

# TOWN OF COTTESLOE



## ORDINARY COUNCIL MEETING MINUTES

ORDINARY MEETING OF COUNCIL  
HELD IN THE  
Council Chambers, Cottesloe Civic Centre  
109 Broome Street, Cottesloe  
7.00 PM, Tuesday 25 October 2016

**MAT HUMFREY**  
Chief Executive Officer

7 November 2016

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

The Presiding Member announced the meeting opened at 7:00 PM.

**2 DISCLAIMER**

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

**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

The Mayor thanked all those involved in the Garage Sale Trail, at the Cancer Wellness Centre. The Mayor extended special thanks to: the Town's Sustainability Officer, Melissa Rachan; the Town's Community Development Officer, Sherilee Macready; Carole Moates from the Cancer Wellness Centre and Councillors Burke and Thomas.

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****QUESTION TAKEN ON NOTICE - SPECIAL COUNCIL MEETING – 20 SEPTEMBER 2016**

Rosalin Sadler, 2/134 Marine Parade, Cottesloe – Re. Scheme Amendment 5 and Local Development Plan 1

Q1: Is the Town of Cottesloe Planning Department aware of the Department of Transport plans to close multiple lighter-used railway stations on the Fremantle line?

A1: There has been an announcement that a review is underway, the Town is not aware of any announced closures.

Q2: Is Council aware that the Department of Transport will therefore close stations where they are considered to be underused in relation to major railway stations such as Claremont railway station?

A2: There has been an announcement that a review is underway, the Town is not aware of any announced closures.

Q3: Is Council aware of the scale of major and ongoing infill infrastructure adjacent to Claremont railway station?

A3: The Town is aware of the developments occurring in Claremont.

Q4: Is Council aware that Swanbourne railway station is closer to Claremont railway station and [than] Cottesloe railway station

and by comparison is underused and will be closed given the Department of Transport analysis and logic?

A4: The Town is not aware of any decision to close Swanbourne Station.

Q5: Is Council aware that Loch Street railway station will be closed given the Department of Transport analysis and logic when considering its proximity to Claremont station?

A5: There has been an announcement that a review is underway, the Town is not aware of any announced closures.

Q6: Has the Town of Cottesloe yet been consulted by the Department of Transport and/or the Baverstock development group about the forthcoming railway station closures on the Fremantle line?

A6: No.

Q7: Has the Town of Cottesloe sought consultation with anyone, including the Department of Transport and/or the proponents of the Baverstock Swanbourne Village Trust and its other associated companies, regarding the closure of the Swanbourne railway station?

A7: No.

Q8: Will the Town of Cottesloe provide outcomes of any meetings held with anyone about all Fremantle line closures to come?

A8: Yes.

**QUESTIONS TAKEN ON NOTICE - ORDINARY COUNCIL MEETING  
– 27 SEPTEMBER 2016**

Sasha Ivanovich, 3A Hubble Street, East Fremantle – Re. Councillor Motion – Local Planning Scheme No. 3 Amendment No. 5

Q1: What kind of professional advice has Council received in making the decision to rescind its previous decision?

A1: Council has been provided with the advice of officers relating to rescinding motions.

Q2: Why is it necessary to take the decision of rescinding?

A2: Council makes its decision considering a range of information and points of view.

Garry Baverstock, 38 Congdon Street, Cottesloe – Re. Local Planning Scheme No. 3 – Amendment No.5 and Local Development No. 1 – Report Following Submissions

Q1: How many submissions were wholly for the project?

A1: 38

Q2: How many submissions were wholly against the project?

A2: 70

Q3: How many submissions contained both positive and negative?

A3: 6 as interpreted.

Q4: Why was it decided to group all submissions containing any objection together with the objections, thereby inflating the objection figures?

A4: To distinguish between those in support and those of concern or objection in order to scope the aspects raised.

Q5: If the submissions that indicated both positive and negative were removed, what is the net result in numbers and percentages of the wholly positive and the wholly negative?

A5: The submissions are a matter of public record.

Q6: At the Special Council Meeting, Cr Boulter said 80% of the community are against the amendment, how did Cr Boulter arrive at this figure?

A6: Councillors are able to form their own views based on the information provided to them.

Jamie Atkinson, 84 Hawkstone Street, Cottesloe – Re. Behaviour of Members of the Public at the Special Council Meeting 20 September 2016

Q1: Is there a mechanism or policy in place whereby individuals can be banned from attending Council meetings or a fine imposed?

A1: The Town's Standing Orders Local Law provides for how meetings are to be conducted. A breach of the Standing Orders is capable of being prosecuted in the relevant courts.

Julia Hayes, 38 Congdon Street, Cottesloe – Re. Community Advocacy Groups

- Q1: What due diligence does the Council undertake to verify that the Cottesloe Residents and Ratepayers Association is in fact is a bona fide association and not a guise for a group of 10 self-interested people?
- A1: There is no formal process for assessing the decisions or representations made by the Cottesloe Residents and Rate Payers Association, or the Association itself.
- Q2: What controls does the Council have in place to determine the validity of associations which it endorses on its website?
- A2: The name and incorporation details of such associations are checked.
- Q3: What legislation is in place that local councils must comply with, when endorsing such associations?
- A3: There are no provisions of the Local Government Act in this regard.
- Q4: How many financial members were there at the end of the 2016 financial year?
- A4: The information has not been asked of nor provided by the Cottesloe Residents and Ratepayers Association.
- Q5: How does the Council verify claims as to the number of members that are supposedly ratepayers?
- A5: The Town does not make this assessment.
- Q6: Can the Chief Executive Officer implement controls to ensure that membership numbers are submitted to the Town of Cottesloe within 7 working days, at the end of each financial year, for every advocacy group appearing on the Town of Cottesloe website?
- A6: There is no policy or local law that requires such an assessment and action.
- Q7: Can the Chief Executive Officer immediately remove the link to and the endorsement of the Cottesloe Resident and Ratepayers Association from the Town of Cottesloe website until all questions have been satisfactorily answered?

- A7: Our records indicate that the link was approved at the time it was placed on the website. Removing it would require a decision of Council.
- Q8: How can the Chief Executive Officer determine how many residents and ratepayers there are?
- A8: The Town uses the statistics provided by the Australian Bureau of Statistics and the Town's Rates Register.
- Q9: Can the Mayor confirm the level of influence brought to a Council decision by the Cottesloe Resident and Ratepayers Association via the three Councillors who enjoyed their lobbying support during the Council election period?
- A9: I am unable to comment on behalf of any individual Councillor as to how they arrived at their point of view, by whom they may have been influenced, or who may have influenced them.

Questions Taken On Notice from Cr Pyvis - Emailed 21 September 2016

- Q1: Has Town of Cottesloe received advice from Landgate regarding Right of Way 64? If so, when was this received?
- A1: The Town has received cadastral boundary information from Landgate and copies of certificates of titles on this matter. However, no formal advice has been received.
- Q2: When will Elected Members be provided with a copy of Right of Way 64 legal advice?
- A2: Elected Members have been provided with a copy of this advice.
- Q3: When will a report on Right of Way 64 be brought to Council?
- A3: A report was presented to Council in February 2016.
- Q4: Would you please advise when the transfer of Right of Way 72A from private ownership (Odette Holdings) to the Crown will be completed?
- A4: No. The process has been initiated, the Town cannot control when it will be completed.
- Q5: Further to complaints from residents regarding the current poor condition of Right of Way 72A, when will Town of Cottesloe repair Right Way 72A to remediate this danger?
- A5: Until the land in question is under the control of the Town, the Town cannot undertake maintenance on the land.

Q6: What jobs/projects has Cardno undertaken for Town of Cottesloe over the past five years?

A6: Please see answer to question eight below.

Q7: Would Town of Cottesloe please list the dates of engagement and completion for jobs/projects undertaken by Cardno for Town of Cottesloe over the past five years?

A7: Please see answer to question eight below.

Q8: Would Town of Cottesloe please itemise the cost of jobs/projects undertaken by Cardno for Town of Cottesloe over the past five years?

