



# Town of Cottesloe

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

**Tuesday, 25 February 2020**

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

Signed:

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

Presiding Member

Date: 25/4/2020

# 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, 25 February 2020

**NEIL HARTLEY**  
Acting Chief Executive Officer

24 March 2020

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

The Presiding Member announced the meeting opened at 6:04pm.

**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.

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

Jack Walsh – 35 Grant Street, Cottesloe – 10.3.1 and 10.1.12

Q1: What discussions have been carried out with the WAPC by the Foreshore Committee/Town of Cottesloe and which to update the endorsement of the Master Plan and progress the reclassification of Car Park 2?

A1: No discussions have been carried out.

Q2: During any such discussion with the WAPC have they indicated any support for reclassification of Car Park 2?

A2: As per response to question 1.

Q3: Given that reclassification of an A Class Reserve requires an Act of Parliament has any MP been approached by the Committee/Town of Cottesloe regarding such action?

A3: No.

Q4: If so, what was their response?

A4: As per the response to question 3.

Q5: Option A was selected as preferred over Option B by many respondents because it would pay for the carpark. Given such reclassification is necessary to enable Option A why was this fact not pointed out in all the public consultation/workshops?

A5: The purpose of the engagement would be to identify community aspirations for the Council and Administration to pursue with the relevant authorities.

Q6: Has the Town of Cottesloe/Committee been given any reason to expect the John Black land to be given to it free of charge, if reclassified, remembering the Deaf School and Station St experience with the State Govt?

- A6. This will be part of the discussion with WAPC as per the resolution of Council at the December 2019 OCM.
- Q7. If no encouragement has been given have the public been misled with the format of the consultation re the No 2 Car Park re Option A or B?
- A7. As per response to question 5.
- Q8. Who has deemed the Grant Marine Park as the only feasible option for a skate park ignoring Enlocus?
- A8. The officer's recommendation was for the entire strategy to be put out for consultation before coming to any conclusion.
- Q9. In invited comment on parks and playgrounds was there majority support for a skate park here?
- A9. A summary of the feedback can be found at this link: <https://www.cottesloe.wa.gov.au/council-meetings/ordinary-council-meeting/26-november-2019-ordinary-council-meeting/257/documents/10116-combined-attachments-public-open-space-and-playground-strategy.pdf>
- Q10. Did the Committee prefer a stockbroker's report to that of Enlocus, a paid expert?
- A10. As per response to question 8.
- Q11. If these Enlocus findings are to be ignored for Grant Street, will they be ignored for the other sites?
- A11. As per response to question 8.

Stephen Mellor – 8 Graham Court, Cottesloe – Item 13.1.1

A number of questions were asked at the Agenda Forum Meeting of 18 February 2020 by Mr Stephen Mellor in respect of Confidential Agenda item 13.1.1 Sculptures by the Sea 2020 – Funding Request.

In accordance with the Town of Cottesloe Standing Orders Clause 6.8(2)(f) a response will be provided in writing to Mr Mellor. The responses relate to a confidential report and are therefore not listed in this agenda.

#### **4.2 PUBLIC QUESTIONS**

Nil

**5 PUBLIC STATEMENT TIME**Laura Freeman -11 Elizabeth Street, Cottesloe – item 10.1.5

Ms Freeman spoke in relation to issues with the kindergarten’s septic system, the steps they’ve taken to resolve the issues and requested support from Council to upgrade the septic system.

Steve Allering– 125 Eric Street Shopping Centre - item 10.1.10

Mr Allering outlined the issues they had experienced over the last 12 months in relation to the loading zone and narrow laneway. Mr Allering supported the officer’s recommendation but requested that Council consider extending the trial period to 12 months.

Mark Rodda – 77 Forrest Street, Cottesloe – item 11.1

Mr Rodda spoke on behalf of his wife (the owner of 99 Napier Street) and he outlined the benefits to Council and the streetscape for returning the verge to its original form.

Michael Rees – 1 Caporn Street, Mosman Park – item 13.1.1

Mr Rees spoke about his request for more support from Council to enable Sculptures by the Sea to continue and stated that if there was more support from Council it would enable him to speak to State Government regarding a significant donation from them.

Patricia Carmichael – 14-116 Marine Parade – item 13.1.1

Ms Carmichael spoke about the advantages of providing more support to Sculptures by the Sea so that the event would be kept in Cottesloe.

Yvonne Hart – 26 Mann Street, Cottesloe – item 13.1.1

Ms Hart spoke about some of the things Cottesloe is known for around the world and outlined why Sculptures of the Sea should be supported and kept in Cottesloe.

**6 ATTENDANCE****Elected Members**

Mayor Philip Angers  
Cr Lorraine Young  
Cr Caroline Harben  
Cr Helen Sadler  
Cr Craig Masarei  
Cr Melissa Harkins  
Cr Michael Tucak  
Cr Kirsty Barrett  
Cr Paul MacFarlane



**Officers**

Mr Neil Hartley	Acting Chief Executive Officer
Mr Shane Collie	Manager Corporate Services and Governance
Ms Freya Ayliffe	Manager of Compliance and Regulatory Services
Mr Shaun Kan	Manager Engineering Services
Mr Wayne Richards	Finance Manager
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****COUNCIL RESOLUTION**

**Moved Cr Sadler                      Seconded Cr Harben**

**That Cr MacFarlane be granted leave of absence from 23 March 2020 to 31 March 2020 and Mayor Angers be granted leave of absence for the 26 May 2020 Ordinary Council Meeting.**

**Carried 9/0**

**7 DECLARATION OF INTERESTS**

Mayor Angers declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "it concerns the home of someone I know".

Mayor Angers declared an IMPARTIALITY INTEREST in item 11.1 by virtue it concerns the home of someone I know".

Cr Harkins declared an IMPARTIALITY INTEREST in item 11.1 by virtue "the owner of the property is known to me."

Cr Young declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "one of the applicants on the list is know to me."

Cr Young declared an IMPARTIALITY INTEREST in item 10.3.1 by virtue "I am a former member of the North Cottesloe Primary School community."

Cr Young declared an IMPARTIALITY INTEREST in item 11.1 by virtue "the owner is known to me."

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "an applicant is known to me."

Cr Sadler declared an IMPARTIALITY INTEREST in item 11.1 by virtue "the applicant is known to me."

Cr Harkins declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "one of the applicants is known to me."

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "a councillor on the list is known to me."

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "my children attended the kindergarten in the past."

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.3.1 by virtue "I still have a child attending the North Cottesloe Primary School."

Cr Barrett declared an IMPARTIALITY INTEREST in item 11.1 by virtue "the applicant is known to me."

Cr MacFarlane declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "an applicant, Cr Tucak, is known to me."

Cr MacFarlane declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "my children attended the kindergarten about 25 years ago."

Cr Harben declared an IMPARTIALITY INTEREST in item 11.1 by virtue "the person is known to me."

Cr Harben declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "Cr Tucak is a member of Council."

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "Cr Tucak is known to me."

Cr Masarei declared an IMPARTIALITY INTEREST in item 11.1 by virtue "the applicant is known to me."

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.1.1 by virtue "one of the tenants is known to me."

Cr Tucak declared an IMPARTIALITY INTEREST in item 13.1.1 by virtue "Directors of Sculpture by the Sea are known to me and I've been a donor in the past."

Cr Tucak declared an IMPARTIALITY INTEREST in item 11.1 by virtue "the applicants are known to me."

Cr Tucak declared a FINANCIAL INTEREST in item 10.1.2 by virtue "I am confident that I don't have a conflict of interest under the Act but I will leave the room when the item is dealt with to avoid the perception that I may have."

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.3 by virtue "I joined the Seaview Golf Club as a social member last week."

Mr Kan declared an IMPARTIALITY INTEREST in item 10.1.1 by virtue "one of the tenants is known to me."

Mr Kan declared an IMPARTIALITY INTEREST in item 11.1 by virtue "Mr Rodda is known to me."

**8 CONFIRMATION OF MINUTES**

Moved Cr MacFarlane

Seconded Cr Young

1. That the Minutes of the Ordinary Meeting of Council held on Tuesday, 17 December 2019 be confirmed as a true and accurate record subject to the minutes being corrected so that the words "Mike Powell" be deleted and substituted with "Mark Powell" in the Active Transport Working Group motion (at item 13.1.1 Committee Membership - Community Representatives Nominations).
2. That the Minutes of the Special Meeting of Council held on Tuesday 4 February 2020 be confirmed as a true and accurate record.

Carried 9/0

**9 PRESENTATIONS****9.1 PETITIONS**

Nil

**9.2 PRESENTATIONS**

Nil

**9.3 DEPUTATIONS**

Nil

For the benefit of the members of the public present, the Mayor announced that items have 10.1.2, 10.1.3, 10.1.6, 10.1.10, 10.1.13, 1.3.1, 11.1, 13.1.1, 13.1.3 been withdrawn for discussion. All other items will be dealt with en bloc.

**10 REPORTS****10.1 REPORTS OF OFFICERS****PLANNING****10.1.1 LOT 16 (6) ROSSER STREET - REMOVAL OF PRIVACY SCREEN**

<b>File Ref:</b>	<b>SUB/2798</b>
<b>Applicant(s) Proponents:</b>	<b>Vihara Yates</b>
<b>Attachments:</b>	<b>10.1.1(a) Application Letter - 6 Rosser Street [under separate cover]</b>
	<b>10.1.1(b) Revised DA Elevations - 6 Rosser Street [under separate cover]</b>
	<b>10.1.1(c) Planning Justification Letter - 6 Rosser Street [under separate cover]</b>
<b>Responsible Officer:</b>	<b>Neil Hartley, Acting Chief Executive Officer</b>
<b>Author:</b>	<b>Ed Drewett, Coordinator Statutory Planning</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.1.1 by virtue "one of the tenants is known to me."

Mr Kan declared an IMPARTIALITY INTEREST in item 10.1.1 by virtue "one of the tenants is known to me."

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**SUMMARY**

This application was included on the weekly delegation notice on 13 January 2020, however, it was "called-in" by Councillors Sadler and MacFarlane to be referred to Council.

On 3 December 2019, a development application was received requesting the deletion of a condition imposed on three previous planning approvals for two-storey rear alterations and additions and a single garage at 6 Rosser Street issued 22 July 2014, 11 July 2016 & 14 December 2017. The condition stated:

A privacy screen shall be provided along the eastern side of the proposed balcony to the satisfaction of the Town.

The requirement for the privacy screen was included on the previous planning approvals as the balcony has a 4.35m cone of vision to the eastern boundary, in lieu of 7.5m required under the deemed-to-comply provisions of the Residential Design Codes.

The setbacks to the northern and western boundaries comply with the deemed-to-comply provisions for visual privacy and so do not require screening. However, an advice note was included on the 2014 planning approval stating:

The applicant/owner is requested to have regard to potential overlooking of the western neighbour's property from the proposed balcony and is encouraged to liaise with the adjoining owner regarding this matter.

---

The applicant has now requested that the requirement for a privacy screen along the eastern side of the balcony be deleted as it will interrupt their view of the surrounds, and the closest affected neighbour (eastern side) has provided their consent.

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

**BACKGROUND**

Zoning	MRS:	Urban
	LPS:	Residential R20
Use Class:		Single house
Development Scheme:		Local Planning Scheme No. 3 (LPS 3)
Lot Size:		886m <sup>2</sup>
Existing Land Use:		Single house
Value of Development:		Not applicable
Owner:		Vihara Yates

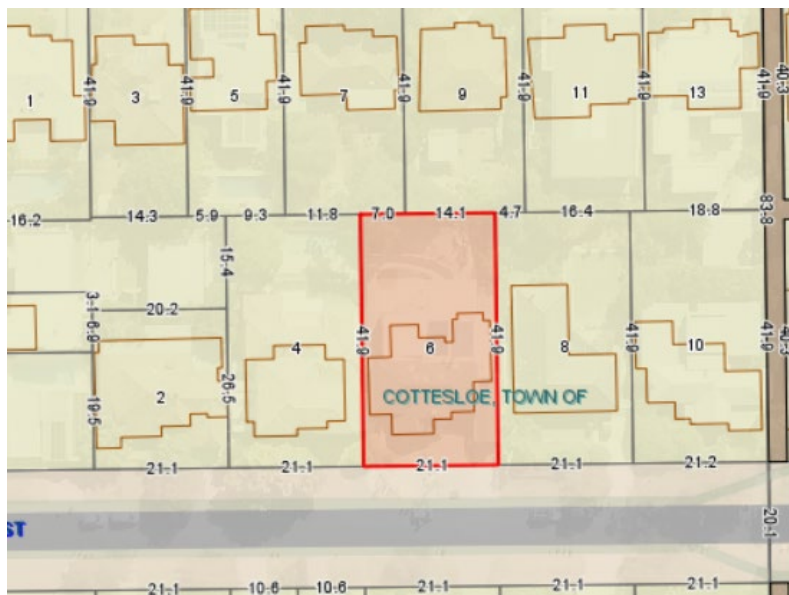


Fig. 1 - Site Plan



**Fig. 2 – Aerial photo of site**

On 22 January 2020, officers carried out a site inspection with the owner to ascertain whether the deletion of the balcony screening may be supported under design principles of the Residential Design Codes.

On 23 January 2020, a follow-up email was sent to the owner advising:

*As discussed yesterday, it is recommended that a small 75% solid screen or opaque glass splashback (measuring 1.6m from the floor level of the balcony) be installed permanently to the eastern side of the balcony in order to prevent potential for overlooking to the neighbouring garden. This would allow the balcony to be deemed to comply and thus remove the need for planning approval.*

*While the Town notes that the owners of 8 Rosser Street have provided written consent for the absence of a privacy screen, we are still required to assess the proposal against its planning merit under [State Planning Policy 7.3 – Residential Design Codes of Western Australia \(“R-Codes”\)](#). Where a 7.5m separation cannot be achieved from the balcony to the lot boundary and permanent screening has not been provided, an alternative solution can be considered if the proposal meets the design principles of the R-Codes.*

On 5 February 2020, the applicant provided a response to the Town to address the Residential Design Codes and also submitted another letter from the eastern neighbour agreeing to the removal of the balcony screening and construction of a 1m high solid wall along its eastern edge.

**Residential Design Codes**  
Adjoining property owner comment on discretionary approval application

**Adjoining property owner details**

Name: CAROLINE ANNE SILVER (FORMERLY PATTERSON)  
 Lot no: 15 Street no: 8 Street name: ROSSER STREET  
 Suburb: COTTESLOE Postcode: 6011

**Location of proposed development**

Name: VIHARA YATES  
 Lot no: 1b Street no: 6 Street name: ROSSER STREET  
 Suburb: COTTESLOE Postcode: 6011

**Details of matters on which council discretion is required and comment sought**

Plan attached  Details of proposed codes variations, or matters on which council discussion is required

**Adjoining property owners comments**

We have inspected the plans and comment as follows:

I AGREE FOR THE EASTERN END  
 BALUSTRADE TO BE OF SOLID CONSTRUCTION  
 AT THE HEIGHT OF 1000 MM AND I AGREE  
 THAT A SCREEN DOES NOT NEED TO BE  
 INSTALLED ON THE BALUSTRADE, AS  
 SHOWN ON THE PLAN

(Attach additional information and plans if necessary)

Signed: DASNEY Date: 24/01/2020 Phone: 0419969601  
 Print name: CAROLINE ANNE SILVER

Signed: \_\_\_\_\_ Date: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Print name: \_\_\_\_\_

Note: The council in determining the application under the Residential Design Codes will take into account the comments of adjoining owners. The council is not obliged to support the views of adjoining owners.

**Fig. 3 - Letter of support from owner of 8 Rosser Street**

### 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.

### STATUTORY ENVIRONMENT

- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *Local Planning Scheme No. 3;*
- *Residential Design Codes.*

### FINANCIAL IMPLICATIONS

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

### STAFFING IMPLICATIONS

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

No neighbour consultation was carried out as the applicant provided two letters of support from the adjoining affected adjoining neighbour (8 Rosser Street - owner).

**OFFICER COMMENT**

This application requires Council to exercise its discretion in regards to the cone-of-vision from the existing rear balcony at 6 Rosser Street to the eastern boundary. The relevant planning element is discussed below.

