternative transport mode.

There will be the loss of a small amount of vegetation for either proposed options. The detail design will take into consideration the protection of existing mature trees, in particular Norfolk Island Pines from any adverse impacts. However, the alternative option greatly reduces the risk to the existing vegetation.

**PROPOSED CONSULTATION**

Main Roads Western Australia

Department of Education

Western Power

ATCO Gas

North Cottesloe Primary School

Residents and Business within the school's vicinity

Broad public consultation

Town Staff

Elected Members

**OFFICER COMMENT**

The lengthy Western Power and ATCO Gas approval process has a significant impact on the project timeframe for the works to be constructed over the December 2019 and January 2020 school holidays. The application for these permits can only occur at the end of November 2019 after detailed design and engagement of a contractor by Council. March 2020 would be the earliest that construction can commence when the twelve weeks is applied to this program, provided no further delays are encountered.

Given the above circumstances, the administration proposes the following three options for consideration to progress either project concept to detail design and construction:

<b>Option</b>	<b>Description</b>	<b>Advantages</b>	<b>Key Risks/disadvantages</b>
<b>One</b>	Proceed with the original concept design and tender the works based on this concept with an accompanying specification.	1. Early contractor engagement to commence the approval process prior to November in an attempt to meet the December 2019 /January 2020 school holiday construction period.	1. No guarantee that Western Power would approve the works in summer. 2. High tender estimates are likely to mitigate the unknown risks normally resolved at detailed design that may result in the project being unaffordable. 3. Additional cost associated with Western Power isolation measures amounting to \$6,500 a day.
<b>Two</b>	Proceed with the original concept	1. Sufficient time to undertake due design	1. Shorter construction time frames available

	design and delay the construction to the April 2020 Easter school holidays.	<p>diligence and receive more accurate tender prices.</p> <ol style="list-style-type: none"> <li>2. Sufficient time to seek approvals from Western Power and ATCO Gas.</li> <li>3. Western Power is likely to approve works in autumn, due to lower power demands.</li> </ol>	<p>that may require night works, resulting in additional cost.</p> <ol style="list-style-type: none"> <li>2. Additional cost of \$6500 per day associated with Western Power electrical lines isolation during works</li> </ol>
<b>Three</b>	Proceed with the alternative option with the aim to construct over the December 2019 /January 2020 school holidays.	<ol style="list-style-type: none"> <li>1. Potentially no Western Power approvals required with minimal road re-alignment required to keep away from transmission lines.</li> <li>2. Safer design that mitigates the conflict between angled bays reversing vehicles and the kiss and drop traffic in the original concept design.</li> <li>3. Opportunity to rationalise parking for staff bays proposed on the western side of Railway St in conjunction with minimised road re-alignments whilst parents utilise the recommended ten minute time restricted Eric St car park to walk their children to class.</li> <li>4. Congestion alleviation on Eric and Railway Street from the proposed left in and out access arrangement at both carparks turning movements that will provide a safer and efficient interchange for</li> </ol>	<ol style="list-style-type: none"> <li>1. Low risk that Western Power approval may be required.</li> <li>2. Alternative concept has not been previously considered by the Council.</li> </ol>

		<p>users of the kiss and drop.</p> <p>5. Substantial reduction in construction cost and impact on the existing trees.</p>	
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We recommend the community is consulted on both the original and the alternative concept. Graphics will be developed and survey amended to include the alternative concept during engagement with the opportunity for the community to indicate the preferred option.

**VOTING REQUIREMENT**

Simple Majority

**COMMITTEE RECOMMENDATION**

That the North Cottesloe Primary School Traffic Safety Committee recommends;

That Council:

1. NOTES that this item was deferred at the August 2019 Ordinary Council Meeting for the Administration to consider the proposed amendments;
2. Notes that an alternative concept has been developed to mitigate time risk to the project, (potential delays arising from the proximity from the original concept plan to Western Power and ATCO Gas infrastructure) however it should be acknowledged that the original plan is the preferred option of these two as time is subordinate to the committee achieving the most desirable outcome for the community as a whole.
3. NOTES the arborist site investigations have been delayed until the detailed design stage and will be undertaken in conjunction with other engineering investigations; and,
4. APPROVES the North Cottesloe Primary School Kiss and Drop Relocation Project Community Engagement Plan and its implementation, subject to the following changes:
  - a. Holding an information session prior to the survey being released, on dates to be confirmed.
  - b. Letterbox drop to be from Napier Street to Parry St., between Stirling Hwy and Railway St.
  - c. In section 2, engagement text to commence with the following:  
 The Town’s strategic community plan contains an adopted strategy to proactively pursue solutions for improved access to North Cottesloe Primary School, with the view to reducing congestion on Eric Street. The Town’s adopted corporate plan outlines actions to achieve this strategy to develop a costed project that relocates the school’s parking and drop off point from Eric Street to

Railway Street.