A8:

<b>Project</b>	<b>Cost</b>	<b>Dates</b>
Foreshore Rejuvenation	\$102,144.08	September 2015 - Ongoing
Consultancy Development Applications	\$15,862.00	December 2015 – August 2016
Coastal Monitoring Project - Sustainability	\$24,108.86	November 2015- Ongoing
Asset Management Civic Centre	\$42,185.00	March 2015 – May 2016
Bike Plan	\$33,550.00	June 2015 - Ongoing
Road Safety Audit	\$1,650.00	December 2015 – December 2015
Asset Management Indiana Tea House	\$19,250.00	June 2015 – July 2015

Questions Taken On Notice from Cr Boulter - Emailed 21 September 2016

Q1: What will be the process for introducing the Town of Cottesloe administration recommendations for the new Town of Cottesloe tree policy to Council and the community?

A1: The policy was delayed following the resignation of the Manager of Engineering Services who is responsible for the policy. Upon the commencement of the new Manager Engineering Services, an update will be provided.

Q2: What are the anticipated timings for this tree policy process?

A2: See answer for question 1.

Q3: What will be the process for introducing the Town of Cottesloe administration recommendations for the Town of Cottesloe short stay accommodation policy to Council and the community?

A3: A report will be provided for Council's consideration.

Q4: What are the anticipated timings for this short stay process?

A4: The report will be presented this calendar year.

Q5: Has the Town of Cottesloe commenced the process for reviewing the Napoleon Street Trees by a botanist or similar as per Council resolution?

A5: No.

Q6: What are the anticipated timings for an updated report to Council about the Napoleon Street trees?

A6: The process will be resumed upon the commencement of the new Manager of Engineering Services.

Q7: What will be the process for introducing the Town of Cottesloe administration recommendations for amendments to the Town of Cottesloe Communication and Consultation policy to Council and the community?

A7: There are no anticipated changes to either policy in the short term.

Q8: What are the anticipated timings for this Communication and Consultation policy review process?

A8: A report was provided to Council in July 2016. No further review of these policies is anticipated in the short term.

### **QUESTIONS TAKEN ON NOTICE – AGENDA FORUM – 18 OCTOBER 2016**

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

Q1: Has a proper needs and benefits analysis been done?

A1: This study would be conducted at the Development Application stage.

Q2: Have there been parking studies?

A2: This study would be conducted at the Development Application stage.

Q3: Has there been a proper study of the ramifications to parking?

A3: This study would be conducted at the Development Application stage.

Q4: Have the residents who are going to be affected by late night functions been consulted?

A4: This study would be conducted at the Development Application stage.

Sue Freeth, 1 Florence Street, Cottesloe – Re. Approval of Draft Foreshore Rejuvenation Detailed Concept Plan for the Purpose of Public Advertising

Q1: What plans does Council have for John Black Dune Park?

A1: At this stage, no formal plan is being presented for John Black Dune Park. This would be considered at a detailed design phase.

Hilary Rumley, 5/14 Athelstan Road, Cottesloe – Re. Various matters listed below

Re. Approval of Draft Foreshore Rejuvenation Detailed Concept Plan for the Purpose of Public Advertising

Q1: Why is there still no mention of a beach pool in the Foreshore Plan?

A1: A beach pool is not contemplated in the Foreshore Rejuvenation Plan being presented for consideration.

Re. Station Street Place Making Strategy – Draft for Public Consultation

Q1: Is universal design taken into consideration?

A1: Yes.

Re. 65 Eric Street – Scout Hall – Parking Solution

Q1: Why is it called a community centre when it is only for two groups?

A1: The building was named by the management committee, not the Town.

Q2: Why was parking not taken into consideration in the planning stages?

A2: Parking was considered at the planning stage based on the application that was presented at that time.

**QUESTIONS PROVIDED BY CR BOULTER EMAILED – 13 OCTOBER 2016**

- Q1: Is a WorkForce Plan any part of the State government's Integrated Planning and Reporting Framework for Local Government?
- Q2: Has the Town of Cottesloe ever had a WorkForce plan?
- Q3: If so, can a copy be obtained on request by a Councillor?
- Q4: Does the Town of Cottesloe have a current WorkForce Plan?
- Q5: If not, why not?
- Q6: If so, is it a confidential document?
- Q7: If so, can a copy of the Workforce Plan be circulated to Councillors?
- Q8: If not confidential, can the Workforce Plan be put on the Town of Cottesloe website?
- Q9: In respect of Town of Cottesloe planning and development approval conditions, and building licences what site inspections are done as matter of routine by the Town of Cottesloe administration to ensure compliance with the conditions of these approvals?
- Q10: If a resident is not satisfied that a neighbouring development is compliant with the conditions relating to the approvals referred to in question 7, what Town of Cottesloe administration response should a resident expect from the Town of Cottesloe administration following any complaint or concern about non-compliance with any such a condition? Should this response include a site inspection and written response to the concerned resident?
- Q11: Are Town of Cottesloe Councillors entitled to a copy of all documents relating to a contract let by the Town of Cottesloe?
- Q12: Is there a written brief for the Town of Cottesloe Town of Cottesloe Foreshore Renewal Plan?
- Q13: Is there a written brief for the Town of Cottesloe Station Street Place Making Strategy?
- Q14: Is there a written brief for the Town of Cottesloe Local Bike Plan?
- Q15: Is there a written brief for the Town of Cottesloe Beach Access Paths Refurbishment Plan?

- Q16: Can a copy of these briefs be made available to Councillors on request?
- Q17: What is the role of officer opinion in officer reports to Council?
- Q18: If a Councillor does not have enough information from an officer report to Council in order to make an informed decision, how should that Councillor obtain the missing information? Where should a response to that missing information be recorded on the public record?
- Q19: What is the role of the "Policy Heading" in Town of Cottesloe Officer Reports to Council and what Policies and what Policy information should be reported under that heading?
- Q20: Having regard to the recent Corruption and Crime Commission report into the Shire of Dowerin 10 October 2016, how were the Town of Cottesloe employee's activities relating to the Corruption and Crime Commission report concerning the Corruption and Crime Commission 4 February 2015 (<https://www.ccc.wa.gov.au/sites/default/files/Report%20on%20Misconduct%20Risk%20in%20Local%20Government%20Procurement.pdf>) first drawn to the attention of the Town of Cottesloe administration?
- Q21: Having regard to the recent Corruption and Crime Commission report into the Shire of Dowerin 10 October 2016, what new or amended policies and procedures has the Town of Cottesloe administration introduced in response to the Corruption and Crime Commission report concerning the Town of Cottesloe 4 February 2015?

A: The Mayor took the questions on notice.

**QUESTIONS PROVIDED BY CR BOULTER EMAILED – 18 OCTOBER 2016**

- Q1: Does the Town of Cottesloe Policy Code of Conduct (RESOLUTION NO.: 12.1.5 ADOPTION: April 2008 due for REVIEW: April 2012) comply with the guidelines published by the WA Public Sector Commissioner published June 2016 at [https://publicsector.wa.gov.au/sites/default/files/documents/developing\\_a\\_code\\_of\\_conduct\\_guide\\_for\\_local\\_government\\_1.pdf](https://publicsector.wa.gov.au/sites/default/files/documents/developing_a_code_of_conduct_guide_for_local_government_1.pdf) ?
- Q2: If not, when is it proposed that the Town of Cottesloe Code of Conduct will be reviewed by the Town of Cottesloe administration for presentation to Council to promote best governance practice in compliance with the June 2016 recommendations by the WA Public Sector Commissioner?

A: The Mayor took the questions on notice.