<b>Residential Design Codes</b> – Visual Privacy	<b>Deemed-to-comply provision</b>	<b>Design principles</b>
Requirement	7.5m from eastern boundary.	Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through: <ul style="list-style-type: none"> <li>- Building layout and location;</li> <li>- Design of major openings;</li> <li>- Landscape screening of outdoor active habitable spaces; and/or</li> <li>- Location of screening devices.</li> </ul> Maximum visual privacy to side and rear boundaries through measures such as: <ul style="list-style-type: none"> <li>- Offsetting the location of the ground and first floor windows so that viewing is oblique rather than direct;</li> <li>- Building to the boundary where appropriate;</li> <li>- Setting back the first floor from the side boundary;</li> <li>- Providing higher or opaque and fixed windows; and/or</li> <li>- Screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).</li> </ul>
Applicant's proposal	4.35m from eastern boundary (increased to 5.21m if existing cabinets are included).	



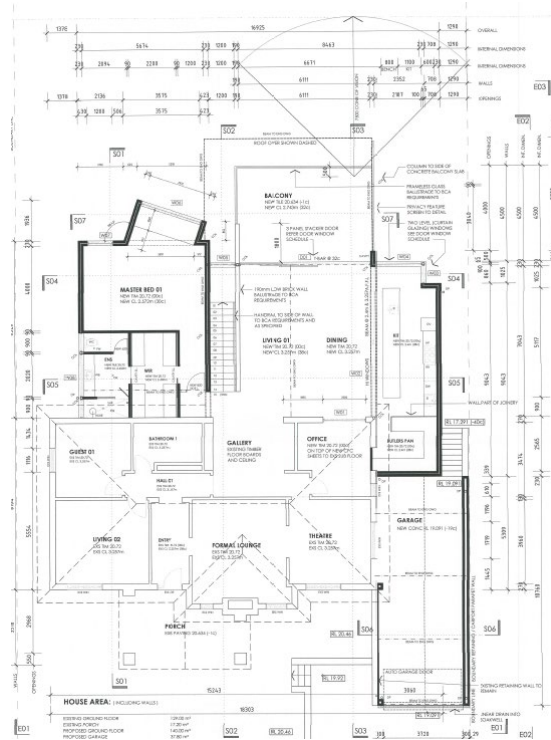


Fig. 4 - Approved plan showing cone of vision from balcony with screen

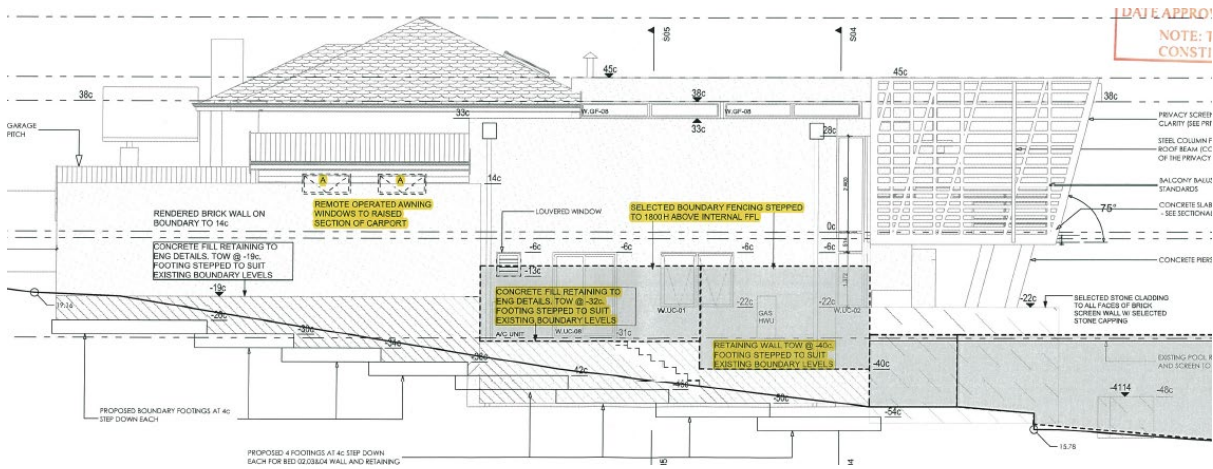
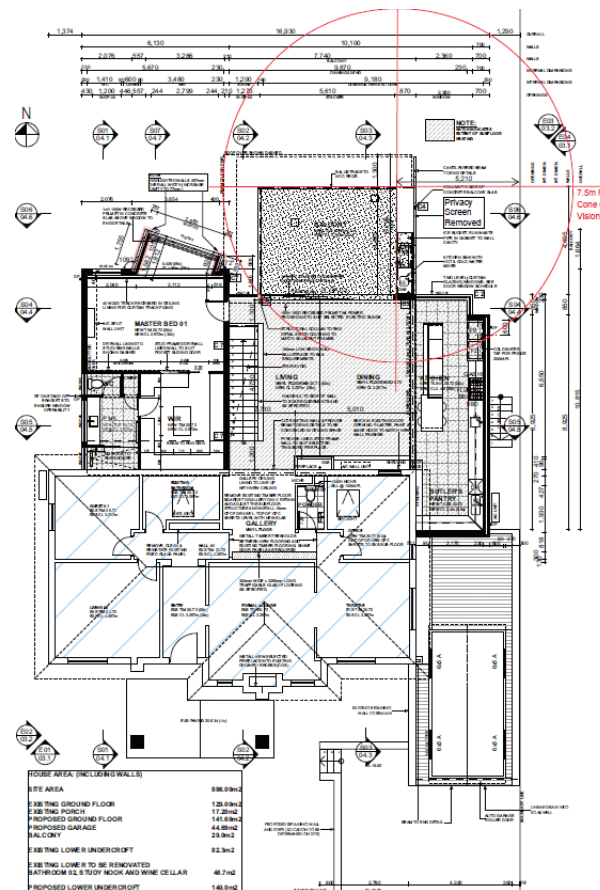


Fig. 5 - Approved plan showing eastern side elevation and screen



**Fig. 6 - Applicant's submission showing 7.5m cone of vision**

An inspection of the property revealed that although the eastern lot is currently overlooked from the rear balcony there are no habitable rooms, active habitable spaces, or outdoor living areas that are directly affected. Furthermore, an aerial photo of 8 Rosser Street shows that its main outdoor living area appears to be on the opposite side away from 6 Rosser Street thereby further reducing any likelihood of significant direct overlooking affecting that area.

The Explanatory Guidelines of the Residential Design Codes advises that those outdoor areas likely to be occupied for extended periods of time, and where it is reasonable to expect a high level of privacy, should be the focus of attention in terms of any restrictions to be applied to overlooking from adjoining properties. In this case, such areas being mainly on the eastern side of the adjoining property, are less likely to be affected by this proposal.



**Fig. 7 - Aerial photo of 8 Rosser Street showing outdoor living space on the eastern side away from the balcony at 6 Rosser Street.**

The height difference between the balcony at 6 Rosser Street compared to the rear garden at 8 Rosser Street dwelling is also quite significant due to the north-south sloping topography on the lots which means that any direct horizontal views are mainly limited to the neighbour’s roof rather than the neighbour’s rear garden.



**Fig. 8 – Side & rear view of 8 Rosser Street from balcony**



**Fig. 9 – Rear view of 8 Rosser Street from balcony**

## **CONCLUSION**

Although the objective of the Residential Design Codes is to minimise the impact of development on the visual privacy of adjoining properties, there are cases where a relaxation of these privacy standards may be applied following consultation with a potentially affected property owner. This can have a mutual benefit of reducing the appearance of building bulk of a development as seen from a neighbour's property as well as enabling better solar access and views.

In this case, the applicant has obtained the written agreement of the owner of the eastern adjoining property in respect to the deletion of the balcony privacy screen and the proposal is supported under the relevant design principles of the Residential Design Codes.

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Young**

**Seconded Mayor Angers**

**THAT Council GRANTS planning approval for the deletion of the requirement for a visual privacy screen along the eastern side of the rear balcony on Lot 16 (No.6) Rosser Street Cottesloe, as shown on the plans received 10 December 2019.**

**Carried 9/0**

**10.1.2 PLANNING APPLICATIONS DETERMINED UNDER DELEGATION**

**File Ref:** SUB/2798  
**Applicant(s) Proponents:** Nil  
**Attachments:** 10.1.2(a) List of Open DAs for Council [under separate cover]  
**Responsible Officer:** Neil Hartley, Acting Chief Executive Officer  
**Author:** Ed Drewett, Coordinator Statutory Planning  
**Author Disclosure of Interest:** Nil

Mayor Angers declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "it concerns the home of someone I know".

Cr Young declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "one of the applicants on the list is known to me."

Cr Sadler declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "an applicant is known to me."

Cr Harkins declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "one of the applicants is known to me."

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "a councillor on the list is known to me."

Cr MacFarlane declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "an applicant, Cr Tucak, is known to me."

Cr Harben declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "Cr Tucak is a member of Council."

Cr Masarei declared an IMPARTIALITY INTEREST in item 10.1.2 by virtue "Cr Tucak is known to me."

Cr Tucak declared a FINANCIAL INTEREST in item 10.1.2 by virtue "I am confident that I don't have a conflict of interest under the Act but I will leave the room when the item is dealt with to avoid the perception that I may have."

Cr Tucak left the meeting at 6:29 pm.

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**SUMMARY**

This report provides details of the planning applications determined by officers acting under delegation for the months of December 2019 and January 2020.

**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 December 2019 and January 2020 the following planning applications were determined under delegation:

Address	Owner	Applicant	Description	Delegation Notice	Date Determined
11 Beach Street	T J M Wright	D O'Dwyer	Alterations & Additions – Garage & Roof Deck	7 November 2019	27 November 2019
2 Andrews Place	A J Wells	A J Wells	Single Storey Dwelling with Undercroft Garage	7 November 2019	12 December 2019
18 Marine Parade	I Sandl	Nexus Home Improvements	Alterations & Additions – Two Storey Dwelling	7 November 2019	12 December 2019
18 Jarrad Street	N Rea	N Steele	Laundry Addition	15 November 2019	13 December 2019
7 Hamersley Street	V Bahen	Lyons Architects	Two Storey Dwelling	15 November 2019	18 December 2019
50 Hawkstone Street	D Hurst	D Hurst	Rear Patio	15 November 2019	23 December 2019
2 Alexandra Avenue	A Milner	Tim Davies Landscaping	Alterations & Additions – Front & Retaining Walls, Site Works	15 November 2019	23 December 2019
44 Railway Street	M Tucak	C Mengler	Additions- Create Two Grouped Dwellings	7 November 2019	10 January 2020

Address	Owner	Applicant	Description	Delegation Notice	Date Determined
453 Stirling Highway	Maitland Court Strata Plan #2420	R Maitland	Letterbox adjoining McNamara Way	13 January 2020	21 January 2020
108 Forrest street	Keyfin Pty Ltd	B Stroud Rowe Group	Demolition of Two Grouped Dwellings (Forrest & Vera)	13 January 2020	21 January 2020
112 & 114 Forrest Street	WGPL Property Pty Ltd	B Stroud Rowe Group	Demolition of Existing Buildings	13 January 2020	23 January 2020
118 Marine Parade	Marine 118 Pty Ltd	Allerding & Associates	Frog Sculpture (retrospective)	13 January 2020	21 January 2020

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 Young

Seconded Cr Sadler

**THAT Council RECEIVES this report on the planning applications determined under delegation for the months of December 2019 and January 2020.**

**Carried 8/0**

Cr Tucak returned to the meeting at 6:31pm.

**ADMINISTRATION**

**10.1.3 DESIGNATED DOG EXERCISE AREAS - INCLUSION OF SEA VIEW GOLF COURSE (WITH CONDITIONS)**

**File Ref:** SUB/2798  
**Attachments:** 10.1.3(a) Designated Areas For Dogs amendments - SVGC inclusion [under separate cover]  
**Responsible Officer:** Neil Hartley, Acting Chief Executive Officer  
**Author:** Freya Ayliffe, Manager Compliance and Regulatory Services  
**Author Disclosure of Interest:** Nil

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.3 by virtue "I joined the Seaview Golf Club as a social member last week."

**SUMMARY**

That Council consider approving the inclusion of the Sea View Golf Course as a designated exercise area for dogs with a condition being that dogs may be off their leads between the hours of 6.00pm until 6.00am only.

**BACKGROUND**

At the May 2019 Ordinary Council Meeting (OCM) Council approved minor amendments to the Designated Dogs Exercise Area subject to *enforcement action in respect of dogs off-lead on the Sea View Golf course (SVGC) be deferred pending further consultation with the Club and community stakeholders*. The approved amendments were minor amendments to reflect changes to infrastructure and legislation.

Currently dogs are permitted on the course however; it is not a designated dog exercise area, which means dogs are required to be on a lead at all times.

A meeting was held with the Sea View Golf Club in August 2019. The club advised that dogs off leads on the course are in fact an issue, particularly in the bunkers (bunkers need to be raked out regularly as the dogs defecate in the bunkers and some owners do not clean up after them) and the dogs are often on the course when golfers are playing. In addition, the golf club’s by-laws prohibit players from bringing dogs onto the course, so it seems unfair that members of the public are allowed to bring their dogs onto the course and allow the dogs to be off their leads at any time.

The Management of the Sea View Golf Club advised they would prefer that dogs be on leads at all times however, are happy to allow a timeframe for owners to exercise their dogs (off leads) on the course, this being; 6:00pm until 6.00am.

**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 6.4: Enhance the Town's ability to embrace and manage change.

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

Priority Area 5: Providing sustainable infrastructure and community amenities.

Major Strategy 6.4: Enhance the Town's ability to embrace and manage change.

### **POLICY IMPLICATIONS**

Amendments to the Designated Areas for Dogs Notice (Dog Act 1976).

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Dog Act 1976*

### **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation as Rangers will be carrying out normal duties.

### **STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer's recommendation as Rangers will be carrying out their normal duties.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

Sea View Golf Club

Elected Members

Rangers

### **OFFICER COMMENT**

Should Council support the proposed amendment to the Notice, the Town will work closely with Sea View Golf Club to educate the community and ensure required levels of enforcement are undertaken in a proactive and educative manner.

Clear signage will be erected advising of the changes, pamphlets will be produced for both the Golf Club and Rangers to assist with educating the community of the changes and information will also be included on the Town and Club's websites, Facebook page and monthly newsletter.

The Town will allow a grace period of one month before any enforcement action is taken.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Young

Seconded Cr Harkins

**THAT Council APPROVES:**

1. The amendment to the Designated Areas for Dogs Notice to include the wording; *“Sea View Golf Club between the hours of 6.00pm until 6.00am only”* (as per attachment), subject to the Notice being advertised for public comment.
2. Note that all public consultation will be carried out in accordance with the Town’s Community Engagement Policy.

Carried 9/0

**10.1.4 TENDER T16/2019 - BEACH CONCERT EVENT LICENCE**

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

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**SUMMARY**

Council at its September 2019 meeting, authorised the calling of tenders for the provision of an annual beach concert event at Cottesloe Beach, for a three year period.

Calling public tenders provided the best opportunity to secure an annual event for Cottesloe Beach as it opened up the opportunity from interested parties to lodge both conforming and alternative proposals for Council's consideration.

Tender documents were forwarded to 35 potential businesses and also advertised in State and local newspapers.

A decision was scheduled for December 2019 to enable the tender to be let in time for the 1 January 2020 Licence commencement, however after a five week tender period, no bids were received.

This report recommends that Council retain its historic position of willingly considering Cottesloe Beach Event Proposals as they present themselves, with Fees and Bonds to be charged as set out in Council's Schedule of Fees & Charges.

**BACKGROUND**

Three Cottesloe Beach events have occurred in the past, in November 2016, April 2018, and December 2019.

Council at its 24 September 2019 meeting authorised the calling of tenders for the provision of an annual beach concert event at Cottesloe Beach, for a three year period (2020 – 2022 inclusive). To ensure attention to the opportunity was maximised, tender documents were forwarded to 35 potential businesses. The tender was also advertised for five weeks in State and local newspapers.