Therefore, the Town seeks your feedback on the proposed relocation of the Kiss and Drop facility for North Cottesloe primary School, comprising of the realignment of Railway Street and construction of a car park and kiss and drop facility, to improve safety for pedestrians cyclists and motorists and reduce some of the traffic congestion in the current North Cottesloe Primary School, Eric St. drop off/pick-up zone.

- d. In section 3, incorporate similar text as per point C above in the survey introduction text.

Replace the text “including provisional sums and 10% contingency, with \$350,000 of the funding being provided by the Town of Cottesloe in the recently adopted 2019/2020 budget, and additional funding being sought from the Department of Education and Main Roads Western Australia” with

“The estimated cost of the project is \$550,000. The Town has budgeted up to \$350,000.

The Town will seek Federal (Roads to Recovery) and State Government funding for the project.”

Also include “The Town engaged an independent Traffic expert to review the concept plan and to suggest alternatives. The expert fully supported and endorsed this plan as an effective solution to improve safe access and reduce traffic congestion.

The project will commit to protecting the mature trees in the affected area and to increase the tree canopy with additional planting in the area.”

- e. In question 2 remove the word “Student” from the list of stakeholder groups respondents belong to.
- f. In question 3, add an initial question “If you are a parent at NCPS, how often do you drop your children at school?” and include options: Never, Rarely, Occasionally, Frequently, Very Frequently”.
- g. In question 7, include the text “additional trees will be planted as part of the project”.

ADD, after: “Any future design and construction will be undertaken in accordance with the Town of Cottesloe’s street tree policy which can be found here (insert policy link)” and “any change to it affecting mature trees needing council approval.” Remove “and in accordance with all relevant Australian Standards.”

Replace the text “additional trees will be planted as part of the project” replace with “A key criteria of the project will be to increase the tree canopy by planting additional trees.”

Replace the text “Given the information provided in relation to the natural



environment, are you satisfied that this plan will protect exiting mature trees?

With:

Given the above approach, how important to you is it that this plan, including any changes to it, protects existing mature trees?

Replace the responses with:

Not Important

Slightly Important

Moderately Important

Important

Very Important

- h. In question 9, add to the response options: "I support the concept design but would not use the new Kiss and Drop facility if implemented".
- i. In question 11 and 13, include as an option "address congestion on Eric Street." ADD another option "other" (with space to write ideas).
- j. In question 15 after the word "ramping" add "(backing or building up)" and add an option "Keeping the roundabout on Eric St and Railway St clear of traffic"
- k. Remove question 16 in light of point 1 above.
- l. In light of all the items listed above, make necessary changes to the Frequently Asked Question.
- m. In number 4 of the Frequently asked Questions: replace the words "Alternative Plans with "A previous plan" and replace "Since then, concept plans have been created" with "Since then, the current plan has been created".
- n. Change the wording in number 9 of the Frequently asked Questions to: " the existing Eric Street car park will be utilized for visitors to the school, such as canteen duty, reading duty and meetings."
- o. Include a one page executive summary for the Traffic Engineering Report and The Tree Report with the survey (in addition to providing links to the entire reports).
- p. Ensure that the concept plan as per the attachment to the 27 August OCM is included with the survey.

### COUNCILLOR MOTION

**Moved Cr Pyvis**

**No Seconder, Lapsed**

DEFER consideration of all the committee recommendations until safer options for North Cottesloe Primary School children arriving and departing school that do not include road realignment or tree removal as per Council resolution 25 July 2017, have been reported to Council by the Town of Cottesloe administration.