**QUESTIONS PROVIDED BY CR PYVIS EMAILED – 19 OCTOBER 2016**

- Q1: Who or what entity owns the Scout Hall land?
- Q2: Who or what entity received the current building and use approvals for the Scout Hall land?
- Q3: What date did Town of Cottesloe first receive complaints from neighbours regarding traffic and parking problems relating to Scout Hall use?
- Q4: Would Town of Cottesloe please provide Elected Members with a copy of the planning and use approval documents before Ordinary Council Meeting 25 October 2016?
- Q5: Would Town of Cottesloe please provide Elected Members with a copy of the Reserve document that shows who the Scout Hall land is vested in and for what purpose, before Ordinary Council Meeting 25 October 2016?
- Q6: Who is responsible for the management of the Scout Hall land?
- Q7: Would Town of Cottesloe please provide Elected Members with a copy of any documentation relating to Lotterywest funding arrangements (with any annexures or variations) with the Scout Hall Management Committee that contributed to the redevelopment of the Scout Hall?
- Q8: Would Town of Cottesloe please provide Elected Members with a copy of the Rules of Association that govern the Scout Hall Management Committee before Ordinary Council Meeting 25 October 2016?
- Q9: Who are the members of the Scout Hall Management Committee and which organisations do these individuals represent?
- Q10: On behalf of which entity is the Scout Hall Management Committee operating and reporting to?
- Q11: Is the commercial use of the Scout Hall by any yoga and dance classes and other events booked by the Management Committee and is this a permitted use under the current Town of Cottesloe / Western Australian Planning Commission approval?
- Q12: Under the current approval arrangements, who is the person or body who would be prosecuted for a use not approved for the Scout Hall buildings?
- Q13: How many onsite parking bays would the R-Codes require for the current commercial use of the Scout Hall?
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- Q14: Is the commercial use of the Scout Hall capable of being approved if the Scout Hall Management Committee lodged a planning application for approval of commercial use (such as yoga and dance classes and other events)?
- Q15: Have the Minister for Lands and Western Australian Planning Commission been advised of the issues relating to the non-permitted/non-approved commercial use of the Scout Hall?
- Q16: If the Minister for Lands and Western Australian Planning Commission have been advised, would Town of Cottesloe please provide Elected Members with a copy of this advice and any response/s?
- Q17: If the Minister for Lands and Western Australian Planning Commission have not been advised of the non-permitted commercial use of the Scout Hall, why not?
- Q18: Are the audio recordings made by Town of Cottesloe of Agenda Forums and Ordinary Council Meetings available under the *Freedom of Information Act 1992*?
- Q19: Would Town of Cottesloe/Mayor please explain why Town of Cottesloe has not undertaken community consultation with residents and ratepayers prior to engaging solicitors to draw up the Draft License for Sculpture by the Sea Inc.?
- Q20: Does Town of Cottesloe charge Sculpture by the Sea Inc. a fee for using the Cottesloe beachfront for its annual event?
- Q21: Does Town of Cottesloe/Council provide any financial support/payments (in addition to the considerable Town of Cottesloe staff resources that are provided to assist manage the event and ensure the impact of the Sculpture by the Sea event on local residents is minimised AND its annual obligation to purchase an artwork) to Sculpture by the Sea Inc. for this event?
- Q22: If the proposed Draft License for Sculpture by the Sea Inc. includes a sum of \$15,000 to be paid by Council if/when it doesn't not purchase an annual artwork, is Council able to purchase an artwork from the "Miniatures Exhibition" (less than \$15,000) in lieu of this proposed \$15,000 payment?
- Q23: What is the dollar amount Council budgets annually to purchase an artwork from Sculpture by the Sea Inc.?
- Q24: Would Town of Cottesloe please advise the dollar cost (funded from existing budget allocations) of the considerable Town of Cottesloe staff resources that are provided to assist manage the event and ensure the impact of the Sculpture by the Sea event on local residents is minimised?

Q25: Does Town of Cottesloe receive an increase in revenue from parking infringements issued over the three week period that the Sculpture by the Sea event is held? If so, how much is this revenue over and above the average revenue received by Town of Cottesloe over the event period?

A: The Mayor took the questions on notice.

#### **4.2 PUBLIC QUESTIONS**

##### Jack Walsh, 35 Grant Street, Cottesloe – Re. 10.1.4 Barchetta Café – Request for Expanded Lease Area

Q1: Would this event require a new tender process for the Barchetta Café Lease?

A1: Any disposition of land requires one of three processes to be followed:

1. Tender
2. Public auction
3. Private Treaty subject to advertising.

Normally the Town would advertise its intention to enter into a new lease for a minimum period of 14 days.

##### Patricia Carmichael, 14/116 Marine Parade, Cottesloe – Re. 10.1.4 Barchetta Café – Request for Expanded Lease Area

Q1: If the reserve is extended as proposed, will Council put the lease for Barchetta out to tender before a new lease is renegotiated?

A1: Any change to a lease/disposition of property would need to be advertised before final adoption.

Q2: If the reserve is extended as proposed, will Council obtain legal advice and expert property advice, as to the proper way forward and as to the commercial value of the lease, before entering into any extension of the lease with the current Lessee?

A2: In order to change the lease at all, the Town would have to engage its solicitors to write the lease and provide advice. The Local Government Act requires that a valuation be obtained and the proposed lease be advertised for public comment.

Q3: If the reserve is extended as proposed, will Council ensure that any redevelopment of the Barchetta building includes a kiosk to service beach goers?

A3: The Mayor took the question on notice.

Re. 13.1.1 Stack Street Depot – Lease Renewal Option

Q1: Could the annual cost of the Lease renewal be provided to the residents and ratepayers?

A1: Approximately \$13,000 a month.

Re. 13.1.2 License Agreement Portions of Reserves 44617, 6869 and 13718 (Cottesloe Beach) – Sculpture by the Sea Incorporated

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

A1: The Mayor took the question on notice.

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

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

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

A: The Mayor took the questions on notice.

Gill Vivian, 115 Eric Street, Cottesloe - Re. 13.1.2 License Agreement Portions of Reserves 44617, 6869 and 13718 (Cottesloe Beach) – Sculpture by the Sea Incorporated

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

Q2: Who pays for the beach clean up?

Q3: What benefit is the event to residents?

A: The Mayor took the questions on notice.

Peter Rattigan, 9 Grant Street, Cottesloe – Re. 10.1.4 Barchetta Café – Request for Expanded Lease Area

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

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

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

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

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

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

A: The Mayor took the questions on notice.

Benjamin Webb, 120 Eric Street, Cottesloe – Re. Trailers on Verges

Q1: Is it Council's direction to the Rangers to pursue people who are parking their trailers or boats on verges?

Q2: Why are notices being distributed requesting residents move their boats and trailers off verges?

A1-2: It is an offence under the Parking and Parking Facilities Local Law to leave a trailer on a verge unattached to a vehicle. The Town occasionally receives complaints from neighbours and others, that the boat or trailer is effecting their use of the footpath or the area. Rangers will issue cautions to people asking them to move the either the trailer or the boat trailer within a reasonable timeframe. If the trailer or boat is not moved within the given timeframe the Rangers will follow up.

## 5 PUBLIC STATEMENT TIME

Gabrielle Gill, 63 Eric Street, Cottesloe – Re. 10.1.1 65 Eric Street – Scout Hall – Parking Solution

- People do not stick to designated car bays.
- The parking at the Scout Hall is horrendous.
- Verge reticulation is frequently damaged by vehicles.
- Expressed a preference for 'no parking' painted on the street, rather than signage.

Valerie Formby, 18A Perth Street, Cottesloe – Re. 10.1.4 Barchetta Café – Request for Expanded Lease Area

- Spoke in support of the proposal for Barchetta Café, stated that improvements are long overdue.

Malcolm Wills, Mount Claremont – Re. 10.1.4 Barchetta Café – Request for Expanded Lease Area

- Spoke in support of the proposal for Barchetta Café.
- Queried why Council would not approve the proposal.

Patricia Carmichael, 14/116 Marine Parade, Cottesloe – Re. 10.1.4 Barchetta Café – Request for Expanded Lease Area

- When a development application is made by Yellowdot Enterprises, Council should consider the development in conjunction with the Foreshore Plan.
- If the proposal for Barchetta is not intergrated with the Foreshore Plan, residents will be faced with a piecemeal approach to planning, lacking in character.