Tenders were called for the Annual Beach Concert Event Licence for a three year period (commencing 1 January 2020). The tender document described the requirements of the tender, which is the provision of an Annual Beach Concert Event for Cottesloe Beach. The definition of an Annual Beach Concert Event is an event that cannot be any longer than six hours on each day of two consecutive days/nights over one single weekend period of any calendar year.

There was no specific event style defined, however proponents were guided by clause 8.2 of the Licence Agreement and the tender selection criteria, namely –

1. Ability to add value to Cottesloe's community vision of being "*an iconic coastal community with a relaxed lifestyle*";
  2. Ability to provide a unique cultural experience;
-

3. Ability to attract patronage to local commercial entities;
4. Ability to minimise disruption and inconvenience to existing Cottesloe residents;
5. Ability of the event to be of “zero harm” to the Licenced Area and surrounds; and
6. Ability to promote Cottesloe in a positive manner.

The approval of each Annual Beach Concert Event was still to occur annually, as the Licensee was required to prepare and submit an Event Application for the event each year. That application was required to be received (unless otherwise agreed by the parties) at least 12 weeks prior to the date on which the Event was proposed to occur and was to be referred to Council for consideration. Amongst other things, the following information was to be included in the application:

- proposed event date(s);
- proposed artists to perform and set times;
- bump-in and bump-out time and schedule;
- the proposed layout of the Licensed Area (to scale) for the conduct of the event;
- event operating times;
- proposed patron numbers;
- proposed permitted hours of use.

The Licensed area (indicative) was within the boundary marked in red below.



When tenders closed on 6 December 2019, there were no bids lodged.

**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**

Policies relevant to the event, include the Events Classification Policy; the Outdoor Concerts and Large Public Events Policy; and the Beach Policy.

The 2019 Schedule of Fees and Charges is the relevant document to consider the fee review question.

**STATUTORY ENVIRONMENT**

The *Local Government Act 1995* includes provisions for calling tenders, and establishing and reviewing the Schedule of Fees & Charges.

**FINANCIAL IMPLICATIONS**

Income will be based on the Town's Schedule of Fees & Charges.

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**

There are considerable staffing implications for the coordination of events, but this implication is in line with previous events of a similar nature. Officers will 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**

Large events in particular, have the potential to impact on the beach environment and comprehensive waste and traffic management plans will be required to ensure this risk is mitigated. Environmental implications of such an event will be managed through the Licence conditions and the Event Application process, which includes/will include the standard environmental provisions normally associated with a beach type event of the nature proposed.

**CONSULTATION**

Nil.

**OFFICER COMMENT**

Offering the chance from interested parties to lodge proposals for Council's consideration provided an opportunity for several potential alternatives to be considered. Progressing those opportunities through a formal tender ensured an accountable lodgement and assessment process was followed.

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 were taken into account in the preparation of the tender documentation/Licence (attached).

Some feedback was received as the tender was progressing, which probably highlights the core reasons for there being no submissions –

1. that it was a very busy time for event organisers and completing tender proposals takes quite a deal of effort (although we did have the tenders open for five weeks);
2. some potential bidders (of what could be described as the “unprofitable events”) could only participate if the Town was proposing a financial subsidy (which it wasn't?); and
3. that the tender specifications were considered to be too restrictive when it came to the “risk” the event organisers were being asked to put themselves at. That is, the Town was requiring them to lodge a fixed price for the Licence but without any guarantee that the style/individuality of the event they would like to undertake, or their preferred date, would in fact be approved by Council (bearing in mind each annual event needs a separate Council approval).

The last point in particular is reinforced somewhat by the recent situation with Zaccaria's December 2019 *By the C* event, where the event performers, the date, and the level of anticipated ticket sales all changed between the original application and the event occurring.

If the Town puts the tender out again, it would at least need to provide a firm list of dates that are, or are not, acceptable (and this in itself might not be enough to change the situation in today's economic climate).

If Council did wish to re-tender, it might even be worthwhile to invite a couple of the major performance organisers to discuss with Council, how they would suggest the tender to be structured, such that it would make it competitive in the market place and draw out more bidders.

Notwithstanding the above, officers suggest that whilst the current “suppressed” economic climate prevails, that Council take a middle-ground position and agrees to retain its historic position of willingly considering Cottesloe Beach Event Proposals as they present themselves, with Fees and Bonds to be charged as set out in Council's Schedule of Fees & Charges.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Young**

**Seconded Mayor Angers**

**THAT Council:**

- 1. NOTES that no event organisers wished to bid for a three year commitment based on the Tender/Licence conditions set (which included an annual Council approval process for each event);**
- 2. REINFORCES it's Policy requirement to maintain its capacity to decide event dates, make-ups, and formats; and**
- 3. RETAINS its historic position of willingly considering Cottesloe Beach Event Proposals as they present themselves, with Fees and Bonds to be charged as per Council's Schedule of Fees & Charges.**

**Carried 9/0**

**10.1.5 SEAVIEW KINDERGARTEN - CAPITAL WORKS REQUEST**

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

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "my children attended the kindergarten in the past."

Cr MacFarlane declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue "my children attended the kindergarten about 25 years ago."

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**SUMMARY**

The current lease for the Seaview Kindergarten has been in place since 2013 and runs for 10 + 10 years until 2032.

The focus of the May 2012 Council Agenda item (where the lease was endorsed) was to enable the service to continue, but at the least possible cost to the Town. Budgets since the lease was signed have been consistent with this intent and the 2019/20 budget does not include any allocation for capital upgrade works.

The provision of kindergarten services is a State Government responsibility, but 18 Community Kindergartens across Western Australia exist, including the Seaview Kindergarten. The Education Department has advised that the Seaview Kindergarten is well attended, but if it were to cease operating, all students would be found places at its other state government provided kindergarten facilities.

**BACKGROUND**

The Seaview Kindergarten is a community kindergarten which operates from premises on Broome Street. The facility sits on crown land vested in the Town for the purposes of a Kindergarten. If the Town did not have a lease with Seaview Kindergarten, it would only be able to lease the land to another Kindergarten or use the land to provide a Kindergarten under the current vesting order (unless Council wished to apply to the State Government to have the vesting order changed).

Prior to 2012 there was no lease between the Town and Seaview Kindergarten, so one was established (commencing 1 January 2013) for 10 + 10 years (concluding 31 December 2032).

The May 2012 Council Report includes the following information:

*Traditionally not for profit groups providing a community service within the Town are offered leases on a "peppercorn basis". A peppercorn lease involves the lessee (tenant) providing the smallest level of consideration required to make the lease binding, which is now \$1.00 per annum plus GST. The lessee benefits by not having to make lease payments, however in exchange for this they are usually required to undertake all maintenance of the premise*



*including maintenance that the lessor (landlord) would be required to undertake under a commercial or residential lease.*

*Peppercorn leases can be an efficient agreement for both parties. The removal of the requirement for regular lease payments eases the pressure on cash flows for community organisations, while allowing them to make the most of their biggest asset, volunteer labour, which they can utilise to undertake the necessary maintenance. The danger for local governments in entering into peppercorn leases however, is the expectation that the local government will still be responsible for certain maintenance normally provided under a normal commercial or residential lease situation. The whole purpose of a peppercorn lease is that the lessor gives up the income and in exchange the lessee provides all maintenance. If the lessor gives up the income but continues to provide the maintenance, it defeats the purpose of the peppercorn lease from the lessor's point of view.*

*While it is not ideal for lessor Councils to provide the ongoing maintenance, it is quite common for Councils to have grants available for community groups to improve or repair community infrastructure - which can be used for maintaining or improving buildings on peppercorn leases. While this may initially seem inefficient and contradictory, it can be justified on the basis that groups that own their own buildings, and as such responsible for all maintenance, can access such grants. Further while it may seem inefficient initially, if the funding is only used for materials, with the labour component being either donated or provided by volunteers, it does represent a more efficient use of funds than if Council carried out the maintenance itself -- and hence had to pay for the labour component.*

*While the Town is not obliged under the lease agreement to provide any funding for maintenance of the premises directly, Council, should it choose, can still provide funding for or undertake works at the premises. However any support provided is on a case by case basis and there would be no ongoing obligation under the lease agreement.*

*While this lease provides certainty to Seaview Kindergarten Inc. on a year by year basis, our current advice is that there would be little cost to them should they decide not to continue at this location. The lease is designed moreover to protect their interest from change of direction from Council, than to lock them into a financially onerous lease agreement.*

The Kindergarten advised the Town in September 2019 that the toilets overflow about every two months and the Kindergarten has then pumps the system out (which costs it around \$1,500 per occasion) however it keeps recurring. The Town assisted with seeking quotations for plumbers to undertake the task of seeking a solution to the situation and the preferred bidder's price was \$8,160 (ex GST) which was to effectively replace the existing septic system.

The Lease highlights that the Lessee acknowledges that it had inspected the structure and entered into the lease with full knowledge of the structural state and state of repair of the Premises. The Lease specifically addresses the matter of it being the Lessee's responsibility

to maintain, replace, or repair such things as plumbing. In addition to this, the lease fee was set at a “peppercorn” rate in acknowledgment of the state of the site, the ongoing responsibilities of the Lessee, and its intended use. The Lessee asks for Council’s consideration that the works be considered as requiring replacement as it is “fair wear and tear” or is of a structural nature and that the Lessee did not cause the works to be required by any act or omission of its operations at the site.

The role of State Government in the area of education is outlined in the School Education Act, and that includes a State Government responsibility for it providing kindergarten spaces for all children in the year they turn 4½ years of age.

There are 18 Community Kindergartens (like the Seaview Kindy) in Western Australia and they are entitled to receive Education Department funding for the service they provide (mostly in the form teaching staff employment costs). The number of community kindergartens has been in a slow decline over past years, however the Seaview Kindergarten has for the past few years at least, maintained approximately 40 kindergarten students, which means the building is well utilised with two kindergarten groups operating each week for their respective 15hours/week sessions. If for some reason the Seaview Kindergarten service was to cease, all of the kindergarten students would be provided with a place at state provided kindergarten service on an existing primary school site.

### **STRATEGIC IMPLICATIONS**

There are no specific references in either the Town’s *Strategic Community Plan 2013 – 2023*, or its *Corporate Business Plan 2017 – 2021* but providing community based facilities is an acknowledged role for local governments.

### **POLICY IMPLICATIONS**

The Asset Management and the Donations policies are relevant, but there are no perceived policy implications arising from the officer’s recommendation.

### **STATUTORY ENVIRONMENT**

The Local Government Act 1995 at Section 3.58 permits local governments to lease property to other parties.

The Lease itself outlines the obligations of the parties concerned.

### **FINANCIAL IMPLICATIONS**

There is no allocation in the existing budgetary to undertake capital works, so if Council were to decide to upgrade the facility, there would be a financial issue to address. The May 2012 Council Report outlined that *“If the draft lease is approved and endorsed, the Town will forgo lease payments at a commercial rate. However the Town will benefit from the reduced expenditure in maintaining the building. Council may be requested, initially and from time to time, to provide funding assistance to Seaview Kindergarten to maintain or improve the premises, however Council will be under no obligation under the lease to provide such funding (emphasis added). All outgoings for the premises will be the responsibility of the lessee.*

The cost of a replacement septic system is likely to be in the order of \$8 – 9,000.

### **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**

Seaview Kindergarten

### **OFFICER COMMENT**

There would seem to be two core issues at the heart of this request. The intent and wording of the lease document; and the role of the Town of Cottesloe in providing facilities for the purpose of education.

The lease document does provide a capacity for the Town to undertake the works as landlord, but the Council report of May 2012, and the budgets since 2012, clearly indicate that there was little expectation of the Town being responsible if there was a maintenance or capital replacement issue that presented itself.

The current lease runs until the end of 2032, so if the Town did fund all or part of the septic system upgrade (and then the service was to conclude) it could be argued that the \$8 – 9,000 cost (or less than \$1,000 per year) was an acceptable use of the Town's funds. On the other hand, the Council need spend nothing at all and the kindergarten children of Cottesloe will be able to transfer to state government provided services of equal service standards.

### **VOTING REQUIREMENT**

Absolute Majority

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

Moved Cr Young

Seconded Mayor Angers

**THAT Council:**

- 1. ENDORSES the provision of up to \$5,000 for the purpose of a Town contribution towards the upgrading of the septic systems at the Seaview Kindergarten facility, with these funds to be provided as part of the mid-year 2019/20 budget review;**
- 2. ADVISES the Lessee that the Town of Cottesloe is prepared to fund up to \$5,000 towards the costs of the proposed sewerage upgrade works, on the condition that the Lessee provides the remaining funds and makes an undertaking to use its best endeavours to continue to provide a kindergarten service to the Cottesloe community until the conclusion of the existing lease on 31 December 2032;**
- 3. CONFIRMS that if the Lessee wishes to apply for a community grant (as part of the**

Town's 2020/21 budget grant round) that Council would waive the existing grant application requirement for the works to not be commenced before the grant applications are in due course decided by Council; and

4. **REVIEWS** the lease, and the need for a local community kindergarten service, at least two years prior to the expiry of the 2032 lease.

Carried by Absolute Majority 9/0

**10.1.6 COTTESLOE LONGBOARD CLUB - 2020 ANNUAL COMPETITIONS**

**File Ref:** SUB/2798

**Attachments:** 10.1.6(a) Event Application Form - Cottesloe Longboard Club [under separate cover]  
10.1.6(b) Event map - Cottesloe Longboard Club [under separate cover]

**Responsible Officer:** Neil Hartley, Acting Chief Executive Officer

**Author:** Gabrielle Hall, Events Coordinator

**Author Disclosure of Interest:** Nil

**SUMMARY**

Cottesloe Longboard Club is seeking approval for the annual longboard competitions to be held at Isolators Reef and Beach on several dates throughout 2020, between 7.00am until 2.00pm. Cottesloe Longboard Club require flexibility on the competition dates as they're dependant on weather and swell conditions.

**BACKGROUND**

Cottesloe Longboard Club attract approximately 50 competitors per competition. The event has minimal impact, with a small pop up judging tent erected, where megaphone announcements are made and barbecue catering is provided to club members only.

Cottesloe Longboard Club has provided the Club's constitution and rules, risk management plan, certificate of currency and site map.

Exclusive use of the fifty metre competition zone is required for these competitions. This does have an impact on other non-competing surfers or beach goers. Cottesloe Longboard Club promote and inform the community about upcoming events through Surfing WA and Cottesloe Longboard Club database and social media platforms.

Proposed competition dates are:

Round 2*	7 or 8 March 2020
Round 3	18 or 19 April 2020
Round 4	25 or 26 April 2020
Round 5	23 or 24 May 2020
Round 6	6 or 7 June 2020
Round 7	25 or 26 July 2020
Round 8	15 or 16 August 2020
Round 9	12 or 13 September 2020
Round 10	10 or 11 October 2020
Round 11	24 or 25 October 2020

\*Location to be confirmed could be held at Isolator Reef and Beach or Wedge Island.

**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.

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

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

Major Strategy 1.4: Continue to improve community engagement.

**POLICY IMPLICATIONS****Beach Policy**

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

**Event and Facility Classification Policy**

Under the Event and Facility Classification Policy, the event meets the assessment criteria of a community event as outlined in the policy, as '*Spectating at the event is free*' and '*The event is supported or organised by a local community group*'.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

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

**FINANCIAL IMPLICATIONS**

As per the Schedule of Fees and Charges the applicant is required to pay a \$480 hire fee and \$300 bond per competition. Cottesloe Longboard Club have requested for hire fees for the annual events be waived.

For the 2019 annual competitions Cottesloe Longboard Club events were classified as 'Community' and charged a \$480 hire fee for the full program of events and a \$300 bond for an annual permit of specified dates. It is suggested that Council once again classify this event as a 'Community' event and charge a \$480 hire fee for the full program of 2020 events and a \$300 bond for an annual permit of specified dates.

**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**

Town of Cottesloe

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Cottesloe Surf Life Saving Club

Cottesloe Longboard Club

Surfing WA

### **OFFICER COMMENT**

Prior to 2019 Cottesloe Longboard Club had been operated competitions at Isolators Reef and Beach without a permit. The competitions have had minimal impact overall; however, the Town has received a number of complaints from other surfers regarding the exclusivity of these competitions. Further, the dates are often varied to suit surf wave conditions, which can cause frustration for non-competing surfers. Since obtaining an annual permit, the Town has not received any complaints.