### COMMITTEE RECOMMENDATION

**Moved Cr Rodda**

**Seconded Cr Harkins**

That the North Cottesloe Primary School Traffic Safety Committee recommends;

That Council:

1. NOTES that this item was deferred at the August 2019 Ordinary Council Meeting for the Administration to consider the proposed amendments;
2. Notes that an alternative concept has been developed to mitigate time risk to the project, (potential delays arising from the proximity from the original concept plan to Western Power and ATCO Gas infrastructure) however it should be acknowledged that the original plan is the preferred option of these two as time is subordinate to the committee achieving the most desirable outcome for the community as a whole.
3. NOTES the arborist site investigations have been delayed until the detailed design stage and will be undertaken in conjunction with other engineering investigations; and,
4. APPROVES the North Cottesloe Primary School Kiss and Drop Relocation Project Community Engagement Plan and its implementation, subject to the following changes:

- a. Holding an information session prior to the survey being released, on dates to be confirmed.
- b. Letterbox drop to be from Napier Street to Parry St., between Stirling Hwy and Railway St.
- c. In section 2, engagement text to commence with the following:

The Town's strategic community plan contains an adopted strategy to proactively pursue solutions for improved access to North Cottesloe Primary School, with the view to reducing congestion on Eric Street. The Town's adopted corporate plan outlines actions to achieve this strategy to develop a costed project that relocates the school's parking and drop off point from Eric Street to Railway Street.

Therefore, the Town seeks your feedback on the proposed relocation of the Kiss and Drop facility for North Cottesloe primary School, comprising of the realignment of Railway Street and construction of a car park and kiss and drop facility, to improve safety for pedestrians cyclists and motorists and reduce some of the traffic congestion in the current North Cottesloe Primary School, Eric St. drop off/pick-up zone.

- d. In section 3, incorporate similar text as per point C above in the survey introduction text.

Replace the text "including provisional sums and 10% contingency, with \$350,000 of the funding being provided by the Town of Cottesloe in the recently adopted 2019/2020 budget, and additional funding being sought from the Department of Education and Main Roads Western Australia" with

"The estimated cost of the project is \$550,000. The Town has budgeted up to \$350,000.

The Town will seek Federal (Roads to Recovery) and State Government funding for the project."

Also include “The Town engaged an independent Traffic expert to review the concept plan and to suggest alternatives. The expert fully supported and endorsed this plan as an effective solution to improve safe access and reduce traffic congestion.

The project will commit to protecting the mature trees in the affected area and to increase the tree canopy with additional planting in the area.”

- e. In question 2 remove the word “Student” from the list of stakeholder groups respondents belong to.
- f. In question 3, add an initial question “If you are a parent at NCPS, how often do you drop your children at school?” and include options: Never, Rarely, Occasionally, Frequently, Very Frequently”.
- g. In question 7, include the text “additional trees will be planted as part of the project”.

ADD, after: “Any future design and construction will be undertaken in accordance with the Town of Cottesloe’s street tree policy which can be found here (insert policy link)” and “any change to it affecting mature trees needing council approval.” Remove “and in accordance with all relevant Australian Standards.”

Replace the text “additional trees will be planted as part of the project” replace with “A key criteria of the project will be to increase the tree canopy by planting additional trees.”

Replace the text “Given the information provided in relation to the natural environment, are you satisfied that this plan will protect exiting mature trees?”

With:

Given the above approach, how important to you is it that this plan, including any changes to it, protects existing mature trees?

Replace the responses with:

Not Important

Slightly Important

Moderately Important

Important

Very Important

- h. In question 9, add to the response options: “I support the concept design but would not use the new Kiss and Drop facility if implemented”.
- i. In question 11 and 13, include as an option “address congestion on Eric Street.”  
ADD another option “other” (with space to write ideas).
- j. In question 15 after the word “ramping” add “(backing or building up)” and add an option “Keeping the roundabout on Eric St and Railway St clear of traffic”
- k. Remove question 16 in light of point 1 above.
- l. In light of all the items listed above, make necessary changes to the Frequently

Asked Question.

- m. In number 4 of the Frequently asked Questions: replace the words “Alternative Plans with “A previous plan” and replace “Since then, concept plans have been created” with “Since then, the current plan has been created”.
- n. Change the wording in number 9 of the Frequently asked Questions to: “ the existing Eric Street car park will be utilized for visitors to the school, such as canteen duty, reading duty and meetings.”
- o. Include a one page executive summary for the Traffic Engineering Report and The Tree Report with the survey (in addition to providing links to the entire reports).
- p. Ensure that the concept plan as per the attachment to the 27 August OCM is included with the survey.

### **COUNCILLOR AMENDMENT**

**Moved Cr Tucak**

**Seconded Cr Thomas**

**Include the following words In the North Cottesloe Primary School consultation survey and all future similar surveys (under the fields for entry of personal information in all surveys):**

**“Names and addresses will not be included in published survey results unless Council resolves to”.**

**Carried 8/0**

### **COUNCILLOR AMENDMENT**

**Moved Cr Tucak**

**No Seconder, Lapsed**

In Item 4(d) of the Committee Recommendation, amend the second last paragraph of that item as follows:

Also include “The Town engaged an independent Traffic expert to review the concept plan. The expert supported and endorsed it from a traffic operations, safety and efficiency perspective.