Gill Vivian, 115 Eric Street, Cottesloe – Re. 10.1.4 Barchetta Café – Request for Expanded Lease Area

- Spoke in support of the proposal for Barchetta Café.
- Encouraged Council to embrace change.

Peter Rattigan, 9 Grant Street, Cottesloe – Re. 10.1.4 Barchetta Café – Request for Expanded Lease Area

- The item before Council is the start of a proposal to expand Barchetta Café.
- The proposal should be carefully considered, there is no need for urgency.

Jack Walsh, 35 Grant Street, Cottesloe – Re. 10.1.4 Barchetta Café – Request for Expanded Lease Area

- The reserve amalgamation is for the purpose of expanding the premises of the Barchetta Café.
- The proposal to redevelop Barchetta Café is against the Beach Policy.
- Coast Care should be given the opportunity to rehabilitate the vegetation surrounding the premises.
- Community consultation should take place before amalgamating the reserves.

Chris King, 149 Marine Parade, Cottesloe – Re. 10.1.4 Barchetta Café – Request for Expanded Lease Area

- The proposal for Barchetta Café will require three Council decisions.
- Resolving to amalgamate the reserves does not commit Council to any further decisions regarding the Barchetta Café proposal.
- An expanded lease area for the Barchetta Café will derive additional income for the Town.
- Council should support the Officer Recommendation.

Jane King, 149 Marine Parade, Cottesloe – Re. 10.1.4 Barchetta Café – Request for Expanded Lease Area

- The proposed extension of the bin area will not interfere with the Norfolk Island Pine Tree to the south.
- The structures proposed will be cantilevered in the air and therefore will not touch the ground.
- The proposal will have a minimal effect on the environment.
- The Enquiry by Design report singles out buildings such as Barchetta Café as requiring upgrade.
- There has been overwhelming public support for the proposal, over 1,000 letters of support have been signed.

Philip King, 149 Marine Parade, Cottesloe – Re. 10.1.4 Barchetta Café – Request for Expanded Lease Area

- The proposal will take a long time to complete, the building needs to be fixed now.
- Council should make every effort to avoid any further delays.
- Advertising for Community Consultation is unnecessary at this stage of the process.
- Council should support the Officer Recommendation.

Alessandro Stagno, PO Box 7801, Perth – Re. 10.1.4 Barchetta Café – Request for Expanded Lease Area

- The item before Council is the first stage of a long process.
- The adjustment of reserve boundaries does not directly result in any physical development, alterations or removal of items onsite, the reserve remains vested in the Town for recreation purposes.
- Concerns regarding parking, seating and building design will be addressed in detail at the planning application stage.
- The community will be consulted twice, firstly when a new lease is requested, secondly at the planning application stage.
- The facility is the Town's asset, Barchetta Café operates on a land lease.
- Council should support the Officer Recommendation.

Jack Walsh, 35 Grant Street, Cottesloe – Re. 10.1.6 Cottesloe Outdoor Film Festival

- Spoke in support of the Cottesloe Outdoor Film Festival.

Miranda Edmonds, 277 Marmion Street, Cottesloe – Re. 10.1.6 Cottesloe Outdoor Film Festival

- The Cottesloe Outdoor Film Festival will be a community event.
- The event organisers have extensive experience in running similar events.

Helen Sadler, 39 Griver Street, Cottesloe – Re. 10.1.8 Approval of Draft Foreshore Rejuvenation Detailed Concept Plan for Purpose of Public Advertising

- The Town of Cottesloe requires an Integrated Transport Strategy developed in conjunction with neighbouring suburbs.
- Community consultation should have taken place before plans for the Foreshore are advertised.
- Projects such as Station Street and the Foreshore should be developed in unison.

Tania Water, 9 Wentworth Street, Cottesloe – Re. 11.1 Councillor Motion – Demolition and the Wellbeing, Health and Safety Of Cottesloe Residents And Visitors

- Spoke in support of the Councillor Motion.
- Wider notification of demolitions is required.

**6 ATTENDANCE****Present**

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

**Officers Present**

Mr Mat Humfrey	Chief Executive Officer
Mr Garry Bird	Manager Corporate & Community Services
Mr Andrew Jackson	Manager Development Services
Mr Darrell Monteiro	Principal Environmental Health Officer
	Arrived 8.15 PM. Left 10:54 PM
Ms Siobhan French	Governance Coordinator

**6.1 APOLOGIES**

Nil

**Officer Apologies**

Nil

**6.2 APPROVED LEAVE OF ABSENCE**

Nil

**6.3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7 DECLARATION OF INTERESTS**

Cr Angers declared an impartiality interest in item 10.1.4 due to being a member of the North Cottesloe Surf Life Saving Club.

**8 CONFIRMATION OF MINUTES**

Moved Cr Rodda, seconded Cr Angers

[Minutes 20 September 2016 Council.DOCX](#)

The Minutes of the Special meeting of Council held on Tuesday 20 September 2016 be confirmed.

Carried 9/0

Moved Cr Rodda, seconded Cr Angers

[Minutes 27 September 2016 Council.DOCX](#)

The Minutes of the Ordinary meeting of Council held on Tuesday 27 September 2016 be confirmed.

Carried 9/0

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

Nil

**9.2 PRESENTATIONS**

Nil

**9.3 DEPUTATIONS**

Nil

For the benefit of the members of the public present the Mayor advised that items 10.1.1, 10.1.4, 10.1.6, 10.1.2, 10.1.3, 10.1.5, 10.1.8, 10.1.9,

13.1.3, 13.1.1, 13.1.2, 11.1 and 11.2 had been withdrawn and were considered in that order. Items 10.1.10 and 10.1.17 were dealt with en bloc.

## 10 REPORTS

### 10.1 REPORTS OF OFFICERS

#### PLANNING

##### 10.1.1 65 ERIC STREET – SCOUT HALL – PARKING SOLUTION

<b>File Ref:</b>	<b>SUB/2562</b>
<b>Attachments:</b>	<a href="#">Aerial</a> <a href="#">Photos of parking</a> <a href="#">5 August 2014 letter and plan</a> <a href="#">23 March 2016 letter and plan</a> <a href="#">Parking solution plan</a>
<b>Responsible Officer:</b>	<b>Mat Humfrey</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Andrew Jackson</b> <b>Manager Development Services</b>
<b>Proposed Meeting Date:</b>	<b>25 October 2016</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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#### SUMMARY

This report addresses the need for formal parking controls at the Scout Hall.

The installation of parking signs and supporting measures is recommended.

#### BACKGROUND

The Scout Hall was granted planning approval by Council including the provision of six internal and three external parking bays. This was premised on the use of the hall by the Scouts and the Cottesloe Playgroup, and advice that the Scouts would function with drop-off / pick-up by parents thereby requiring minimal bays.

Since opening, the hall has also been hired-out by its management committee for yoga classes, dance classes and apparently some other events. This has created parking chaos affecting the verges and streets in the vicinity, especially on residents along Charles Street. Until recently the internal bays were little used.

The Town liaised with the management committee about the situation and initially the parking became more orderly, including use of the internal bays; however, the situation has again deteriorated. In addition, the taping-off of parts of the Eric Street verge by the management committee is unsightly and not allowed. The western neighbour in particular has incurred continual parking impacts, including damage to verge lawn reticulation, and has urged Council to find a solution.

#### STRATEGIC IMPLICATIONS

It is important that non-residential uses in residential areas are compatible with residential amenity and do not have undue impacts.

**POLICY IMPLICATIONS**

Council's Residential Verges Policy and Street Trees Policy are aimed at attractive streetscapes and safe verges.

**STATUTORY ENVIRONMENT**

- *Local Government Act 1995*
- Parking and Parking Facilities Local Law
- Local Planning Scheme No. 3

**FINANCIAL IMPLICATIONS**

Cost of parking signs from within Budget.

**STAFFING IMPLICATIONS**

Rangers to patrol and control parking in relation to the Scout Hall.

**SUSTAINABILITY IMPLICATIONS**

Nil.

**CONSULTATION**

Officers have liaised with the management, yoga business and nearby owners/residents to address the matter.