The attached course map outlines the competition area.

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER RECOMMENDATION**

**Moved Cr Sadler**

**Seconded Cr MacFarlane**

1. THAT Council APPROVES the application to hold the Cottesloe Longboard Club Competitions at Isolators Reef and Beach (with exclusive use of Isolator Reef and Beach) on competition dates on 7 or 8 March 2020, 18 or 19 April 2020, 25 or 26 April 2020, 23 or 24 May 2020, 6 or 7 June 2020, 25 or 26 July 2020, 15 or 16 August 2020, 12 or 13 September 2020, 10 or 11 October 2020 and 24 or 25 October 2020 between 7.00am until 2.00pm, subject to the following conditions:
  - a) Class this event as a 'Community' and charge a \$480 hire fee and \$300 bond for an annual permit of specified dates.
  - b) Written approval from the Town is required to vary the weekend dates changes at least three working days prior to the scheduled event. Generally up to three variations will be permitted by the Town, per calendar year.
  - c) Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the first event.
  - d) Provision of a transport or parking plan and appropriate access/signage to and from the event, which is to be provided at least 30 days prior to the first event for the approval of the Chief Executive Officer.
  - e) Neighbouring properties are notified of the events taking place, and provided with a mechanism to provide feedback about the event, if required.
  - f) All signage to be approved by the Chief Executive Officer one month prior to the first event (and one month prior to any future event where changes to pre-approved signage is proposed).
  - g) The events complying with all noise management conditions imposed on the events by the Town of Cottesloe.

- h) Compliance with the Town's *Beaches and Beach Reserves Local Law 2012*.
  - i) Compliance with relevant sections of the Town's Beach Policy.
  - j) The events complies with all requirements of the:
    - *Health (Public Buildings) Regulations 1992*
    - *Food Act 2008*
    - *Town's Health Local Law 1997*
    - *Town's Liquor (Licensed Premises) Policy*
    - *Health (Miscellaneous Provisions) Act 1911*
    - *Environmental Protection (Noise) Regulations 1997*
  - k) No alcohol is to be served unless a valid licence or permit from the Department of Racing, Gaming and Liquor is provided to the Town prior to the event(s).
  - l) Adequate arrangements for rubbish removal and collection, including the provision for recycling.
  - m) The Applicant will (including by directing any parties under their control or supervision) use their best endeavours to minimise waste and litter production from the events.
  - n) Single use plastics including without limit balloons, plastic bottles, plastic bags that have a thickness of 35 microns or less, plastic takeaway containers and lids, plastic lined coffee cups/lids, plastic straws, plastic lolly sticks, plastic cutlery and single plastic wrapped lollies will not be used by the Applicant (and any parties under their control or supervision) in setting up, during or in clearing up after the events.
  - o) That the events being non-smoking event.
  - p) That the Western Metropolitan Regional Council 'H2O to Go' Water Station facilities are investigated for use at the events.
  - q) That the Western Metropolitan Regional Council Event Waste Minimisation Checklist being provided to the event organisers, who are to complete the checklist and return it to the Town after the events (with the aim of reducing the amount of plastics used at the events).
  - r) The provision of a Disability Access and Inclusion Plan to the Town prior to the first event occurring.
2. The Council APPROVES that future annual permit application/s from the Cottesloe Longboard Club be submitted to the Chief Executive Officer for consideration of event approval (subject to no major and/or impactful changes are made to the event scope).

#### ADVICE NOTE

##### No Balloons

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



Single Use Plastic Exemption

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

Fish Habitat Protection Area

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

**COUNCILLOR AMENDMENT****Moved Cr Tucak****Seconded Cr Young**

**Insert wording into first paragraph after “with exclusive use of Isolator Reef and Beach”, ‘subject to updated signage at the Isolated Reef grass area listing proposed dates and the club’s website for date updates, which is provided by the Town at the Club’s expense’.**

**Carried 9/0****SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

- 1. THAT Council APPROVES the application to hold the Cottesloe Longboard Club Competitions at Isolators Reef and Beach (with exclusive use of Isolator Reef and Beach) subject to updated signage at the Isolated Reef grass area listing proposed dates and the club’s website for date updates, which is provided by the Town at the Club’s expense on competition dates on 7 or 8 March 2020, 18 or 19 April 2020, 25 or 26 April 2020, 23 or 24 May 2020, 6 or 7 June 2020, 25 or 26 July 2020, 15 or 16 August 2020, 12 or 13 September 2020, 10 or 11 October 2020 and 24 or 25 October 2020 between 7.00am until 2.00pm, subject to the following conditions:**
  - a) Class this event as a ‘Community’ and charge a \$480 hire fee and \$300 bond for an annual permit of specified dates.**
  - b) Written approval from the Town is required to vary the weekend dates changes at least three working days prior to the scheduled event. Generally up to three variations will be permitted by the Town, per calendar year.**
  - c) Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the first event.**
  - d) Provision of a transport or parking plan and appropriate access/signage to and from the event, which is to be provided at least 30 days prior to the first event for the approval of the Chief Executive Officer.**
  - e) Neighbouring properties are notified of the events taking place, and provided with a mechanism to provide feedback about the event, if required.**
  - f) All signage to be approved by the Chief Executive Officer one month prior to the first event (and one month prior to any future event where changes to pre-**

- approved signage is proposed).
- g) The events complying with all noise management conditions imposed on the events by the Town of Cottesloe.
  - h) Compliance with the Town's *Beaches and Beach Reserves Local Law 2012*.
  - i) Compliance with relevant sections of the Town's Beach Policy.
  - j) The events complies with all requirements of the:
    - *Health (Public Buildings) Regulations 1992*
    - *Food Act 2008*
    - *Town's Health Local Law 1997*
    - *Town's Liquor (Licensed Premises) Policy*
    - *Health (Miscellaneous Provisions) Act 1911*
    - *Environmental Protection (Noise) Regulations 1997*
  - k) No alcohol is to be served unless a valid licence or permit from the Department of Racing, Gaming and Liquor is provided to the Town prior to the event(s).
  - l) Adequate arrangements for rubbish removal and collection, including the provision for recycling.
  - m) The Applicant will (including by directing any parties under their control or supervision) use their best endeavours to minimise waste and litter production from the events.
  - n) Single use plastics including without limit balloons, plastic bottles, plastic bags that have a thickness of 35 microns or less, plastic takeaway containers and lids, plastic lined coffee cups/lids, plastic straws, plastic lolly sticks, plastic cutlery and single plastic wrapped lollies will not be used by the Applicant (and any parties under their control or supervision) in setting up, during or in clearing up after the events.
  - o) That the events being non-smoking event.
  - p) That the Western Metropolitan Regional Council 'H2O to Go' Water Station facilities are investigated for use at the events.
  - q) That the Western Metropolitan Regional Council Event Waste Minimisation Checklist being provided to the event organisers, who are to complete the checklist and return it to the Town after the events (with the aim of reducing the amount of plastics used at the events).
  - r) The provision of a Disability Access and Inclusion Plan to the Town prior to the first event occurring.
2. The Council APPROVES that future annual permit application/s from the Cottesloe Longboard Club be submitted to the Chief Executive Officer for consideration of event approval (subject to no major and/or impactful changes are made to the event scope).
-

**ADVICE NOTE****No Balloons**

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

**Single Use Plastic Exemption**

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

**Fish Habitat Protection Area**

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

Carried 9/0

**COUNCILLOR RATIONALE:**

1. Exclusive use is an issue as noted in the report, however 2019's experience of simple signs at Isolated was reported as well received and appears to have reduced complaints to nil.
2. Isolated Reef is really the only suitable longboard break for some distance, so advance notice to other surfers is an effective, proactive step, which also helps promote the Club.

**10.1.7 PERTH MELANOMA MARCH 2020**

**File Ref:** SUB/2798  
**Attachments:** 10.1.7(a) Council attachment - Event Application - Melanoma March 2020 [under separate cover]  
**Responsible Officer:** Neil Hartley, Acting Chief Executive Officer  
**Author:** Gabrielle Hall, Events Coordinator  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

melanomaWA is seeking approval for the Perth Melanoma March to be held at Cottesloe Beach along Marine Parade on Sunday, 29 March 2020 between 6:00am until 12:30pm as part of a national campaign.

**BACKGROUND**

melanomaWA, based at the Cancer Wellness Centre in Cottesloe, is a not for profit organisation focussed on providing support for people, and their families and carers, who have been diagnosed with melanoma, as well as educating our Western Australian community about melanoma prevention and sun and skin safety.

The Perth Melanoma March is an annual melanoma awareness event that forms part of a national campaign, with Perth being one of a series of two marches in Western Australia. The five kilometre walking event was held in Cottesloe last year and was well run by melanomaWA.

**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.

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

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

Major Strategy 1.4: Continue to improve community engagement.

**POLICY IMPLICATIONS****Beach Policy**

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

**Event and Facility Classification Policy**

Under the Event and Facility Classification Policy, the event meets the assessment criteria of a charitable event as outlined in the policy, as *'The primary aim of the event is to promote awareness of a significant community or health issue.'*

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

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

**FINANCIAL IMPLICATIONS**

This event meets the criteria to be classified as a 'Charitable' event under the Event and Facility Classification Policy which carries no hire or bond fees as per the Schedule of Fees and Charges. A copy of melanomaWA's charitable collections license has been provided.

melanomaWA have requested that the event bin hire fees and parking bay fees be waived.

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

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

**CONSULTATION**

Town of Cottesloe

melanomaWA

**OFFICER COMMENT**

melanomaWA have previously provided services from the proposed location and have had minimal impact of residents.

The course map is to go from the start/finish point at the Napier Street and Marine Parade intersection to North Street.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Young

Seconded Mayor Angers

**THAT Council APPROVES the application to hold the Perth Melanoma March at Cottesloe Beach along Marine Parade on Sunday, 29 March 2020 between 6:00am until 12:30pm, subject to the following conditions:**

1. Class this event as a 'Charitable' event and waive the hire charges.

2. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event.
3. Provision of a transport or parking plan and appropriate access/signage to and from the event, which is to be provided at least 30 days prior to the event for the approval of the Chief Executive Officer.
4. Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required.
5. All signage to be approved by the Chief Executive Officer one month prior to the event.
6. The event complies with all noise management conditions imposed on the event by the Town of Cottesloe.
7. Compliance with the Town's Beaches and Beach Reserves Local Law 2012.
8. Compliance with relevant sections of the Town's Beach Policy.
9. The event complies with all requirements of the:
  - Health (Public Buildings) Regulations 1992
  - Food Act 2008
  - Town's Health Local Law 1997
  - Town's Liquor (Licensed Premises) Policy
  - Health (Miscellaneous Provisions) Act 1911
  - Environmental Protection (Noise) Regulations 1997
10. No alcohol is to be served unless a valid licence or permit from the Department of Racing, Gaming and Liquor is provided to the Town prior to the event.
11. Adequate arrangements for rubbish removal and collection, including the provision for recycling.
12. The Applicant will (including by directing any parties under their control or supervision) use their best endeavours to minimise waste and litter production from the event.
13. Single use plastics including without limit balloons, plastic bottles, plastic bags that have a thickness of 35 microns or less, plastic takeaway containers and lids, plastic lined coffee cups/lids, plastic straws, plastic lolly sticks, plastic cutlery and single plastic wrapped lollies will not be used by the Applicant (and any parties under their control or supervision) in setting up, during or in clearing up after the event.
14. That the event is a non-smoking event.
15. That the Western Metropolitan Regional Council 'H2O to Go' Water Station facilities are investigated for use at the event.
16. That the Western Metropolitan Regional Council Event Waste Minimisation Checklist is provided to the event organisers, who are to complete the checklist and return to Council after the event with the aim of reducing the amount of plastics used at the event.

**17. The provision of a Disability Access and Inclusion Plan.****ADVICE NOTE****No Balloons**

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

**Single Use Plastic Exemption**

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

**Fish Habitat Protection Area**

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

Carried 9/0

**10.1.8 THE BLOODY LONG WALK 2020**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Neil Hartley, Acting Chief Executive Officer  
**Author:** Gabrielle Hall, Events Coordinator  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The Mito Foundation is seeking approval to hold their sixth 'The Bloody Long Walk – Perth' event at Cottesloe Beach, on Sunday, 9 August 2020 from 7.00am to 7.00pm. The event raises awareness and funds to support the Australian Mitochondrial Disease Foundation's journey in finding a cure for Mitochondrial Disease.

**BACKGROUND**

The event consists of a 35 kilometre walking challenge, starting at Sir James Mitchell Park, South Perth, and finishing at Cottesloe Beach. The walking challenge presents as an extreme endurance activity, representing the physical challenge faced daily by sufferers of this relatively unknown Mitochondrial Disease which affects the energy capabilities of the body.

In 2015 Australian Mitochondrial Disease Foundation launched a National Series, extending the event to Adelaide and Perth. The Perth event has been very successful in previous years. The purpose of the event is to raise funds for, and awareness of Mitochondrial Disease, as well as to encourage West Australians to challenge themselves to compete in the walking challenge.

Participants will be sent off in waves of 150 at a time every five minutes so as to avoid any interference with the general public's use of shared pathways and reduce congestion at the finish line. Organisers expect that there would not be more than 100 to 200 people at the finish at any one time. It is expected that the busiest time for competitors to walk through Cottesloe will be between 12.00pm and 3.00pm.

Participants will receive detailed information packs that will provide clear instruction for competitors to walk mostly single file or two abreast, and to maintain awareness of other users, particularly runners and cyclists using the shared pathways. Marshalls will be allocated at crossing points to advise the competitors of safety.

**STRATEGIC IMPLICATIONS**

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

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

Major Strategy 1.4: Continue to improve community engagement.

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

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

Major Strategy 1.4: Continue to improve community engagement.

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**POLICY IMPLICATIONS****Beach Policy**

The event complies with the Town's Beach Policy.

**Event/Facility Classification Policy**

Under the Event and Facility Classification Policy, the event meets the assessment criteria of a charitable event as outlined in the policy, as *'The primary aim of the event is to promote awareness of a significant community or health issue.'*

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Beaches and Beach Reserves Local Law 2012* has provisions for maintenance and management of the beaches and beach reserves.

**FINANCIAL IMPLICATIONS**

This event meets the criteria to be classified as a 'Charitable' event under the Event and Facility Classification Policy which carries no hire or bond fees as per the Schedule of Fees and Charges. Statutory fees may be charged.

The Mito Foundation have requested that the event bin hire fees and parking bay fees be waived.

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

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

**CONSULTATION**

Town of Cottesloe

Mito Foundation

Cottesloe Surf Life Saving Club

**OFFICER COMMENT**

As part of their Event Plan, organisers have provided a site plan. Signage proposed to be used is provided in their application.

A Risk Assessment Plan and Public Liability Insurance Certificate have been provided. Relevant authorities, such as the local police will be notified of the event taking place.

Organisers will address traffic management in Cottesloe by providing shuttle buses for spectators to be transported to and from the Cottesloe train station from 12.00pm until 4.30pm.

Event commentators will make brief announcements at Cottesloe Beach during the competition from 10.00am until 5.00pm. Noise limitations will be put into place and there will be minimal use of audio equipment, however, it is recommended that neighbouring properties be advised of the event taking place and implement a mechanism for them to provide feedback if required.

Due to the anticipated crowd, organisers will provide additional rubbish bins. Event volunteers will remind participants that they are walking through reserves, beaches and places of cultural and historical significance. Event Management Staff will be collecting rubbish from the start, finish and all check points and taking to a central spot to dispose of in hired rubbish bins.