### **SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

**That Council:**

- 1. NOTES that this item was deferred at the August 2019 Ordinary Council Meeting for the Administration to consider the proposed amendments;**
- 2. Notes that an alternative concept has been developed to mitigate time risk to the project, (potential delays arising from the proximity from the original concept plan to Western Power and ATCO Gas infrastructure) however it should be acknowledged that the original plan is the preferred option of these two as time is subordinate to the committee achieving the most desirable outcome for the community as a whole.**
- 3. NOTES the arborist site investigations have been delayed until the detailed design stage and will be undertaken in conjunction with other engineering investigations; and,**

4. **APPROVES** the North Cottesloe Primary School Kiss and Drop Relocation Project Community Engagement Plan and its implementation, subject to the following changes:

- a. **Holding an information session prior to the survey being released, on dates to be confirmed.**
- b. **Letterbox drop to be from Napier Street to Parry St., between Stirling Hwy and Railway St.**
- c. **In section 2, engagement text to commence with the following:**

**The Town’s strategic community plan contains an adopted strategy to proactively pursue solutions for improved access to North Cottesloe Primary School, with the view to reducing congestion on Eric Street. The Town’s adopted corporate plan outlines actions to achieve this strategy to develop a costed project that relocates the school’s parking and drop off point from Eric Street to Railway Street.**

**Therefore, the Town seeks your feedback on the proposed relocation of the Kiss and Drop facility for North Cottesloe primary School, comprising of the realignment of Railway Street and construction of a car park and kiss and drop facility, to improve safety for pedestrians cyclists and motorists and reduce some of the traffic congestion in the current North Cottesloe Primary School, Eric St. drop off/pick-up zone.**

- d. **In section 3, incorporate similar text as per point C above in the survey introduction text.**

**Replace the text “including provisional sums and 10% contingency, with \$350,000 of the funding being provided by the Town of Cottesloe in the recently adopted 2019/2020 budget, and additional funding being sought from the Department of Education and Main Roads Western Australia” with**

**“The estimated cost of the project is \$550,000. The Town has budgeted up to \$350,000.**

**The Town will seek Federal (Roads to Recovery) and State Government funding for the project.”**

**Also include “The Town engaged an independent Traffic expert to review the concept plan and to suggest alternatives. The expert fully supported and endorsed this plan as an effective solution to improve safe access and reduce traffic congestion.**

**The project will commit to protecting the mature trees in the affected area and to increase the tree canopy with additional planting in the area.”**

- e. **In question 2 remove the word “Student” from the list of stakeholder groups respondents belong to.**
- f. **In question 3, add an initial question “If you are a parent at NCPS, how often do you drop your children at school?” and include options: Never, Rarely,**

Occasionally, Frequently, Very Frequently”.

- g. In question 7, include the text “additional trees will be planted as part of the project”.

ADD, after: “Any future design and construction will be undertaken in accordance with the Town of Cottesloe’s street tree policy which can be found here (insert policy link)” and “any change to it affecting mature trees needing council approval.” Remove “and in accordance with all relevant Australian Standards.”

Replace the text “additional trees will be planted as part of the project” replace with “A key criteria of the project will be to increase the tree canopy by planting additional trees.”

Replace the text “Given the information provided in relation to the natural environment, are you satisfied that this plan will protect exiting mature trees?

With:

Given the above approach, how important to you is it that this plan, including any changes to it, protects existing mature trees?

Replace the responses with:

Not Important

Slightly Important

Moderately Important

Important

Very Important

- h. In question 9, add to the response options: “I support the concept design but would not use the new Kiss and Drop facility if implemented”.
- i. In question 11 and 13, include as an option “address congestion on Eric Street.”  
ADD another option “other” (with space to write ideas).
- j. In question 15 after the word “ramping” add “(backing or building up)” and add an option “Keeping the roundabout on Eric St and Railway St clear of traffic”
- k. Remove question 16 in light of point 1 above.
- l. In light of all the items listed above, make necessary changes to the Frequently Asked Question.
- m. In number 4 of the Frequently asked Questions: replace the words “Alternative Plans with “A previous plan” and replace “Since then, concept plans have been created” with “Since then, the current plan has been created”.
- n. Change the wording in number 9 of the Frequently asked Questions to: “ the existing Eric Street car park will be utilized for visitors to the school, such as canteen duty, reading duty and meetings.”
- o. Include a one page executive summary for the Traffic Engineering Report and The Tree Report with the survey (in addition to providing links to the entire reports).
-

- p. Ensure that the concept plan as per the attachment to the 27 August OCM is included with the survey.
- q. Include the following words In the North Cottesloe Primary School consultation survey and all future similar surveys (under the fields for entry of personal information in all surveys):

“Names and addresses will not be included in published survey results unless Council resolves to”.