**STAFF COMMENT**

The Scout Hall redevelopment was approved by Council for that purpose and as a community centre for the Cottesloe Playgroup and storage facility for the North Cottesloe Surf Life Saving Club. Other uses by virtue of hiring the hall were not part of the application or approval. Based on the information submitted and representations made parking was limited to six on-site bays plus three bays (one universal access) in the Eric Street verge. After the hall was opened it soon became evident that this parking provision was insufficient for the amount of activity occurring.

In August 2014 the Town initially liaised with the management committee towards possibly adding bays on the Eric Street verge as outlined in the attached letter and plan to nearby residents. Ultimately the residents and Town were not satisfied with this proposal, which would intensify parking on the Eric Street verge and was constrained by infrastructure. Instead it was considered that the uses and parking practices warranted attention.

On 27 February 2015 the Town wrote to the management committee as follows:

*Following complaints, an inspection of the abovementioned property has revealed that it is being used for 'yoga classes' without approval from the Town and this is causing significant off-site parking issues in the locality.*

*The land was held as a Crown Grant in Trust in favour of the Boy Scouts Association of WA and although it is understood that a new conditional tenure title was proposed to be issued by the Minister for Lands, this was for the purpose of "Scouts, Community and Childcare Facility" and therefore may not necessarily allow other uses on the land.*

*Furthermore, Condition 10 of the planning approval required the provision of six on-site car parking bays. However, these do not appear to have been used and are not being made freely available to visitors and staff, which is resulting in indiscriminate verge parking adjoining the site.*

*Please can you ensure that the unauthorised yoga classes at the premises cease immediately and that the six allocated on-site parking bays are made freely available to staff and visitors. Furthermore, users of the premises should be advised that they must only park in the allocated car bays. Failure to comply with this requirement may result in 'no-parking' signage being erected along the street verges and fines being issued to people parking illegally.*

On 24 March 2015 the Scout Hall management committee advised by email as follows:

*It is correct that a new title has been issued for the property as you describe in your letter. As is the case for a great number of Scout halls across the state, it was always envisaged that the Cottesloe facilities would be hired to community groups and this was part of the funding arrangement with Lotterywest and the facility's Management Committee has proceeded on that basis. The revenue generated is critically important to the recurrent operating and on-going maintenance budgets for the property. We are determined to maintain the property at the as-built high standard and thereby ensure an extended life for the facilities. We would be happy to lodge whatever paperwork is required to enable the facility to operate as proposed. To this end, would you please advise to whom we might speak to progress the application.*

*For your information, there is also a dance class operating a few days per week. The Management Committee's approach is to secure a small number of ongoing users. Along with the core users (Scouts, North Cottesloe SLSC and the Cottesloe Playgroup), current usage is nearing the Committee's budget objective. Also for your information, with the neighbours' interests in mind, the Committee has determined that the facilities will not be available for parties or weddings.*

*Instructions have been given to ensure that the on-site parking on the internal grassed area adjacent to Charles Street is available for users. Also, we will instruct people not to park adjacent to the property immediately to the west of our property.*

On 6 April 2015 the Town also emailed the management committee as follows:

*I refer to the Town's 27 February 2015 letter and your 24 March 2015 email reply, and wish to advise that the issues are as follows:*

- The proposal was based on existing local community groups operating on a low-key basis, and was not for commercial purposes, which uses have not been approved, and may not be approvable.*
- Council did not consider or approve any other uses, hence did not assess or require a parking provision (or address other aspects) for them.*
- The six on-site bays and three bays in the verge were premised on predominantly drop-off and pick-up arrangements for the proposed uses only.*

- *Allowing the Surf Club to have storage as part of the facility, even though that entails early morning and weekend activity in the residential locality, was generous planning-wise.*
- *The facility was not proposed or approved as a community recreation centre operating many activities and attracting large amounts of traffic and parking spread throughout the days and evenings.*
- *Nor is it a reception centre, whereby the mere thought of parties or weddings as you have mentioned runs contrary to the zoning, proposal and approval – such a facility would not be approved in this location and certainly nowhere without ample parking.*
- *Had these other activities been proposed initially as well, the overall parking requirement would have been assessed as greater in any case.*
- *Moreover, these uses were unknown so were not advertised, whereby neighbours had no opportunity to comment, but quite likely would have objected on the grounds of traffic, parking and amenity impacts.*
- *From the start there was reluctance by the proponents to provide on-site parking, which was then impractically and incorrectly formed, followed by various difficulties in adding a small amount of verge parking, particularly to ensure a disabled persons bay which the proponent failed to satisfy on site.*
- *The only parking I've ever seen inside is the lawnmower man's vehicle and trailer parked transversely across the indicative parking bays.*
- *Your instruction to users to park on-site and not in front of the western neighbour is being ignored.*
- *The current external parking is chaotic, dangerous and unsightly, with vehicles parked haphazardly on the verge to Eric Street (including ignoring an area pegged-off by the western neighbour who bears the brunt of this impact), on the narrow verge against the site (with vehicles half on and half off the service road), along the service road, along the verge to Charles Street and along Charles Street.*
- *Further, the Town has recently constructed the Eric Street pedestrian crossing on the Charles Street corner in front of the Scout Hall, especially for school children, yet during construction cars parked everywhere with disregard for the works and they continue to park with disregard for this pedestrian route and safety.*
- *Attached are photos of the offending parking, kerb damage and unauthorised signage.*
- *Vehicles may damage or be at risk of the soak-wells in the verge.*
- *The signage has included a large banner sign on the fence, two smaller signs on the fence, and A-frame signs(s), which are regulated because indiscriminate signage adds to visual blight.*
- *Clearly this entire situation detracts from the amenity of the Scout Hall and the neighbourhood, and is incongruous with the appearance of the facility that you wish to maintain.*
- *Neither is it the entry statement to Cottesloe that the Town aspires to.*
- *Therefore, the Town is not necessarily in a position to support any application to formalise such unauthorised uses; and in the event of any such use being permissible, any approval would be contingent upon (amongst other things)*

*the provision of sufficient parking, which has significant implications for the site and surrounds and may not be achievable.*

On 26 February 2016 the Town wrote once more to the management, as follows:

*Further to previous correspondence about the Scout Hall usage and parking, please be advised as follows:*

- *Complaints have escalated from surrounding residents, who have aired their concerns at a Council meeting.*
- *Ongoing usage such as yoga, pilates, an apparent Thermomix event, etc is unauthorised and in contravention of the planning approval and Scheme.*
- *Despite advice to the yoga business and Scouts, that main offending use continues.*
- *The Scout Hall website is misleading in advertising hire of the premises for commercial purposes.*
- *Under the planning legislation, breach of the Scheme is an offence invoking enforcement action, including prosecution.*
- *The parking problem has only marginally abated, with a few cars parking inside the property, but that practice is prone to lapses and the substantial impact of indiscriminate external parking remains.*
- *Whatever uses may be permitted, the only way to significantly alleviate the off-site impact would be to construct multi-bay hardstand parking occupying that part of the property east of the hall and north of the garages.*
- *Uncoordinated parking along both legs of Charles Street, alongside the site (including in front of the garages) and on the Eric Street verge (including east of Charles Street) is excessive, unsightly and unsafe.*

*Therefore, unless the managing body of the Scout Hall acts to forthwith cease all unauthorised usage, to properly manage all parking and to meet with the Town to address the situation, Council will be obliged to consider taking measures to ensure compliance.*

The Town and the management committee met to discuss the matter. Subsequently on 21 March 2016 the Town wrote to the management committee as follows:

*To assist further consideration, would you please provide a list of user groups for the Scout Hall, including their days, times and numbers of people.*

*In addition, please submit details addressing parking as follows:*

- *the capacity to increase parking on site;*
- *orderly parking on the verge in front of the garages outside the eastern boundary of the site;*
- *controlled parking to the Eric Street frontage in the constructed bays and possibly the verge;*
- *avoiding conflicts with access and parking for residences along both legs of Charles Street, as well as with general traffic;*

- *how parking arrangements will be managed, including communication to users, monitoring and coping with peak events; and*
- *any suggestions you may have.*

On 23 March 2016 the management committee replied to the Town by way of the attached letter and plan proposing to “formalise” internal and external parking for some 26 cars – although that is still insufficient.