### **VOTING REQUIREMENT**

Simple Majority

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

Moved Cr Young

Seconded Mayor Angers

**THAT Council APPROVES the application to hold The Bloody Long Walk – Perth at Cottesloe Beach on Sunday, 9 August 2020 from 7.00am to 7.00pm, subject to the following conditions:**

- 1. Class this event as a ‘Charitable’ waive the hire charges, subject to evidence of Australian Mitochondrial Disease Foundation Deductible Gift Recipient status and, Australian Charities and Not-for-Profit Commissions Charity Register Summary being provided prior to the event.**
- 2. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event.**
- 3. Provision of a transport or parking plan and appropriate access/signage to and from the event, which is to be provided at least 30 days prior to the event for the approval of the Chief Executive Officer.**
- 4. Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required.**
- 5. All signage to be approved by the Chief Executive Officer one month prior to the event.**
- 6. The event complies with all noise management conditions imposed on the event by the Town of Cottesloe.**
- 7. Compliance with the Town’s *Beaches and Beach Reserves Local Law 2012*.**
- 8. Compliance with relevant sections of the Town’s *Beach Policy*.**
- 9. The event complies with all requirements of the:**
  - *Health (Public Buildings) Regulations 1992***

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

#### ADVICE NOTE

##### No Balloons

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

##### Single Use Plastic Exemption

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

##### Fish Habitat Protection Area

The full length of the Cottesloe Reef is protected by a Fish Habitat Protection Area (FHPA), the only one in the Perth Metropolitan Area. The principal aim of the Cottesloe Reef FHPA

is to preserve valuable fish and marine environments for the future use and enjoyment of all people. Plastic and balloon litter pose a significant risk to this very special marine environment. A Cottesloe Reef FHPA brochure is enclosed for your further attention.

Carried 9/0

**10.1.9 EVENT SUPPORT AND FUNDING REQUEST - ELIZABETH CLAPHAM 100 YEARS CELEBRATION**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Shane Collie, Deputy Chief Executive Officer  
**Author:** Jodee Harley, Community Development Officer  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The WA Branch of the Australian Local Government Women's Association (ALGWA) is seeking approval for the Town of Cottesloe to co-host and financially contribute to a cocktail event from 6pm – 8pm on 20 March 2020. In 1920 Elizabeth Clapham was elected as Councillor to the Town of Cottesloe and became the first woman to be elected to local government in WA. The cocktail event is to celebrate the 100 year anniversary of this milestone.

**BACKGROUND**

The event would be held in the War Memorial Hall with approximately 50 people invited including local politicians, Town of Cottesloe Councillors, ALGWA WA Committee members, and community representatives. ALGWA WA are seeking financial support from the Town of Cottesloe, the amount at the Town's discretion. ALGWA WA have also nominated Elizabeth Clapham to the WA Women's Hall of Fame to be announced on International Women's Day 8 March 2020.

**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

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

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

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

The event is expected to cost approximately \$3,000, being the cost of food and beverage service, of which the recommendation is for the Town to contribute 50% or \$1,500. The Town would be providing the War Memorial Hire free of charge.

**STAFFING IMPLICATIONS**

The Community Development Officer will be required to attend and assist in the coordination of this event. It is estimated this would require approximately 10 hours of staff time.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Town of Cottesloe

ALGWA WA

**OFFICER COMMENT**

The timeline to coordinate this event is very short, although ALGWA WA have requested the event be held as close as possible to International Women's Day which is held on the 8 March 2020. The proposed event day is Friday 20 March 2020.

Elected members would recall that at the Agenda Forum meeting on 18 February 2020 (in the Budget Review item) an amount of \$5,000 was noted for this event. That amount was an overestimation and the Budget Review report has been adjusted accordingly. An appropriate contribution is considered to be 50% of the estimated event cost (excluding staff time) of \$1,500.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Young

Seconded Mayor Angers

**THAT Council SUPPORTS the request by ALGWA WA for the Town of Cottesloe to co-host and financially contribute to a celebratory cocktail event on Friday 20 March 2020 for Elizabeth Clapham. More specifically:**

- 1. CONTRIBUTES \$1,500 to the total estimated cost (\$3,000) of the event;**
- 2. PROVIDES the Cottesloe War Memorial Hall free of charge.**

**Carried 9/0**

**ENGINEERING****10.1.10 PROPOSED SHORT TERM PARKING TRIAL ALONG CHAMBERLAIN STREET LOADING ZONE ADJACENT TO ERIC STREET SHOPPING CENTRE**

**File Ref:** SUB/2798  
**Attachments:** 10.1.10(a) Shopping Centre Proposal [under separate cover]  
10.1.10(b) Administration Proposal [under separate cover]  
**Responsible Officer:** Shaun Kan, Manager, Engineering Services  
**Author:** Sukhbaj Brar, Engineering Technical Officer  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The Eric Street Shopping Centre Management has requested for the loading zone along Chamberlain Street to be modified. The changes involve reducing the loading zone length to provide short term parking for take-away coffee customers. Centre Management has suggested for this to be done as a trial before potentially formalising the arrangement.

Given the complaints from unregulated delivery vehicles parking on property verges before the installation of the loading zone, it is recommended that surrounding residents be consulted before such a decision is made.

Council is asked to consider accepting the recommended design in principle, for the purpose of resident consultation, before a final decision is made for the proposed short term parking trial along Chamberlain Street loading zone adjacent to Eric Street Shopping Centre.

**BACKGROUND**

The loading zone along Chamberlain Street has been installed following resident complaints of delivery vehicles parking on property verges along this road. That parking occurred due to larger delivery vehicles being unable access the proper loading dock as a result of a narrow laneway. There have been several instances where trucks have been trapped at this location.

The Eric Street Centre Management has recently requested a trial to reconfigure the existing loading zone along Chamberlain Street, to better cater for take-away coffee customers.

Its proposed design as shown in diagram "A" (below) involves:

- reducing the current loading zone length from 27metres to eight metres;
- installing three short term parking bays (six metres long) on Chamberlain Street, in place of the reduced loading zone length;
- the three existing motorcycle bays remaining.



Diagram A - Shopping centre proposal

**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 1.2: Continue working with licensed premises to manage noise, parking and antisocial behaviour.

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

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

Major Strategy 1.4: Continue to improve community engagement.

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

Parking and Parking Facilities Local Law 2009

**FINANCIAL IMPLICATIONS**

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

Any modifications will be at the expense of the Eric Street Centre Management/owners.



**STAFFING IMPLICATIONS**

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

The works will either be completed by contractors or can be accommodated by Town staff as part of their daily work schedules.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There are perceived sustainability implications with the implementation of the trial.

Reduction in the loading zone could create the risk of trucks parking on verges, leading to complaint from nearby residents.

**CONSULTATION**

Eric Street Shopping Centre Management, Town of Cottesloe staff and Elected Members have been consulted on the issue. It is proposed that surrounding residents should be consulted as well.

**OFFICER COMMENT**

The Administration is not supportive of the proposed arrangement given that resident complaints of delivery trucks parking has since ceased following the installation of the loading zone along Chamberlain Street. The preferred solution would be to convert three more of the existing bays within the Eric Street car park to ten minute bays, noting that the existing undercroft area has sufficient capacity to accommodate longer term parking. This will meet the additional bay requirements being requested.

It would be important for elected members to note that the approval of the proposed trial would set a precedence to replace loading zones with car parking in other areas within the Town. Should Council resolve to approve this trial along Chamberlain Street, it is recommended that:

- Any cost associated with implementing the trial and its removal be at the cost of the Eric Street Shopping Centre Management;
- This trial be undertaken for no longer than a three month period;
- The temporary arrangement be terminated should there be regular substantiated complaints from residents that are not satisfactorily resolved by the Eric Street Shopping Centre; and
- The design proposed by the Administration as shown in diagram "B" below be implemented instead, comprising of:
  - A 19 metre long loading zone to accommodate at least two delivery vehicles instead of eight metres; and
  - Two ten minute bays in place of the reduced eight metres of original loading zone length and the three current motorcycle bays.

It is expected that motorcycles could either park within these trial bays, in the undercroft, or at the Eric Street car park.

However, given these changes could result in property verges and surrounding streets being used as overflow parking for delivery vehicles, it is recommended that residents within the vicinity be consulted before a decision is made on the trial. It is open for Council to resolve otherwise without going through the consultation process should it wish to do so, given the reasons behind the installation of the Chamberlain Street loading zone.

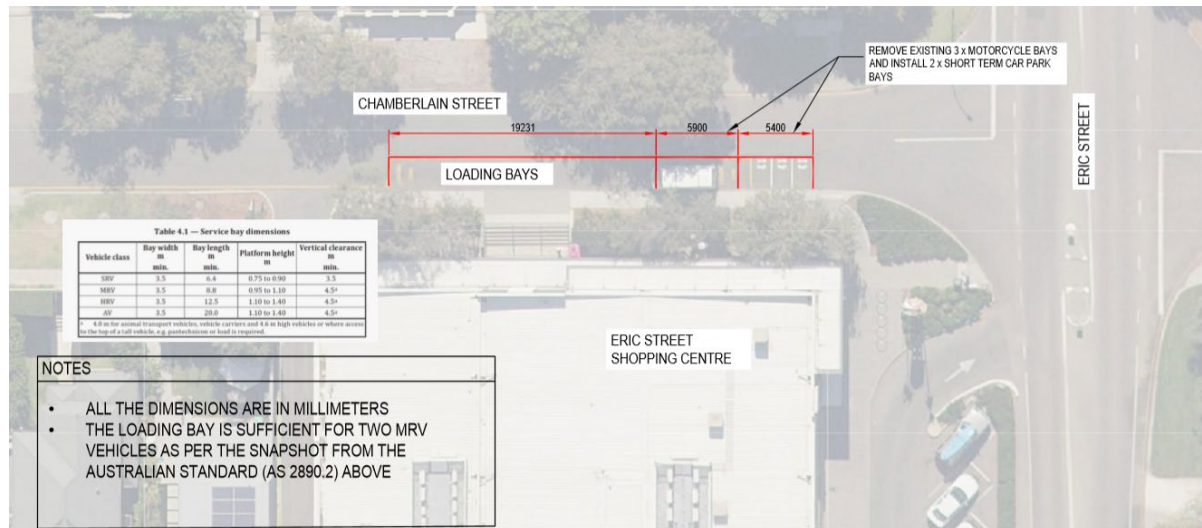


Diagram B - Administration proposal

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

THAT Council:

1. DEFERS the item for surrounding residents to be consulted and for the matter to be brought back to the April 2020 Ordinary Council Meeting; and
2. NOTES the preferred trial design indicated within the report will be put out for public consultation with the proposed trial period being no longer than three months.

**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

Moved Cr Harkins

Seconded Cr Young

1. The preferred trial design indicated within the report to be instigated for a trial period of 6 months. The surrounding residents are to be informed of the trial and the follow up consultation.
2. Termination of the trial should substantiated complaints be continuously received and not satisfactorily addressed by the Eric Street Shopping Centre Management;
3. The cost of the trial both installation and reinstatement in the event it either gets terminated or not continued be at the cost of the Eric Street Shopping Centre Management;

4. **Following the trial period, the surrounding residents are to be consulted (with relevant statistics included in the consultation information).**
5. **The matter is to be brought back to the next ordinary council meeting following the consultation.**

**Carried 9/0**

**COUNCILLOR RATIONALE:**

If the proposed trial is put out for public consultation with the surrounding residents and they all say 'no' to the trial then presumably it will not be undertaken, whereas the proposal seems to have a great deal of merit. It makes sense that if the loading bays are not being used to full capacity (as demonstrated by the attached documentation) then they could be utilised for short term parking.

If a trial is carried out, followed by the surrounding residents consulted based on the trial, then I feel we will have a greater understanding of the situation.

**FINANCE****10.1.11 FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2019 TO 31 DECEMBER 2019**

**File Ref:** SUB/2798  
**Attachments:** 10.1.11(a) Monthly Financial Statements For The Period 1 July 2019 to 31 December 2019 [under separate cover]  
**Responsible Officer:** Neil Hartley, Acting 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.

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**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

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

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Senior staff

**OFFICER COMMENT**

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

- The net current funding position as at 31 December 2019 was \$6,537,899 as compared to \$5,843,704 this time last year. This is due to a range of factors including, but not limited to, year to date capital expenditure being less than year to date budget and also a larger brought forward surplus from 2018-2019 due mainly to uncompleted capital works projects.
- Rates receivables at 31 December 2019 stood at \$2,236,472 as shown on pages 2 and 27 of the attached Financial Statements.
- Operating revenue is more than year to date budget by \$45,349 with a more detailed explanation of material variances provided on pages 21 to 23 of the attached Financial Statements. Operating expenditure is \$303,365 less than revised year to date budget with a more detailed analysis of material variances provided on pages 21 to 23.
- The Capital Works Program is shown in detail on pages 35 to 38.
- 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 December 2019 Employee Costs were \$178,089 less than the budgeted year to date amount. However it should be recognised that on many occasions staff are replaced on a temporary basis by agency staff and these costs are categorised as contractors. If these costs are taken into account then the Town has gone over budget in 2019-20 for a variety of reasons including the departure of several staff members.

- The balance of cash backed reserves was \$9,782,441 as at 31 December 2019 as shown in note 7 on page 29 of the monthly financial statements.

#### **List of Accounts for December 2019**

The List of Accounts paid during December 2019 is shown on pages 39 to 45 of the attached Financial Statements. The following significant payments are brought to Council's attention:

- \$92,614.84 to Roads 2000 Pty Ltd for various road construction works.
- \$149,552.00 to the Shire of Peppermint Grove for the quarterly contribution towards the Library.
- \$161,700.00 to Eco Shark Barrier Pty Ltd to supply and install the new shark barrier.
- \$109,846.46 to Solutions 4 Building Pty Ltd for progress construction works at the new depot facility at Mosman Park.
- \$529,346.38 to the Department of Fire and Emergency Services to pass on an instalment of emergency services levies collected on their behalf.
- \$42,555.70 to West Tip Waste Control Pty Ltd for a bulk waste collection.
- \$27,017.62 to the West Australian Electoral Commission for the 2019 Local Government Elections.
- \$26,853.75 to Integrated Management Consultants Pty Ltd trading as Melville Mazda for a new passenger vehicle.
- \$69,850.00 to the Office of the Auditor General for the annual audit.
- \$103,984.67 & \$103,827.44 to the Town of Cottesloe staff for fortnightly payroll.

#### **Investments and Loans**

Cash and investments are shown in note 4 on page 25 of the attached Financial Statements. Council has approximately 23% of funds invested with National Australia Bank, 18% with Bankwest, 38% with Commonwealth Bank of Australia and 21% with Westpac Banking Corporation. Council has been notified by Bankwest that it will no longer be continuing to offer term deposits. Council had a balance of \$9,782,441 in reserve funds as at 31 December 2019.

Information on borrowings is shown in note 10 on page 32 of the attached Financial Statements and shows Council had total principal outstanding of \$3,599,914 as at 31 December 2019.

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

Rates revenue information is shown in note 9 on page 31 of the attached Financial Statements. Rates outstanding are shown on note 6 on page 27 and show a balance of \$2,236,472 as compared to \$2,249,938 this time last year.

Sundry debtors are shown on note 6, page 27 of the attached Financial Statements. The sundry debtors show that 39% or \$24,821 is older than 90 days. Infringement debtors are shown on note 6 page 28 and stood at \$441,357 as at 31 December 2019.

**Budget Amendments**

The budget amendments are listed on pages 12, 13 and 26 of the Financial Statements.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Young**

**Seconded Mayor Angers**

**THAT Council RECEIVES the Financial Statements for the period 1 July 2019 to 31 December 2019 as submitted to the 25 February 2020 meeting of Council.**

**Carried 9/0**

**10.1.12 FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2019 TO 31 JANUARY 2020**

**File Ref:** SUB/2798  
**Attachments:** 10.1.12(a) Monthly Financial Statements For The Period 1 July 2019 to 31 January 2020 [under separate cover]  
**Responsible Officer:** Shane Collie, Deputy 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 welcome 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*

*Local Government (Financial Management) Regulations 1996*

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**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 January 2020 was \$5,464,293 as compared to \$5,044,672 this time last year. This is due to a range of factors including, but not limited to, year to date capital expenditure being less than year to date budget and also a larger brought forward surplus from 2018-2019 due mainly to uncompleted capital works projects.
- Rates receivables at 31 January 2020 stood at \$1,538,981 as shown on page 27 of the attached Financial Statements.
- Operating revenue is more than year to date budget by \$189,746 with a more detailed explanation of material variances provided on page 21 and 22 of the attached Financial Statements. Operating expenditure is \$403,996 less than revised year to date budget with a more detailed analysis of material variances provided on page 21 and 22.
- The Capital Works Program is shown in detail on pages 35 to 38.
- 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 January 2020 Employee Costs were \$116,139 more than the budgeted year to date amount. This was caused by several factors, including capital/operating costings, and staff departures and leave pay-outs.
- The balance of cash backed reserves was \$9,795,052 as at 31 January 2020 as shown in note 7 on page 29 of the monthly financial statements.