**Carried 6/2**

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

**Against: Crs Thomas and Pyvis**

Cr Pyvis left the meeting at 7:52pm and did not return.

**10.3.2 ART ACQUISITION PANEL RECOMMENDATIONS**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Mat Humfrey, Chief Executive Officer  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The Art Advisory Panel (committee) met on 5 September 2019 and the Minutes have been included for noting at the September 2019 Ordinary Council Meeting. There are ten recommendations that are being put forward for Council's consideration.

**BACKGROUND**

Please refer the Minutes of the AAP meeting for the background on each recommendation.

**STRATEGIC IMPLICATIONS**

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

Priority Area 5: Providing sustainable infrastructure and community amenities

Major Strategy 5.2: Manage assets that have a realisable value.

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the committee's recommendations.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There are no perceived sustainability implications arising from the committee's recommendations.

**CONSULTATION**

Nil

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**OFFICER COMMENT**

Officers have no concerns with the recommendations made by the Art Advisory Panel. While most of the recommendations can be accommodated within current budget allocations and staff resources, some consideration will need to be given to the final cost of the plinth project before it is finally approved.

**VOTING REQUIREMENT**

Simple Majority

**COMMITTEE RECOMMENDATION**

Recommendation that Council endorse the Railway Corridor Greening design (by Josh Byrne Associates) subject to:

1. Moving location F on the median strip between the PSP and access road as marked on Drawing DD-204 (Appendix 1); and
2. An additional location P as marked on Drawing DD-211 (Appendix 2).

**COMMITTEE RECOMMENDATION**

THAT Council relocate '*Untitled*' to the Art Advisory Panel's revised PSP Location F at the earliest opportunity subject to providing the artist notification under the copyright act by the end of November 2019.

**COMMITTEE RECOMMENDATION**

That Council approve siting of '*She Sells Sea Shells*' at location A on Mr Mellor's map with a pale grey coloured gravel ground cover.

**COMMITTEE RECOMMENDATION**

That the Art Advisory Panel requests Council consult with the Art Advisory Panel on any potential extension or new agreement with Sculpture by the Sea.

**COMMITTEE RECOMMENDATION**

The current Panel, which is now known as the Art Advisory Panel, recommends that as soon as possible an addition be made to the Acquisition of Artworks Policy 4.3n):

'No conditions may be placed on donations'

and the nomenclature 'Art Advisory Panel' should be used in any redrafted Policy.

**COMMITTEE RECOMMENDATION**

1. That the AAP request Council approve in principle the concept of 'Plinth 6011' as outlined by Stephen Mellor (Art Advisory Panel Community Representative) to Council at the 6 August 2019 Briefing Forum and that further detailed development of the practicalities, location options within the Cottlesloe boundaries, funding possibilities and budgets should proceed and report back to Council (by date).

2. That if the Council approves the above, the Council approve and undertake approaches to the Shire of Peppermint Grove to participate in the Plinth project and to investigate the Library Corner as the location for the Plinth.

**COMMITTEE RECOMMENDATION**

That the Town's Acquisition of Artworks Policy is amended to add clause 4.2 as follows:

1. 4.2 - That a donation of 0.15% of the stated value of a Development Application is made to for the public art in the Town as a condition of any development approval where the value of the submitted development application is over \$2,000,000;
2. That the Town's Standard Conditions are amended to include a Standard Condition that reflects Resolution One above.

**COMMITTEE RECOMMENDATION**

That the Art Advisory Panel requests Council to consult with the Art Advisory Panel on any potential signage strategy.

**COMMITTEE RECOMMENDATION**

That the Art Advisory Panel recommend to Council that the proposed 'Take 3 by the Sea' artwork from North Cottesloe Surf Life Saving Club not be permitted.

**COMMITTEE RECOMMENDATION**

That the Art Advisory Panel request Council give urgent attention to the required upgrading of a significant historic site, Vlamingh Memorial, including the viewing area.