On 12 April 2016 the Town replied to the management committee for more information as follows:

*My letter of 21 March also requested a list of user groups for the Scout Hall, including their days, times and numbers of people, which your reply overlooked. The information is still required please in order for the Town to properly consider this matter towards a feasible solution.*

The management committee has been unmotivated to address the matter and the parking problem has persisted. The indiscriminate signage was briefly removed but has crept back, with two and sometimes three such signs. The yoga classes have grown and kids yoga is now advertised and held. The yoga teacher’s vehicle has been parking on the Eric Street verge west of the bays, which sets a poor example.

In May 2016 the Town met with the management committee and concerned nearby owners/residents to review the matter. Key findings were:

- The management committee is reluctant to curtail the hire groups, the fees from which supplement funding to operate and maintain the facility.
- The residents are keen to limit the size and hours of the user groups, to reduce parking and noise; and that there be no special events (such as visiting yoga gurus) which exacerbate parking.
- There are parking overlaps in terms of the Cottesloe Playgroup and yoga being at the same time and parents dropping-off children to use the Eric Street crossing to walk to school. In addition to the weekday peaks yoga is also held on Saturdays and Sundays. Yoga attendees tend to arrive in a hurry and to park outside as easiest, often driving Sport Utility Vehicles which easily mount kerbs.
- Car pooling should be encouraged and bike racks provided.
- Ranger patrols would assist – note that without “no parking” signs the Rangers can only control illegal parking such as on the footpath etc (which has happened).
- No parking on the Eric Street verge west of the existing three bays is a priority. Pine log bollards would be unattractive so planting and “no parking” signs would be best (with visitor permits for the residents if required). Additional bays east of the three bays could be reconsidered, although the aim should still be to reduce parking.
- The Town does not support parking in the Eric Street verge east of Charles Street.
- It was agreed that internal parking should be maximised and adhered to, and that structured parking along Charles Street on the hall side should be

practiced; noting that it was undesirable to displace parking onto Charles Street, Haining Avenue or Athelstan Road, all of which have numerous crossovers.

- There needs to be effective communication between the management committee and user groups to ensure that the parking arrangements are respected. The hire group businesses and attendees are not respecting the parking protocols.

## CONCLUSION

Use of the Scout Hall is excessive in relation to the original approval and parking provision. Whilst the hire group businesses are serving the local community by way of leisure pursuits, they are deriving income at the expense of the neighbourhood and the Town by causing parking and amenity impacts with social and economic costs.

The uses should be reviewed and, if deemed necessary, reduced in scale and times. Completion of the Lesser Hall renovation may alleviate use of the Scout Hall by these groups.

The Scout Hall parking must have a better physical structure and set of rules, with clearly defined parking and no parking areas which the Town can control.

## ADDITIONAL INFORMATION FOLLOWING AGENDA FORUM

The project to rehouse the Scouts and the Cottesloe Playgroup and provide storage for the North Cottesloe Surf Life Saving Club was supported by the Town and funded by a Lotterywest grant. The development application was made in the name of Scouts WA who held the land in Crown Grant. As the application was for a Scout hall and community centre, the solicitors for Scouts WA arranged with the Department of Lands for the Crown Grant to be amended to reflect this. The Department has confirmed that a new Crown Grant was issued in 2013 for the purposes of *Scouts, Community and Childcare Facility*. In this context the reference to community purpose could be interpreted to accommodate community-orientated recreational activities.

Under Local Planning Scheme No. 3 the Scout hall site is appropriately zoned Place of Public Assembly, the objective of which is: *to provide for a limited range of community-related uses including churches, halls or grounds of a nature and scale compatible with surrounding residential use and amenity*. In this light, use of the hall just by the Scouts (ie only two nights a week and occasionally otherwise) would be an underutilisation of the facility and not justify its cost. Whilst hiring of the Scout hall for recreational activities apart from the primary purposes of the designated occupants may be considered reasonable, those extra activities ought to serve the local community and should not cause undue impacts on the residential locality.

The profile of current usage is as follows:

- Scouts – two evenings a week – total 3.5 hours – plus some ad hoc times.
- Playgroup – 16 sessions over 5½ days a week – total 43 hours if fully booked.
- Surf Club – occasional storage access.
- Yoga – 14 classes over 7 days a week – total 21.5 hours.

Under the Scheme the use *Recreation - private* means: *premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge; for example a gym or squash centre. Although privately-run yoga, dance, etc classes charge clients, the management committee in hiring the hall to such groups is not making a commercial gain, in that the income from the fees is not for profit and instead helps cover operating and maintenance costs. On this basis those activities may be considered allowable as convenient use of a public-purpose facility accessible by the local community; however, they do need to be well-managed to minimise off-site impacts.*

The provision of bike racks would encourage that mode of travel as supported by the management committee, so is added to the recommendation.

## **VOTING**

Simple Majority

## **OFFICER RECOMMENDATION**

### **Moved Cr Rodda, seconded Cr Angers**

THAT Council:

1. Authorise staff to install “no parking” signs on the Eric Street verge in the vicinity of the Scout Hall, for the section west of the existing verge bays in front of the hall and for the section east of the Charles Street/Eric Street junction.
2. Authorise the provision of several additional parking bays (subject to feasibility) in the Eric Street verge in front of the Scout Hall, extending the existing bays eastwards, to be designed and constructed to the specification and satisfaction of the Town, at the full cost of the management committee of the Scout Hall.
3. Request staff to liaise with the management committee for it to provide quality, attractive cycle racks suitably located inside the site and/or outside the premises, for a minimum of six cycles.
4. Require the management committee of the Scout Hall and all user groups to enter into a written accord (including a parking plan) with the Town to adhere to the parking arrangements for the hall inside and outside the site.
5. Advise the management committee of the Scout Hall that if the parking and amenity impacts from hiring of the hall to various groups are not satisfactorily addressed, Council reserves the right to take action to limit or cease those uses.
6. Require that there be no signs displayed by any business or group hiring or using the hall.

## **AMENDMENT ONE**

### **Moved Cr Boulter, seconded Cr Pyvis**

**That the word “install” be removed from point one (1) and replaced with “paint only on the road surface”.**

**For: Crs Boulter & Pyvis**

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

**AMENDMENT TWO**

**Moved Cr Boulter, seconded Cr Pyvis**

**That the words “at the full cost of the management committee of the Scout Hall” be added to the end of point one (1).**

**Carried 5/4**

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

**AMENDMENT THREE**

**Moved Cr Boulter, seconded Cr Pyvis**

**That the word “six” be removed and replaced with the word “twelve” in point three (3).**

**Lost 3/6**

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

**AMENDMENT FOUR**

**Moved Cr Boulter, seconded Cr Pyvis**

**That the words “and/or outside the premises” be removed from point three (3).**

**Lost 2/7**

**For: Crs Boulter, & Pyvis**

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

**AMENDMENT FIVE**

**Moved Cr Boulter, seconded Cr Pyvis**

**That an additional point be added that reads “That the Town of Cottesloe administration place bollards as necessary to inhibit non-permitted parking on verges, at the full cost of the management committee of the Scout Hall.”**

**Lost 2/7**

**For: Crs Boulter, & Pyvis**

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

**AMENDMENT SIX**

**Moved Cr Boulter, seconded Cr Pyvis**

**That an additional point be added that reads “That the Town of Cottesloe administration write to the applicable Minister in relation to the Memorial on the Title as a matter of urgency seeking:**

- Clarification as to whether or not each of the current commercial uses of the Scout Hall by yoga and dance groups are permissible or prohibited under the Memorial on the Title;
- Clarification as to whether or not the restrictions in the Memorial on the Title are binding on the Town of Cottesloe when deciding applications for development and use approvals; and
- Any comment the Minister might like to make about the current commercial use of the Scout Hall in what appears to be a use inconsistent with the restrictions on the Memorial on the Title.