**List of Accounts for January 2020**

The List of Accounts paid during January 2020 is shown on pages 39 to 44 of the attached Financial Statements. The following significant payments are brought to Council's attention:

- \$73,632.68 to Lo-Go Appointments being a backlog of invoices for temporary staffing.

- \$50,247.17 & \$55,588.43 to Rico Enterprises Pty Ltd T/A Solo Resource Recovery for waste collection and disposal costs.
- \$103,087.68 to Surf Life Saving WA for surf life saving services.
- \$29,708.03 for to Superchoice Services Pty Ltd for superannuation contributions.
- \$167,590.18 & \$40,583.96 to Western Metropolitan Regional Council for member contributions and waste disposal fees.
- \$44,849.75 to Shine Community Services for member contributions.
- \$79,018.32 to Solutions 4 Building Pty Ltd for construction works at the new depot site.
- \$26,570.97 to Winc Australia Pty Ltd for Microsoft software licencing costs.
- \$2,039,019.25 to the National Australia Bank for a new term deposit.
- \$140,858.76 & \$131,808.37 to the Town of Cottesloe staff for fortnightly payrolls.

### **Investments and Loans**

Cash and investments are shown in note 4 on page 25 of the attached Financial Statements. Council has approximately 29% of funds invested with National Australia Bank, 7% with Bankwest, 39% with Commonwealth Bank of Australia and 25% with Westpac Banking Corporation. Council had a balance of \$9,795,052 in reserve funds as at 31 January 2020.

Information on borrowings is shown in note 10 on page 31 of the attached Financial Statements and shows Council had total principal outstanding of \$3,599,914 as at 31 January 2020.

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

Rates revenue information is shown in note 9 on page 30 of the attached Financial Statements. Rates outstanding are shown on note 6 on page 26 and show a balance of \$2,587,432 as compared to \$2,635,751 this time last year.

Sundry debtors are shown on note 6, page 27 of the attached Financial Statements. The sundry debtors show that 9% or \$21,168 is older than 90 days. Infringement debtors are shown on note 6 page 28 and stood at \$467,715 as at 31 January 2020.

### **Budget Amendments**

The budget amendments are listed on pages 12, 13 and 26 of the Financial Statements

### **VOTING REQUIREMENT**

Simple Majority

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

Moved Cr Young

Seconded Mayor Angers

**THAT Council RECEIVES the Financial Statements for the period 1 July 2019 to 31 January 2020 as submitted to the 25 February 2020 meeting of Council.**

**Carried 9/0**

**10.1.13 MID-YEAR BUDGET REVIEW FOR THE FINANCIAL YEAR 2019-2020**

**File Ref:** SUB/2798  
**Attachments:** 10.1.13(a) Mid-Year Budget Review 2019-2020 [under separate cover]  
**Responsible Officer:** Shane Collie, Deputy Chief Executive Officer  
**Author:** Wayne Richards, Finance Manager  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

In accordance with statutory requirements, Council is presented with the mid-year budget review for the financial year ending 30 June 2020 for its consideration.

**BACKGROUND**

Each year Council is presented with a mid-year budget review, prepared using six months of actual financial results compared against the budget predictions for the year to date. This allows performance against the budget to be measured, and if required, amendments to be made.

The mid-year review process also allows for factors that were not known at the time of forming the budget to be incorporated into the budget. This may be a change in the operating environment of the Council, funding opportunities not previously known or projects that were not included in original 2019/20 budget considerations.

**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.

Council's budget sets out the operating and capital areas that will be focused on during the financial year. It allows priorities to be set and strategic projects to be achieved.

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

Local Government (Financial Management) Regulations 1996

**Regulation 33A. Review of Budget**

(1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.

(2A) The review of an annual budget for a financial year must-

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- (a) Consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
  - (b) Consider the local government's financial position as at the date of the review; and
  - (c) Review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.
- (3) A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or recommendations made in the review.
- \*Absolute majority required
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department of Local Government, Sport and Cultural Industries.

### **FINANCIAL IMPLICATIONS**

Significant amendments proposed to the 2019/20 Budget arising from this review are detailed on pages 10 to 13 of the Budget Review document. In summary, if Council adopts the various amendments proposed, there will be no surplus or deficit to carry forward into the 2020/21 financial year.

### **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**

As a part of the preparation of the budget review senior staff at the council have been consulted.

### **OFFICER COMMENT**

There are four components to the budget review as follows;

#### **Part One**

The variance between the 30 June 2019 estimated carried forward position and the actual position as finalised in the 2018/19 Annual Report.

The Budget Review document highlights a significant difference in the estimated and actual carried forward position of an additional \$715,695 which is attributable to a variety of factors including:-

- \$140,879 in advance financial assistance grant funding payments made in late June 2019
- \$37,793 in extra revenue for venue hire
- \$141,506 in reduced expenditure on waste collection and disposal costs
- \$34,797 in reduced expenditure on furniture and equipment purchases and projects not undertaken during the year
- \$36,781 in reduced expenditure on civic centre building construction works
- \$14,449 in reduced expenditure on car parks construction works
- \$10,000 in reduced expenditure on footpath construction works
- \$45,000 in reduced works on sculpture renewal works
- \$19,142 on reduced street furniture construction works
- \$10,000 on reduced irrigation construction works
- \$19,340 in extra rates levied as interim rates
- Approximately \$206,000 being a combination of extra operating revenues and reduced operating expenditures

### **Part Two**

New projects endorsed by Council since the adoption of the 2019/20 Budget. These are noted with the Council resolution reference on pages 10 to 13 of the attached Budget Review 2019/2020 document.

### **Part Three**

Significant new projects identified since the adoption of the 2019/20 Budget and not yet endorsed by Council including:-

- \$5,000 to contribute to the Sea View Kindergarten to contribute towards upgrading septic tank facilities;
- \$1,500 to commemorate Elizabeth Clapham as the first female elected member in Western Australia;
- \$12,500 for a project involving the scanning of historic documents;
- Approximately an extra \$50,000 pa pro rata to engage a suitably qualified IT software consultant to progress the large number of internal IT authority related projects and workflow improvements currently identified at the Town;
- \$25,000 to engage a consultant to perform swimming pool inspections for the Town;
- \$25,000 for carpark construction works at the boat shed carpark;
- \$7,000 for carpark construction works at the Broome Street carpark;

- \$17,000 for new road construction works at the intersection of Broome Street and Beach Street;
- \$10,000 for a new dog wash facility connected to an existing shower at a dog beach;
- \$50,000 to upgrade to a more current version of Authority software product;
- \$80,000 to deploy new functionality within the Authority software, including online purchasing, and online lodgement of planning and building applications;
- \$38,610 being a new transfer to the infrastructure reserve to start to build up the reserve for future infrastructure demands on the Towns infrastructure;
- \$100,000 being a new transfer to the parking facilities reserve to help fund current and future replacement of parking technologies;
- \$129,296 being a new transfer to the active transport reserve to fund future demands and/or projects; and
- \$140,000 being a transfer to a newly created reserve called the Shark Barrier Reserve, which would be used to fund future replacement and/or upgrade of the barrier facilities.

#### **Part Four**

Proposed adjustments to existing budget allocations to reflect savings and or additional costs. These are numerous and the significant items are listed on pages 10 to 13 of the attached Budget Review 2019/2020 document and include:-

- Approximately \$129,182 in reduced grant funding which was received in advance in June 2019;
- Approximately \$201,000 in reduced revenue from parking fines;
- Approximately \$100,000 in extra expenditure on wages in administration mainly due to staff resignations and termination payments;
- Approximately \$100,000 in extra payments to contractors in administration due to the increased use of contractors to cover vacant positions and also to increase the allocation of consultants time to work on software improvements and workflows;
- Approximately \$140,100 in reduced expenditure on projects including the coastal outflow and skate park feasibility study;
- Approximately \$173,000 of reduced expenditure on playground construction;
- Approximately \$110,000 extra expenditure on foreshore construction;
- Approximately \$100,000 in reduced expenditure on the purchase and installation of a new shark barrier;
- Approximately \$50,000 in extra depot lease costs as a result of delays at the new facility;
- Approximately \$140,000 in increased expenditure to move to a more recent version of authority and to install new software functionality within Authority;

- Approximately \$351,934 in transfers to reserves to allow for future demands and/or projects;
- Approximately \$166,028 in increased transfers from reserves to fund foreshore development and depot constructions costs; and
- Approximately \$253,000 in reduced transfers from reserves relating to transfers from the infrastructure reserve to shark barrier construction and transfers from the former public open space reserve to fund playground construction

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

THAT Council:

1. RECEIVES the 2019-2020 Budget Review for the Financial Year 2019-2020;
2. ADOPTS the amendments contained within the attached Budget Review document;
3. SETS the materiality levels of 15% and \$25,000 for the monthly reporting of significant variances of income and expenditure in the Statement of Financial Activity.

**COUNCILLOR MOTION**

**Moved Cr Sadler**

**Seconded Cr Young**

THAT Council:

1. Receives the 2019-2020 Budget Review for the Financial Year 2019-2020.
2. Adopts the amendments contained within the attached Budget Review document with the exception of:
  - a. \$10,000 for a new dog-wash facility connected to the existing shower at dog-beach. That this money instead is allocated as a budget item for a Sculpture purchase from the 2020 Sculpture by the Sea event;
  - b. Subject to the "Reference Amount" in the Roads to Recovery Grant Program not being adversely impacted, reallocate up to \$210,000 from Capital Works Railway St realignment (North Cottesloe Primary School Improvements) to:
    - i) Sculpture purchase from the Sculpture by the Sea event (\$20,000); and
    - ii) Active Transport Reserve Fund (balance, up to \$190,000).
3. Sets the materiality levels of 15% and \$25,000 for the monthly reporting of significant variances of income and expenditure in the Statement of Financial Activity.

**COUNCILLOR AMENDMENT**

**Moved Cr Barrett**

**Seconded Cr Harkins**

THAT Council:

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1. Receives the 2019-2020 Budget Review for the Financial Year 2019-2020.
2. Adopts the amendments contained within the attached Budget Review document with the following exceptions;
  - a) Remove the allocation of \$10,000 for a new dog-wash facility connected to the existing shower at dog-beach. That this money instead be allocated to the Sculpture and Artwork Reserve;
  - b) Amend the wording in Part Four point 5 from 'Approximately \$140,100 in reduced expenditure on projects including the coastal outflow and skate park feasibility study' to 'Approximately \$140,100 in reduced expenditure on projects including the coastal outflow and ocean pool feasibility study'.
  - c. Subject to the "Reference Amount" in the Roads to Recovery Grant Program not being adversely impacted, reallocate up to \$210,000 from the budget for the North Cottesloe Primary School Railway Street re-alignment project to;
    - i) \$20,000 to the Sculpture and Artwork Reserve.
    - ii) The balance, (up to \$190,000) to a Playground Infrastructure Reserve. The purpose of the Playground Infrastructure Reserve is for both new infrastructure and the renewal of existing infrastructure, including Skatepark and Other Park Infrastructure as may be required.
3. Sets the materiality levels of 15% and \$25,000 for the monthly reporting of significant variances of income and expenditure in the Statement of Financial Activity.

Lost 3/6

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

**Moved Cr Sadler**

**Seconded Cr Young**

**THAT Council:**

1. **Receives the 2019-2020 Budget Review for the Financial Year 2019-2020.**
2. **Adopts the amendments contained within the attached Budget Review document with the exception of:**
  - a. **\$10,000 for a new dog-wash facility connected to the existing shower at dog-beach. That this money instead is allocated to the Sculpture and Artwork Reserve.**
  - b. **Subject to the "Reference Amount" in the Roads to Recovery Grant Program not being adversely impacted, reallocate up to \$210,000 from Capital Works Railway St realignment (North Cottesloe Primary School Improvements) to:**
    - i) **Sculpture and Artwork Reserve (\$20,000); and**
    - ii) **Active Transport Reserve Fund (balance, up to \$190,000).**
  - c. **Amend the wording in Part Four point 5 from 'Approximately \$140,100 in reduced expenditure on projects including the coastal outflow and skate park**



feasibility study' to 'Approximately \$140,100 in reduced expenditure on projects including the coastal outflow, shark barrier maintenance and ocean pool feasibility study'.

3. Sets the materiality levels of 15% and \$25,000 for the monthly reporting of significant variances of income and expenditure in the Statement of Financial Activity.

COUNCILLOR RATIONALE:

- Mid-year budget amendments ideally relate to items which are either pressing in nature, part of ongoing works for the Town or assist in strategic future asset renewal through allocation to reserves.
- While the dog-wash facility may have merit, it can be considered strategically in the 2020/2021 Budget Workshops as it is non-pressing.
- Public consultation shows limited support for expenditure by the Town on the realignment of Railway St.
- It is appropriate to redirect this funding to support Active Transport initiatives in the Town and to put the Town in a better position to lend financial support to Sculpture by the Sea, both of which are strongly supported by the community.
- The Town's Bikes Routes Plan is awaiting endorsement by DoT. Once approved will be able to apply for 50% grant funding for active transport infrastructure. If our reserves are insufficient we will be unable to avail ourselves of these grants in a timely fashion.

**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 - 10 February 2020 [under separate cover]**
  - 10.2.1(b) Unconfirmed Minutes - Public Art Advisory Committee - 5 February 2020 [under separate cover]**

**COUNCIL RESOLUTION**

**Moved Cr Young**

**Seconded Mayor Angers**

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

- North Cottesloe Primary School Traffic Safety Committee**
- Public Art Advisory Committee**

**Carried 9/0**

**10.3 REPORTS OF COMMITTEES****NORTH COTTESLOE PRIMARY SCHOOL TRAFFIC SAFETY ADVISORY COMMITTEE - 10 FEBRUARY 2020****10.3.1 KISS AND DROP COMMUNITY ENGAGEMENT**

<b>File Ref:</b>	<b>SUB/2630</b>
<b>Attachments:</b>	<b>10.3.1(a) Artist Impression - North Cottesloe Primary School Kiss and Drop</b>
	<b>10.3.1(b) Summary - All Data - Kiss and Drop Survey</b>
	<b>10.3.1(c) Report - Analysis - Individual Stakeholder Groups</b>
	<b>10.3.1(d) Kiss and Drop Project - Email Submissions [CONFIDENTIAL]</b>
	<b>10.3.1(e) Submission - Mr P Sprivulis [CONFIDENTIAL]</b>
	<b>10.3.1(f) Submission - Mr M Goodlet [CONFIDENTIAL]</b>
<b>Responsible Officer:</b>	<b>Neil Hartley, Acting Chief Executive Officer</b>
<b>Author:</b>	<b>Shaun Kan, Manager, Engineering Services</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 member of the North Cottesloe Primary School community."

Cr Barrett declared an IMPARTIALITY INTEREST in item 10.3.1 by virtue "I still have a child attending the North Cottesloe Primary School."

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**SUMMARY**

At the September 2019 Ordinary Council Meeting, Council accepted the community engagement plan for implementation.

Council is asked to consider the results from the public consultation, feedback received and the Administration's analysis to decide whether the proposed concept should be accepted to:

- Commence funding negotiations with the State Government;
- Lobby for the Eric Street upgrade with Main Roads Western Australia.

**BACKGROUND**

At the 9 September 2019 North Cottesloe Primary School Traffic Safety Committee meeting, the committee recommended to Council for the implementation of the Community Consultation Plan. At the September 2019 Ordinary Council Meeting, Council accepted the committee's recommendation.

The consultation occurred between 21 October and 12 November 2019 whereby a concept design, arborist report and a list of frequently asked questions were included as part of the public survey. Prior to the opening of the online survey on 22 October 2019, an after school public display was held at the North Cottesloe Primary School on 21 October 2019. A total of

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thirty participants registered for the site tours, conducted during the event to supplement the project information.