**COUNCILLOR MOTION**

**Moved Cr Young**

**Seconded Cr Harkins**

**That this item be DEFERRED to the next Agenda Forum Meeting, with the exception of Committee Recommendations 2 and 3.**

**Carried 7/0**

Council considered Committee Recommendations 2 and 3 together.

**COMMITTEE RECOMMENDATION**

**Moved Cr Tucak**

**Seconded Cr Young**

THAT Council:

1. Relocate '*Untitled*' to the Art Advisory Panel's revised PSP Location F at the earliest opportunity subject to providing the artist notification under the copyright act by the end of November 2019.
2. Approve siting of '*She Sells Sea Shells*' at location A on Mr Mellor's map with a pale grey coloured gravel ground cover.

**COUNCILLOR AMENDMENT**

Moved Cr Sadler

Seconded Cr Rodda

Replace the words pale grey coloured gravel ground cover with faded dark brown mulch in point 2.

Carried 7/0

**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

THAT Council:

1. Points 1, 4, 5, 6, 7, 8, 9 and 10 of the Officer's Recommendation be DEFERRED to the next Agenda Forum Meeting.
2. Relocate '*Untitled*' to the Art Advisory Panel's revised PSP Location F at the earliest opportunity subject to providing the artist notification under the copyright act by the end of November 2019.
3. Approve siting of 'She Sells Sea Shells' at location A on Mr Mellor's map with faded dark brown mulch.

Carried 7/0

**COUNCIL RESOLUTION**

Moved Cr Rodda

Seconded Cr Sadler

That items 10.1.1 and 10.1.7 be considered en bloc.

Carried 7/0

**11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****11.1 COUNCILLOR MOTION - CHANGE OF TREE SPECIES - CONGDON STREET**

The following motion has been proposed by Cr Tucak.

**COUNCILLOR MOTION****Moved Cr Tucak****No Seconder, Lapsed**

That Council APPROVES the Spotted Gum Species on the adopted Street Tree Masterplan to be replaced by the Norfolk Island Pines species only for the verge area that adjoins 30 and 30A Congdon Street.

**COUNCILLOR RATIONALE**

Similar to Clarendon St, a resident has requested for NIP species on the east side of Congdon St outside 30 and 30A as there are very few Spotted Gum trees anywhere on this street, which has been specified on the Masterplan and species are in fact extremely mixed, including natives and non-natives (such as a large number of existing Norfolk Island Pines).

**OFFICER COMMENT**

The purpose of the Street Master Plan was to provide guidance on the species to be planted as new plantings were required. In doing so it would make the planting of further trees more efficient and would provide residents with the ability to see what would be planted in the future.

Council should be mindful that creating too many site specific species types within the Master Plan itself, will reduce the effectiveness of the plan. Officers would recommend that Council try and retain one species of tree for each street segment where at all possible and only consider alternative species for a site where there is a public interest in doing so.

**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****Moved Cr Rodda****Seconded Cr Thomas**

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

**Carried 7/0**

*The public and members of the media were requested to leave the meeting at 8:10pm.*

All Town of Cottesloe officers, with the exception of the Acting Deputy CEO and Governance Coordinator left the meeting at 8:10pm.

Cr Rodda left the meeting at 8:10pm and returned at 8:12pm.

**13.1.1 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW**

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

**File Ref:** SUB/2792

**Attachments:** 13.1.1(a) CEO Performance Review 2018-19 (KPIs)  
**[CONFIDENTIAL] [UNDER SEPARATE COVER]**

**Responsible Officer:** Mat Humfrey, Chief Executive Officer

**Author:** Mat Humfrey, Chief Executive Officer

**Author Disclosure of Interest:** The Author has declared a Financial Interest as it relates to his conditions of employment

Mr Humfrey declared a FINANCIAL INTEREST in item 13.1.1 by virtue "It relates to his employment contract."

**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

1. That the proposed performance criteria for the Chief Executive Officer for the 2019 – 2020 performance review period are approved, as per Appendix A.
2. Request administration to seek proposals from advisers, including WALGA and an independent lawyer, to assist with the negotiation of the revised Chief Executive Officer employment contract by November 2019.

Carried 7/0

**MOTION FOR BEHIND CLOSED DOORS**

Moved Cr Harkins

Seconded Cr Rodda

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

Carried 7/0

*The public and members of the media returned to the meeting at 8:16pm.*

**13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC****13.1.1 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW**

The resolution for item 13.1.1 was read aloud.

**14 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 8:17pm.