That an additional point be added that reads “That the Town of Cottesloe administration send a copy of the letter to the Minister to Elected Members once it has been sent.”

That an additional point be added that reads “That the Town of Cottesloe administration report back to Council as to the recommended way forward based on the response from the Minister.”

Lost 2/7

For: Crs Boulter, & Pyvis

Against: Mayor Dawkins, Crs Angers, Thomas, Burke, Rodda, Downes & Birnbrauer

#### AMENDMENT SEVEN

Moved Cr Boulter, seconded Cr Pyvis

That an additional point be added that reads “That the Town of Cottesloe administration report back to Council about the safety of the current design of the intersection of Charles Street and Eric Street given the increased use of that intersection posed by the use of the Scout Hall and possible solutions to the issues currently arising, especially large cars exiting and entering the intersection in way that blocks the 2 way use of the intersection and thus holding up traffic on Eric Street, which then poses a traffic hazard.”

Carried 5/4

#### AMENDMENT EIGHT

Moved Cr Pyvis, seconded Cr Downes

That an additional point be added that reads “That Town of Cottesloe administration undertake tree planting on the nature strip verge north of the Scout Hall.”

Carried 9/0

#### COUNCIL RESOLUTION

THAT Council:

1. Authorise staff to install “no parking” signs on the Eric Street verge in the vicinity of the Scout Hall, for the section west of the existing verge bays in front of the hall and for the section east of the Charles Street/Eric Street junction at the full cost of the management committee of the Scout Hall.

2. Authorise the provision of several additional parking bays (subject to feasibility) in the Eric Street verge in front of the Scout Hall, extending the existing bays eastwards, to be designed and constructed to the specification and satisfaction of the Town, at the full cost of the management committee of the Scout Hall.
3. Request staff to liaise with the management committee for it to provide quality, attractive cycle racks suitably located inside the site and/or outside the premises, for a minimum of six cycles.
4. Require the management committee of the Scout Hall and all user groups to enter into a written accord (including a parking plan) with the Town to adhere to the parking arrangements for the hall inside and outside the site.
5. Advise the management committee of the Scout Hall that if the parking and amenity impacts from hiring of the hall to various groups are not satisfactorily addressed, Council reserves the right to take action to limit or cease those uses.
6. Require that there be no signs displayed by any business or group hiring or using the hall.
7. That the Town of Cottesloe administration report back to Council about the safety of the current design of the intersection of Charles Street and Eric Street given the increased use of that intersection posed by the use of the Scout Hall and possible solutions to the issues currently arising, especially large cars exiting and entering the intersection in way that blocks the 2 way use of the intersection and thus holding up traffic on Eric Street, which then poses a traffic hazard
8. That Town of Cottesloe administration undertake tree planting on the nature strip verge north of the Scout Hall.

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 7/2**

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

**Against: Crs Boulter & Pyvis**

**10.1.2 STATION STREET PLACE MAKING STRATEGY – DRAFT FOR PUBLIC CONSULTATION**

**File Ref:** SUB/2047  
**Attachments:** [Draft Strategy Report for Advertising](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Andrew Jackson  
Manager Development Services  
**Proposed Meeting Date:** 25 October 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

This report presents the draft Station Street Place Making Strategy for Council endorsement for public advertising. The Recommendation is to commence the consultation phase.

**BACKGROUND**

Council has committed to planning for improvements to Station Street and associated future development. The Planning Group consultants have worked with Council and stakeholders to formulate a draft Strategy for public engagement, towards refinement and finalisation.

The draft Strategy report is a substantial document embodying considerable information gathered from the engagement and conceptualisation process undertaken from February 2016. This is a solid basis on which to move to the intensive consultation step in order to further evolve then complete the Strategy.

**STRATEGIC IMPLICATIONS**

- Town Centre revitalisation and development.
- Place making for street activation and social interaction.

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

Local Planning Scheme No. 3 for land use and development implementation.

**FINANCIAL IMPLICATIONS**

Current project costs and future implementation costs.

**STAFFING IMPLICATIONS**

Project management, community consultation, further reporting, implementation, approvals, future works and maintenance.

**SUSTAINABILITY IMPLICATIONS**

Elements of the Strategy connect to sustainability, including greening.

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**CONSULTATION**

Pursuant to the project program the following consultation has occurred:

- 29 October 2015 – inception workshop with consultants on Council expectations.
- 17 February 2016 – first visioning workshop, focused on Procott, landowners, tenants and nearby residents.
- 20 February 2016 – second visioning workshop, focused on wider community.
- 12 April 2016 – presentation by consultants to Council on visioning outcomes.
- 3 May 2016 – workshop with Council and consultants on Strategy direction.
- 20 July 2016 – presentation by consultants to Council on preliminary draft Strategy.
- 14 September 2016 – discussion by Design Advisory Panel with Council on draft Strategy.
- 11 October 2016 – discussed at Briefing Forum between Council and officers.

The next phase is to advertise the draft Strategy document widely for submissions, which will be reviewed for modification and refinement, for re-presentation to Council for adoption. The Strategy would then provide the basis for considering more detailed designs, carrying-out improvement projects and guiding development proposals over time.

Two more community workshops are being arranged for one evening and one Saturday in November. As before they will be widely promoted via a range of means and Councillors will be invited to attend. Dissemination of the draft Strategy is anticipated to stimulate increased interest, attendance and submissions on the proposal.

**STAFF COMMENT**

Place making is a burgeoning and multi-faceted field. The consultants have recently added to their urban design and place making expertise by merging to become TPG + Place Match, which will enhance their services in this and other projects.

For Station Street, the primary focus is on the public realm, which the Town manages. The aim is to create a sense of place that activates the street and fosters private land uses and developments along it, whilst also relating to the rest of the Town Centre.

The draft Strategy report consolidates and presents the project as a coherent process of scoping, understanding great streets, examining the context and potential of Station Street, initial community engagement, defining the vision, and identifying priorities and phases of improvements for implementation.

The Strategy report is thorough, detailed and well-illustrated, which helps to communicate information and will generate more ideas for consideration. The numerous examples and images of successful streets and place making elements provide a good guide to approaching making Station Street a much better place.

The objective at this point in the project is to engage the community at large on the draft Strategy, the release of which is anticipated will trigger considerably more

participation and comment than initially, as there is now a concrete document for stakeholders to respond to. The main purposes will be to gauge whether the proposed Strategy is on the right path, and to test the function, form, features and broad feasibilities of the changes recommended to make Station Street a reinvigorated place.

Therefore, Council need not be too concerned about the minutiae of the draft, as the chief purpose is to advertise the concept vision for public information and submissions, for further analysis, refinement and modification of the Strategy.

Through attendance at the forthcoming community workshops, consideration of submissions and future reporting, Council will be able to finalise the Strategy; which will then operate as a flexible framework for undertaking specific improvement projects entailing detailed design, relevant consultation, approvals, budgeting and works.

### **VOTING**

Simple Majority

### **OFFICER RECOMMENDATION**

#### **Moved Cr Rodda, seconded Cr Burke**

THAT Council endorses the draft Station Street Place Making Strategy for advertising and public consultation, including:

1. Two further community-wide workshops;
2. Advertising in the local newspaper and on the Town's website;
3. Email/letter information to stakeholders including ProCott, Cottesloe Residents and Ratepayers Association (request posting on their Facebook page), Station Street landowners and tenants, Town Centre residents, surrounding community, local newspapers, Government agencies and service authorities; and
4. Display information at the Town's Office, the Library, Schools (via newsletters), in Town Centre shop windows, at the Station Street Bus stop and Cottesloe train station, and on footpath stickers.