A total of 286 responses were received at the conclusion of the public consultation period. This figure comprises of 277 online survey participants and nine email submissions. In summary, 52 percent were against and 48 percent of the respondents were in support of the concept. A detailed analysis of the results is within the Officer Comment section of the report.

### **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 attached concept is estimated to cost \$550,000. 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 being accepted by Council, outcome of the tender process and State Government funding, Council will need to determine how (or if) any shortfall is funded.

The following table provides a break down of the \$18,860 spent to date:

<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**

The concept is expected to improve traffic flow and safety along Eric Street through a reduction in vehicle queues through the roundabout. New footpaths on the western side of Railway Street provide both pedestrian and cyclist access to Eric Street bridge and new principal shared path to promote cycling and walking as an alternative transport modes.

There will be the loss of a small amount of vegetation; however none of the existing Norfolk Island Pine trees will need to be removed. The detail design will take into consideration the protection of existing mature trees, in particular the existing Norfolk Island Pines from any adverse impacts. Additional trees will also be planted as part of the project.

### **CONSULTATION**

The following stakeholders have been involved with the recent community consultation process:

- North Cottesloe Primary School
- Residents and Business within the school's vicinity
- Broad public consultation
- Main Roads Western Australia
- Department of Education

Further engagement will be undertaken with Main Roads and the Education Department to negotiate funding contribution should Council accept the proposed concept.

Town Staff and Elected Members have been consulted and will continue to be part of the process.

### OFFICER COMMENT

A total of 277 responses to the online survey have been received. The overall results have been broken into the following three main stakeholder groups for analysis:

- Residents Near the School;
- Cottesloe and Wider Community;
- School Parent.

### Summary of Survey Results

#### Question 2: Which stakeholder group do you belong to?

Stakeholder Group	Number of Survey	Cottesloe Residents	Non-Cottesloe
Residents Near the School	76	76	0
Cottesloe and Wider Community	79	67	12
School Parent	108	81	27
No Address Provided	14	0	0
Total	277	224	39

#### Question 3: If you are a parent at North Cottesloe Primary School, how often do you drop your children at school?

Stakeholder Group	Very Frequent	Frequent	Occasionally	Rarely	Never	Not Applicable	Total Responses From Each Stakeholder Category
Residents Near the School	2	0	0	0	3	71	76
Cottesloe and Wider Community	0	1	1	0	0	77	79
School Parent	44	26	20	12	2	1	105
Total	46	27	21	12	5	149	260

#### Question 4: What is your current drop off point or parking location?

Stakeholder Group	Eric Street	Railway Street	Not Applicable	Total Responses From Each Stakeholder Category
Residents Near the School	1	1	74	76
Cottesloe and Wider Community	1	2	76	79
School Parent	57	35	16	108
Total	59	38	166	263

**Question 5: What year range are your children currently attending?**

Stakeholder Group	Prep to Year 2	Year 3 to 5	Year 6	I have no children at the school but will have in the	Not Applicable	Total Responses From Each Stakeholder Category
Residents Near the School	2	1	1	4	70	78
Cottesloe and Wider Community	2	0	0	3	74	79
School Parent	74	54	11	1	1	141
Total	78	55	12	8	145	298

**Question 6: Have you had the opportunity to view the concept design and read the associated documents?**

Stakeholder Group	Yes	No	Total Responses From Each Stakeholder Category
Residents Near the School	66	10	76
Cottesloe and Wider Community	71	8	79
School Parent	99	9	108
Total	236	27	263

**Question 7: Thinking about the reasons that you are usually in the area, how important is short term parking to you?**

Stakeholder Group	Extremely Important	Very Important	Somewhat Important	Not so Important	Not Important at all	Total Responses From Each Stakeholder Category
Residents Near the School	8	6	5	13	43	75
Cottesloe and Wider Community	7	5	7	15	44	78
School Parent	32	29	22	16	8	107
Total	47	40	34	44	95	260

**Question 8: Given the above approach, how important to you is it that this plan, including any changes to it protects existing matured trees?****Question 9: Can you tell us why?**

Stakeholder Group	Not Important	Slightly Important	Moderately Important	Important	Very Important	Total Responses From Each Stakeholder
Residents Near the School	6	4	8	8	45	71
Cottesloe and Wider Community	1	3	10	10	41	65
School Parent	10	17	27	25	26	105
Total	17	24	45	43	112	241

**Question 10: Thinking about your current interaction with the area, how supportive are you of the proposed realignment and “Kiss and Drop” facility?**

**Question 11: Can you tell us why?**

Stakeholder Group	I do support the concept design	I do support the concept design and would use the facility	I do support the concept design and would not use the facility	I do not support the concept design	Total Responses From Each Stakeholder Category
Residents Near the School	10	3	7	48	68
Cottesloe and Wider Community	9	2	5	59	75
School Parent	13	64	3	21	101
Total	32	69	15	128	244

**Question 12: What elements of the plan do you like?**

**Question 13: Others (please specify)**

Stakeholder Group	Realignment of railway Street	Footpath	Crossing Locations	Parking Bays	Kiss and Drop Location	Address Congestion on Eric Street	Neither like nor dislike the elements	Others (please specify)	Total Responses From Each Stakeholder Category
Residents Near the School	9	9	8	8	11	14	11	37	107
Cottesloe and Wider Community	8	9	9	6	8	12	11	45	108
School Parent	49	36	38	44	60	67	4	22	320
Total	66	54	55	58	79	93	26	104	405

**Question 14: What elements of the plan do you not like?**

**Question 15: Others (please specify)**

Stakeholder Group	Realignment of railway Street	Footpath	Crossing Locations	Parking Bays	Kiss and Drop Location	Address Congestion on Eric Street	Neither like nor dislike the elements	Others (please specify)	Total Responses From Each Stakeholder Category
Residents Near the School	30	12	14	20	21	18	8	27	150
Cottesloe and Wider Community	22	9	14	22	24	20	9	40	160
School Parent	18	10	22	24	17	19	24	47	181
Total	70	31	50	66	62	57	41	114	336

### **Analysis of Survey Results**

The survey results in question ten indicates that 48 percent of the total respondents are supportive and 52 percent are against the re-alignment of Railway Street and relocation of the Kiss and Drop from Eric Street. The school parent stakeholder group have had the highest support rate with approximately 80 percent of respondents in favour of the proposed design. This is followed by the residents residing near the school and Cottesloe and Wider Community stakeholder category that had a support rate of 30 percent and 21 percent respectively. The most liked feature in general identified from responses to question 12 is the location of the kiss and drop whilst the least liked element is the Railway Street realignment.

Approximately 29 percent of the feedbacks provided to question 11 are in the opinion that the proposed design will improve safety and reduce congestion along Eric Street. The remaining 71 percent of comments have opposed the proposed concept for the following key reasons:

- Obstruction to property access along Railway Street;



- Reduce the number of parking bays for the Wellness Centre;
- Design does not promote sustainability and encourages the use of vehicles as a mode of transport;
- Costly project that should be funded by Main Roads and the Department of Education rather than Cottesloe ratepayers;
- The upgrade of Eric Street Bridge will resolve the congestion problem along Eric Street;
- There will be no improvements to the current situation with the possibility of the congestion being moved to Railway Street;
- The current facilities are sufficient and the project is unnecessary.

It would be important to note that the greater difference between supportive and unsupportive comments to question 11 is very likely due to a larger number of the 52 percent of respondents objecting to the concept answering this question compared to the 48% that support the concept. Similar answers to question 11 were also provided in Question 13 and 15 when participants are asked to provide further comments on project components that they either like or dislike.

Whilst the rationales behind objecting to the proposed concept may be valid, the design being consulted on possibly addresses some of these concerns. Elected members would need to take this into consideration when deciding whether to further progress this project.

Given the feedback around State Government funding and the Eric Street Bridge Upgrade remains unresolved, it is open for Council to note the community feedback and ask the Administration to engage with both Main Roads Western Australia and the Department of Education on these matters. An item can then be brought back to the April 2020 Ordinary Council meeting through the North Cottesloe Primary School Traffic Safety Committee for Council to further consider.

#### **VOTING REQUIREMENT**

Simple Majority

#### **COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Harkins**

**Seconded Cr Young**

**THAT the Committee recommends;**

**THAT Council:**

1. **THANKS the public and community for taking the time to participate in the survey and providing valued feedback;**
2. **NOTES the survey results and feedback received during the community consultation and ask that the Administration engage with:**
  - a. **Main Roads Western Australia to determine the timeline for the design development of the Eric Street Bridge Upgrade;**
  - b. **Main Roads Western Australia and the Department of Education to:**

- i. request that they undertake an analysis of the safety and traffic issues associated with the current kiss and drop arrangement on Eric St and provide written confirmation that the proposed kiss and drop relocation concept design will result in improved safety for pedestrians and cyclists (particularly school children entering and exiting the school site) as well as for motorists in the vicinity;
  - ii. determine the possibility of State Government funding for the kiss and drop relocation project to Railway Street.
3. NOTES that upon the completion of Point two, an item will be brought back to an Ordinary Council Meeting through the North Cottesloe Primary School Traffic Safety Committee for consideration.

Carried 9/0

**PUBLIC ART ADVISORY COMMITTEE - 5 FEBRUARY 2020**

**10.3.2 PUBLIC ART ADVISORY COMMITTEE - PENDING AND OUTSTANDING ACTIONS OR ITEMS**

**Attachments: 10.3.2(a) Action Items - February 2020**

The purpose of this item is to discuss pending and outstanding actions/items of the committee, including updates on these items from administration (where available).

**11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****11.1 COUNCILLOR MOTION - 99 NAPIER STREET**

**Attachments:** Proposal to the Town of Cottesloe – 99 Napier Street, Cottesloe – Verge Contour Level Modification – Return to Original Form

Mayor Angers declared an IMPARTIALITY INTEREST in item 11.1 by virtue it concerns the home of someone I know”.

Cr Harkins declared an IMPARTIALITY INTEREST in item 11.1 by virtue “the owner of the property is known to me.”

Cr Young declared an IMPARTIALITY INTEREST in item 11.1 by virtue “the owner is known to me.”

Cr Sadler declared an IMPARTIALITY INTEREST in item 11.1 by virtue “Mr Rodda is known to me.”

Cr Barrett declared an IMPARTIALITY INTEREST in item 11.1 by virtue “the applicant is known to me.”

Cr Harben declared an IMPARTIALITY INTEREST in item 11.1 by virtue “the person is known to me.”

Cr Masarei declared an IMPARTIALITY INTEREST in item 11.1 by virtue “the applicant is known to me.”

Cr Tucak declared an IMPARTIALITY INTEREST in item 11.1 by virtue “the applicants are known to me.”

Mr Kan declared an IMPARTIALITY INTEREST in item 11.1 by virtue “Mr Rodda is known to me.”

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The following motion has been proposed by Cr Harkins.

**COUNCILLOR MOTION**

That Council approve and authorise the proposed works to be undertaken by the Town and the Owner as set out in the document entitled ‘Proposal to the Town of Cottesloe – 99 Napier Street, Cottesloe – Verge Contour Level Modification – Return to Original Form’ and dated February 2020, subject to the Owner entering into a written agreement with the Town to ensure the following:

1. The two existing trees on the verge of 99 Napier Street will be replaced by three suitable replacement trees selected by the Town in accordance with the Cottesloe Street Tree Masterplan (Replacement Trees).
  2. The Replacement Trees to be:
    - a. purchased by the Town from a suitable Tree Nursery, as determined by the Town;
    - b. 200l-400l in size, as determined by the Town; and
-

- c. planted at such time as determined by the Town (to ensure that the planting takes place at the optimal time of year).
3. Prior to removal of the existing trees, the Owner to pay to the Town the reasonable estimated cost to the Town of the following:
  - a. Purchase of the Replacement Trees;
  - b. Planting of the Replacement Trees; and
  - c. Adequate watering of the Replacement Trees for a period of two years (which is the period of time it generally takes for the new trees to establish a suitable root system).

#### COUNCILLOR RATIONALE

The Proposal is to return the contour of the verge of 99 Napier Street, Cottesloe to its original form. The original contour of 99 Napier Street verge was a flat plane between the footpath and the top of the Napier Street curb.

The Town of Cottesloe (TOC), in recent times, modified the original verge (by making moulds in the verge) to address storm water overflow issues that arose from water flowing down Lane Street which is opposite the verge of 99 Napier Street. The historical stormwater issues have now been rectified by the TOC by the upgrading and installation of additional storm water infrastructure in Lane Street and Napier Street - thus making the moulds previously placed on the 99 Napier Street verge unnecessary.

The Removal from the verge of the 2 existing trees is required as contouring works will expose the root system of these trees (one of which is in poor condition). These 2 trees are to be replaced by 3 new street trees the variety of which is to be determined in strict accordance with the TOC's Street Tree Masterplan.

Benefits to the TOC of the proposed verge contour level modification at 99 Napier Street include:

- Access to the verge will be enhanced to enable it to be maintained in a clean and presentable state.
- The verge will be in keeping with other neighbourhood verges - in particular those on Napier Street.
- Two trees, one of which is in poor condition, to be replaced by three new trees that in time will increase overall canopy of Cottesloe.
- Result in footpath area being open - which will enhance safety.

Enhance the streetscape on Napier Street.

**OFFICER COMMENT**

The Administration is not able to support the proposal as the reasons provided for the removal of trees are not consistent with the Town's Street Tree Policy.

When determining this matter, Council should note that:

1. Council has previously rejected the application for this sub-division;
2. The Town has recently become aware that the Western Australian Planning Commission has approved the sub division and has referred the matter back to the Administration to condition the development;
3. Given the unknown cost to the drainage adjustments, it may be worth limiting the expenditure to \$5,000 and ask that the owner covers any additional cost associated with this component of works should Council approve the verge modifications;
4. A budget amendment would be required should point three be accepted and the owner be responsible for all other associated costs not mentioned in point three.

**COUNCILLOR MOTION****Moved Cr Sadler****Seconded Cr Harben**

That Council:

1. DEFERS consideration on the Proposal to the Town of Cottesloe – 99 Napier Street, Cottesloe – Verge Contour Level Modification – Return to Original Form' until the April Council meeting.
2. REQUESTS that the administration prepare a report for the April Briefing Forum regarding the feasibility of redressing the swale that has been created while retaining the central peppermint tree which is thriving.

**Lost 2/7**

**COUNCILLOR MOTION (FORESHADOWED)****Moved Cr Harkins****Seconded Cr Masarei**

That Council:

1. APPROVE and authorise the proposed Works to be undertaken by the Town and the Owner as set out in the document entitled 'Proposal to the Town of Cottesloe – 99 Napier Street, Cottesloe – Verge Contour Level Modification – Return to Original Form' and dated February 2020 (the Proposal), subject to the Owner entering into a written agreement with the Town to ensure the following:
  - a. The Owner undertakes to carry out the part of the 'Works to be carried out by the Owner' as set out in the Proposal;
  - b. If required by the Administration to determine the effect of the Works on the existing drainage infrastructure, the Town engage an engineer (experienced in drainage) to do so. The reasonable cost of such engagement to be borne by the Owner.
  - c. The 3 existing trees on the verge of 99 Napier Street will be replaced by 3

suitable replacement trees selected by the Town in accordance with the Cottesloe Street Tree Masterplan (Replacement Trees).

- d. The Replacement Trees to be purchased by the Town from a suitable Tree Nursery, as determined by the Town, 200l-400l in size, as determined by the Town and planted at such time as determined by the Town (to ensure that the planting takes place at the optimal time of year).
  - e. Prior to removal of the existing trees, the Owner to pay to the Town the reasonable estimated cost to the Town of the purchase and planting of the Replacement Trees, and the adequate watering of the Replacement Trees for a period of 2 years (which is the period of time it generally takes for the new trees to establish a suitable root system).
  - f. That notwithstanding anything to the contrary contained in the Proposal, the Town's financial contribution towards the Works shall be limited to \$5,000, with all other costs to be borne by the Owner.
2. APPROVE a budget amendment of \$5,000 to cover the Town's liability for costs associated with the Works.

#### **COUNCILLOR AMENDMENT**

**Moved Cr Tucak**

**Seconded Cr Sadler**

per Street Tree Policy 4.5(g), "affected by infrastructure works and the tree cannot be retained":

The 2 existing trees on the verge of 99 Napier Street will if affected by the proposed infrastructure Works so that they cannot be retained if required by the Administration, be replaced by 3 suitable replacement trees selected by the Town in accordance with the Cottesloe Street Tree Masterplan (Replacement Trees).

**Lost 2/7**

#### **COUNCILLOR MOTION (FORESHADOWED)**

**That Council:**

1. **APPROVE and authorise the proposed Works to be undertaken by the Town and the Owner as set out in the document entitled 'Proposal to the Town of Cottesloe – 99 Napier Street, Cottesloe – Verge Contour Level Modification – Return to Original Form' and dated February 2020 (the Proposal), subject to the Owner entering into a written agreement with the Town to ensure the following:**
  - a. **The Owner undertakes to carry out the part of the 'Works to be carried out by the Owner' as set out in the Proposal;**
  - b. **If required by the Administration to determine the effect of the Works on the existing drainage infrastructure, the Town engage an engineer (experienced in drainage) to do so. The reasonable cost of such engagement to be borne by the Owner.**
  - c. **The 3 existing trees on the verge of 99 Napier Street will be replaced by 3 suitable replacement trees selected by the Town in accordance with the**

**Cottesloe Street Tree Masterplan (Replacement Trees).**

- d. **The Replacement Trees to be purchased by the Town from a suitable Tree Nursery, as determined by the Town, 200l-400l in size, as determined by the Town and planted at such time as determined by the Town (to ensure that the planting takes place at the optimal time of year).**
  - e. **Prior to removal of the existing trees, the Owner to pay to the Town the reasonable estimated cost to the Town of the purchase and planting of the Replacement Trees, and the adequate watering of the Replacement Trees for a period of 2 years (which is the period of time it generally takes for the new trees to establish a suitable root system).**
  - f. **That notwithstanding anything to the contrary contained in the Proposal, the Town's financial contribution towards the Works shall be limited to \$5,000, with all other costs to be borne by the Owner.**
2. **APPROVE a budget amendment of \$5,000 to cover the Town's liability for costs associated with the Works.**

**Carried 8/1**

**COUNCILLOR RATIONALE**

The Proposal is to return the contour of the verge of 99 Napier Street, Cottesloe to its original form. The original contour of 99 Napier Street verge was a flat plane between the footpath and the top of the Napier Street curb.

The Town of Cottesloe (TOC), in recent times, modified the original verge (by making moulds in the verge) to address storm water overflow issues that arose from water flowing down Lane Street which is opposite the verge of 99 Napier Street. The historical stormwater issues have now been rectified by the TOC by the upgrading and installation of additional storm water infrastructure in Lane Street and Napier Street - thus making the moulds previously placed on the 99 Napier Street verge unnecessary.

The Removal from the verge of the 2 existing trees is required as contouring works will expose the root system of these trees (one of which is in poor condition). These 2 trees are to be replaced by 3 new street trees the variety of which is to be determined in strict accordance with the TOC's Street Tree Masterplan.

Benefits to the TOC of the proposed verge contour level modification at 99 Napier Street include:

- Access to the verge will be enhanced to enable it to be maintained in a clean and presentable state.
- The verge will be in keeping with other neighbourhood verges - in particular those on Napier Street.
- Two trees, one of which is in poor condition, to be replaced by three new trees that in time will increase overall canopy of Cottesloe.
- Result in footpath area being open - which will enhance safety.
- Enhance the streetscape on Napier Street.



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

Nil

**12.2 OFFICERS**

Nil

**13 MEETING CLOSED TO PUBLIC****13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED****MOTION FOR BEHIND CLOSED DOORS****Moved Mayor Angers                      Seconded Cr Young**

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

**COUNCILLOR AMENDMENT****Moved Cr Sadler                              Seconded Mayor Angers****Add the words 'with the exception of item 13.1.1'.****Carried 9/0****SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

**That, in accordance with Standing Orders 15.10, Council discuss the confidential reports behind closed doors, with the exception of item 13.1.1.**

**Carried 9/0**

The public and members of the media remained in the meeting for consideration of item 13.1.1

**13.1.1 SCULPTURE BY THE SEA 2020 - FUNDING REQUEST**

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (e(ii)) as it contains information relating to a matter that if disclosed, would reveal information that has a commercial value to a person.

**File Ref:    SUB/2792****Attachments:                                  13.1.1(a) Funding request - Letter to the Chief Executive Officer [CONFIDENTIAL] [UNDER SEPARATE COVER]**  
**13.1.1(b) Exhibition Report - Sculpture by the Sea Cottesloe 2019 [CONFIDENTIAL] [UNDER SEPARATE COVER]**

13.1.1(c) Reply to Mayor Angers - Minister for Tourism - Additional Funding From State Government for Sculpture by the Sea [CONFIDENTIAL] [UNDER SEPARATE COVER]

13.1.1(d) Reply to Mayor Angers - Premier of Western Australia - Additional Funding From State Government for Sculpture by the Sea [CONFIDENTIAL] [UNDER SEPARATE COVER]

13.1.1(e) 2019 Financial Report - Sculpture by the Sea Incorporated [CONFIDENTIAL] [UNDER SEPARATE COVER]

**Responsible Officer:** Neil Hartley, Acting Chief Executive Officer

**Author:** Gabrielle Hall, Events Coordinator

**Author Disclosure of Interest:** Nil

Cr Tucak declared an IMPARTIALITY INTEREST in item 13.1.1 by virtue "Directors of Sculpture by the Sea are known to me and I've been a donor in the past."

#### **OFFICER RECOMMENDATION**

THAT Council:

1. APPROVES Sculpture by the Sea, Cottesloe 2020 Exhibition dates from Friday, 6 March 2020 until Monday, 23 March 2020, provided that all conditions pertaining to the Licence Agreement - Portion of Reserves 44617, 6896 and 13718 - Sculpture by the Sea are upheld;
2. AUTHORISES the Acting Chief Executive Officer to make the necessary arrangements for the extension (as per 1) by way of an exchange of commitments of the parties;
3. NOTES the proposal by Sculpture by the Sea to ask each member of the attending public to voluntarily donate to the event;
4. REQUIRES Sculpture by the Sea to provide the necessary traffic management plan and personnel, and public toilets, to accommodate the size, scale and timeline of the event, and the necessary level of safety and health obligation it has to the visitors of the Sculpture by the Sea event, as directed by the Town of Cottesloe;
5. DECLINES the invitation to reallocate 2019-2020 budget funds (\$70,000 - assigned to purchasing a sculpture from the 2020 Sculpture by the Sea Exhibition) for the purpose of a Town of Cottesloe sponsorship agreement;
6. ENDORSES the potential of a transfer of funds from account #45.9000.2 to Sculpture by the Sea Incorporated, should an audited financial statement demonstrating financial hardship be submitted to the Town, but conditional on confirmation that the 2021 event will be scheduled at Cottesloe;
7. AUTHORISES the Acting Chief Executive Officer to enter into negotiations with Sculpture by the Sea Inc., for a new Licence Agreement to enable future Sculpture by the Sea Events to continue to be held in Cottesloe;
8. REQUIRES the Public Arts Committee to select an art piece(s) from the 2020 catalogue, to enable the consideration for making a financial contribution to Sculpture by the Sea

Inc. should it require financial assistance following the 2020 event's conclusion;

9. ENDORSES the scheduling of a Special Council Meeting if required, to address any subsequent issues that might arise as part of the 2020 Sculpture by the Sea event.

#### **COUNCILLOR MOTION AND COUNCIL RESOLUTION**

Moved Cr Young

Seconded Cr Tucak

#### **THAT COUNCIL:**

1. **APPROVES** Sculpture by the Sea, Cottesloe 2020 Exhibition dates from Friday, 6 March 2020 until Monday, 23 March 2020, provided that all conditions pertaining to the Licence Agreement – Portion of Reserves 44617, 6896 and 13718 – Sculpture by the Sea are upheld;
  2. **AUTHORISES** the Acting Chief Executive Officer to make the necessary arrangements for the extension (as per para 1, above) by way of an exchange of letter of commitments of the parties;
  3. **NOTES** the proposal by Sculpture by the Sea to ask each member of the attending public to voluntarily donate to the event;
  4. **REQUIRES** Sculpture by the Sea to provide the necessary traffic management plan and personnel, and public toilets, to accommodate the size, scale and timeline of the event, and the necessary level of safety and health obligation it has to the visitors of the Sculpture by the Sea event, as directed by the Town of Cottesloe;
  5. **ENDORSES** the reallocation of 2019-2020 budget funds (up to \$70,000 – assigned to purchasing a sculpture from the 2020 Sculpture by the Sea Exhibition) for the purpose of providing financial assistance to the 2020 event, as requested by Sculpture by the Sea, subject to:
    - a. the event proceeding in 2020;
    - b. Sculpture by the Sea providing to the Town of Cottesloe the Sponsorship benefits outlined in its proposal, including giving due recognition to the Town for its support;
    - c. No payment being made to Sculpture by the Sea until the Town is provided with audited accounts from the 2020 event, showing a net operating loss on the event, with payment by the Town limited to the amount of that operating loss up to a maximum of \$70,000;
    - d. Sculpture by the Sea complying with all terms pertaining to the Licence Agreement and with the terms of paragraph 4, above;
    - e. Sculpture by the Sea agreeing to waive any commission otherwise payable on a sculpture purchase by the Town from the 2020 event by the amount of financial assistance given under this paragraph (so that the list price for the item is reduced by the commission so waived);
    - f. Sculpture by the Sea using all reasonable efforts to ensure that the event continues at Cottesloe beach in future years;
    - g. That Sculpture by the Sea provides all attendance demographic data (including postcode) for the 2019 and 2020 events to the Town of Cottesloe administration.
-

6. **AUTHORISES the Acting Chief Executive Officer to enter into negotiations with Sculpture by the Sea Inc., for a new Licence Agreement to enable future Sculpture by the Sea events to be held in Cottesloe.**
7. **REQUESTS that the rationale, below, be recorded in the Minutes to reflect the reasons for Council's decision.**

**Carried 9/0**

**COUNCILLOR RATIONALE:**

1. The funds for the purchase of a sculpture from the 2020 exhibition are already budgeted so that the resolution represents the reallocation of funds rather than requiring further allocation of funds, and is thus revenue neutral;
2. The Public Art Advisory Committee is currently going through the process of reviewing the event catalogue in order to make a recommendation to Council on an acquisition. Funds will also be available in the Sculpture Reserve account if a particular sculpture is considered by PAAC to be desirable for addition to the Town's collection allowing Council to show strong support to artists central to the event as well as supporting the event itself. Council recognises the importance of supporting the artists exhibiting at the event, as the quality of the work exhibited is a key factor in the success of the event.
3. The event faces an uncertain future due to financial issues including loss of government and major sponsor funding. The reallocation of funds will take financial pressure off the event and allow a "breathing space" to restructure funding arrangements for future events;
4. The event is the Town's premier opportunity to offer hospitality to the rest of the State. It brings value to the Cottesloe community, in financial, cultural and reputational terms; it benefits local businesses, is generally very much enjoyed by the community and significantly contributes to Cottesloe's status as Perth's premier beach suburb. It also brings value to the many visitors from throughout WA, interstate and overseas.;
5. The relocation of the event to another location within Perth would be detrimental to Cottesloe and to the nature and quality of the event;
6. The Town's limited resources and its responsibility for maintenance of Cottesloe's beaches as an asset for all users restricts the amount of financial assistance it can give to the event on an ongoing basis. However, the Town should lend this limited support in the short term, as a one-off arrangement, in order to increase the likelihood that the event will continue to be held in Cottesloe.
7. The Town currently does not have any data on where attendees originate from, although anecdotal evidence indicates a large number of attendees are not from Cottesloe or surrounding suburbs. There may be a perception by stake holders that this is a "Western Suburbs Event". Having as much demographic data to hand as possible will strengthen the Town's capacity to lobby stakeholders for the continuing funding of this event.

*The public and members of the media were requested to leave the meeting at 7:59pm.*

### **13.1.2 CLEANING SERVICES - TENDER RECOMMENDATION**

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

**File Ref:** SUB/2792

**Attachments:** 13.1.2(a) Overall and qualitative assessment - Cleaning Tender [CONFIDENTIAL] [UNDER SEPARATE COVER]

13.1.2(b) Price Matrix for Cleaning Tender [CONFIDENTIAL] [UNDER SEPARATE COVER]

**Responsible Officer:** Shaun Kan, Manager, Engineering Services

**Author:** Sukhbaj Brar, Engineering Technical Officer

**Author Disclosure of Interest:** Nil

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

**Moved Cr Young**

**Seconded Mayor Angers**

**THAT Council:**

- 1. APPROVES** awarding the three year contracts for Cleaning Services for the Indiana Teahouse Toilets to Brightmark Group; and the Civic Centre to Charles Services Company; for the rates specified in their respective tenders; and
- 2. AUTHORISES** the Mayor and/or Chief Executive Officer to sign the Contract and affix the Town's Common Seal (if required).

**Carried 9/0**

### **13.1.3 STACK STREET WORKS DEPOT - LEASE RENEWAL OPTION**

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

**File Ref:** SUB/2792

**Attachments:** Nil

**Responsible Officer:** Neil Hartley, Acting Chief Executive Officer

**Author:** Shaun Kan, Manager, Engineering Services

**Author Disclosure of Interest:** Nil

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Young

Seconded Cr Masarei

THAT Council:

1. **APPROVES** a two month extension for the current 8 Stack Street (Fremantle) depot site, to 30 April 2020 under the same terms and conditions currently in place, and **NOTES** that the additional costs will be addressed as part of the mid-year budget review; and
2. **AUTHORISES** the Mayor and/or Chief Executive Officer to sign the Lease Extension Agreement and affix the Town's Common Seal (if required).

Carried 9/0

**13.1.4 PLUMBING SERVICES - TENDER RECOMMENDATION**

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

File Ref: SUB/2792

Attachments: 13.1.4(a) Qualitative Assessment - Plumbing Tender  
[CONFIDENTIAL] [UNDER SEPARATE COVER]13.1.4(b) Overall Assessment - Plumbing Tender  
[CONFIDENTIAL] [UNDER SEPARATE COVER]

Responsible Officer: Neil Hartley, Acting Chief Executive Officer

Author: Sukhbaj Brar, Engineering Technical Officer

Author Disclosure of Interest: Nil

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Young

Seconded Mayor Angers

That Council:

1. **APPROVES** awarding the three year contract for Plumbing Services to Swiftflow, for the rates specified in its tender;
2. **NOTES** that Swiftflow have confirmed the ability to provide public liability insurance for fifty million (\$50 Million) at the time of contract award as per their pricing submission to provide this value of insurance cover; and
3. **AUTHORISES** the Mayor and/or Chief Executive Officer to sign the Contract and affix the Town's Common Seal (if required).

Carried 9/0



**MOTION FOR BEHIND CLOSED DOORS**

Moved Cr Sadler

Seconded Cr Harkins

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

Carried 9/0

*The meeting was re-opened to members of the public and media at 8:11pm, however no one returned to the meeting.*

**13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC****13.1.1 SCULPTURE BY THE SEA 2020 - FUNDING REQUEST**

As members of the public remained in the room during consideration of item 13.1.1 and the resolution was displayed on screen, the resolution was not read aloud.

**13.1.2 CLEANING SERVICES - TENDER RECOMMENDATION**

As no members of the public returned to the meeting the resolution for item 13.1.2 was not read aloud.

**13.1.3 STACK STREET WORKS DEPOT - LEASE RENEWAL OPTION**

As no members of the public returned to the meeting the resolution for item 13.1.3 was not read aloud.

**13.1.4 PLUMBING SERVICES - TENDER RECOMMENDATION**

As no members of the public returned to the meeting the resolution for item 13.1.4 was not read aloud.

**13.1.5 DEBT WRITE OFF - PENALTY INTEREST ON RATES DEBTORS**

As no members of the public returned to the meeting the resolution for item 13.1.5 was not read aloud.

**14 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 8:11pm.