### **AMENDMENT ONE**

#### **Moved Cr Boulter, seconded Cr Pyvis**

**That the words "for six weeks" be added after the word "consultation" in the preface of the recommendation.**

**Lost 2/7**

### **AMENDMENT TWO**

#### **Moved Cr Boulter, seconded Cr Pyvis**

**That the words "and the Town's website" be added after the words "Town's Office" in point four (4).**

**Carried 5/4**

**AMENDMENT THREE**

**Moved Cr Boulter, seconded Cr Pyvis**

**That an additional point be added that reads “That a workshop be held with the Design Advisory Panel and Councillors after the closing of the submissions but before the officer report to Council about the submissions.”**

**Lost 3/6**

**COUNCIL RESOLUTION**

**THAT Council endorses the draft Station Street Place Making Strategy for advertising and public consultation, including:**

- 1. Two further community-wide workshops;**
- 2. Advertising in the local newspaper and on the Town’s website;**
- 3. Email/letter information to stakeholders including ProCott, Cottesloe Residents and Ratepayers Association (request posting on their Facebook page), Station Street landowners and tenants, Town Centre residents, surrounding community, local newspapers, Government agencies and service authorities; and**
- 4. Display information at the Town’s Office and the Town’s website the Library, Schools (via newsletters), in Town Centre shop windows, at the Station Street Bus stop and Cottesloe train station, and on footpath stickers.**

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 9/0**

**10.1.3 PLANNING APPLICATIONS DETERMINED UNDER DELEGATION**

**File Ref:** SUB/2040  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Andrew Jackson  
Manager Development Services  
**Proposed Meeting Date:** 25 October 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

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

**BACKGROUND**

Pursuant to Local Planning Scheme No.3, Council has delegated its power to determine certain planning applications to the Chief Executive Officer and the Manager Development Services (or the Senior Planning Officer acting in his stead). This provides efficiency in processing applications, which occurs on a continual basis.

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

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Nil

**STAFFING IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

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**STAFF COMMENT**

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

<b>Address</b>	<b>Description</b>	<b>Date Determined</b>
32 Hawkstone Street	Two-storey dwelling and ancillary accommodation	1 September 2016
36 Beach Street	Two-storey dwelling	1 September 2016
18A Jarrad Street	Fence and store extension	7 September 2016
5 Kiln Lane	Two-storey dwelling	12 September 2016
17 Lillian Street	Carport	19 September 2016
51 Eric Street	Additions/alterations	19 September 2016
27 Florence Street	Patio, deck and additions/alterations	21 September 2016
237 Marmion Street	Fence	21 September 2016

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Thomas, seconded Cr Pyvis

**THAT Council receive this report on the planning applications determined under delegation for the month of September 2016.**

**Carried 9/0**

**ADMINISTRATION**

*Cr Angers declared an impartiality interest in item 10.1.4 due to being a member of the North Cottesloe Surf Life Saving Club, and stated that as a consequence there may be a perception that his impartiality may be affected and declared that he could consider the matter on its merits and vote accordingly.*

**10.1.4 BARCHETTA CAFÉ – REQUEST FOR EXPANDED LEASE AREA**

**File Ref:** VIT/65  
**Attachments:** [Barchetta Proposed Improvements Proposal Cover Letter](#)  
[Barchetta Proposed Improvements Proposal Barchetta Proposal Approval Process Flow Diagram](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Garry Bird  
Manager Corporate & Community Services  
**Proposed Meeting Date:** 25 October 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

To reconsider a request from the current lessees (Yellowdot Enterprises Pty Ltd) of the Cafe and Kiosk at North Cottesloe Beach (Barchetta) for an expanded lease area to facilitate a renovation of the premises.

A proposal from the lessees and a concept plan for the redevelopment is attached for the information of Elected Members.

If Council was to accept the request for an expanded lease area and State Government approval was also obtained, the lessee has notified Council that they would intend renovating the facility and seeking a new lease term of twenty one years.

It should be noted that the renovation and new lease proposal would be the subject of subsequent processes that would consider these matters in greater detail and address all the necessary statutory implications.

**BACKGROUND**

Council has previously considered this request at the 26 July 2016 Meeting where a motion was put to the Meeting but defeated, effectively leaving the request unanswered. The motion put to the Meeting was as follows;

***“AMENDED SUBSTANTIVE MOTION***

*THAT Council authorise the Chief Executive Officer to:*

- 1. Make a formal application to the State Lands Office to have a portion of Reserve 13718 vested in the Town of Cottesloe (as denoted on the attached map) amalgamated into the adjoining Lot 501 (Barchetta Café).*
-

2. *Subject to the State Lands Office approving the amalgamation referred to in paragraph 1 above, provide a detailed report to Council for formal consideration of the proposed new lease request, such report to include full details of the material terms and conditions of the new lease, together with a professional current valuation of the fair market rent for a lease on the terms proposed.*
3. *That the Town advertise the proposal to make the formal application the State Lands Office, before we make that application and we advertise that widely to the community.*

*Advice Note:*

*Nothing in this Council Resolution should be in any way construed by the tenant of Barchetta Café, or anyone else, as Council's support or approval of a proposed new lease for Barchetta Café. Council will consider whether or not to support and approve the proposed new lease in the ordinary course following receipt of the detailed report referred to in paragraph 3 above.*

**THE AMENDED SUBSTANTIVE MOTION WAS LOST**

*Lost 1/8"*

The current lease commenced on 24 July 2002 for a term of eleven years, with the option to renew for two further terms of five years each. The first of these options has been exercised by the lessee with the lease now due to expire on 23 July 2018. If the second option is exercised, the lease would expire on 23 July 2023.

Yellowdot Enterprises Pty Ltd now desires to renovate the existing facility and expand the lease area in order to redevelop the building.

The existing lease occupies the entire lot area to the western side of the building and has a small area available to the eastern side on the current footpath.

The proposal seeks approval to expand the lease area by three metres to the western side and two metres to the southern side into Reserve 13718, which is vested in the Town of Cottesloe for the purpose of "recreation".

Preliminary discussions with the State Lands Office indicate it may be possible for a portion of Reserve 13718 to be excised and amalgamated into the Barchetta site. A formal application is required to be submitted to progress this matter further.

The expanded area would allow for the existing balcony to be enclosed and a new balcony to be constructed. The existing bin store area accessed from Marine Parade would also be enclosed and a narrow path constructed to allow staff to access Marine Parade from a new bin store. At present, the footpath is used to access the bin store.

Formal authorisation from Council was considered appropriate in order to submit a request for the whole of Reserve 13718 to be vested in the Town of Cottesloe.

Assuming Council provides authorisation for staff to apply for a portion of Reserve to be amalgamated into the Barchetta site and this is approved by the State Lands Office, the matter of a new lease with an expanded area and any redevelopment could then be formally considered at a later date.

**STRATEGIC IMPLICATIONS**

Priority Area 5 – Providing sustainable infrastructure and community amenities

Major Strategy 5.2 – Manage assets that have a realisable value

Expansion of the lease area would be in keeping with this stated strategic objective, by facilitating investment in the asset and maximising the lease return to Council.

**POLICY IMPLICATIONS**

Council Policy – Beach

Section 6 (a) (b) (h) of the Policy has specific relevance to this request as follows;

- (a) *No use will be permitted within the area west of Marine Parade unless it contributes directly to the amenity of the recreational users of the beach reserves and is designed, constructed and operated in a way that protects and enhances the natural coastal environment.*
- (b) *No use, activity or modification should be permitted on the beach reserves if it has a significant adverse environmental effect.*
- (h) *In the context of Cottesloe, it is Town of Cottesloe's intent to maintain the area west of Marine Parade in as natural a state as the pressures from beach users permit. Therefore, only those recreation activities that do not threaten the integrity of the beach reserve, are acceptable to Cottesloe.*

This Policy has a strong environmental focus that is designed to protect the natural environment of the beach as much as possible. The areas of Reserve 13718 which have been requested to be incorporated into the lease area have previously been developed. This includes the pedestrian footpath access to the public toilets below Barchetta Café and an eroded area on the southern side adjacent to the existing bin store area. As such there would be no detrimental effect on the beach environment.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Functions and General) Regulations 1996*

*Land Administration Act 1997*

The existing Barchetta Reserve 28199 is vested in the Town of Cottesloe for the purpose of recreation. The adjoining Reserve 13718 is vested in the Town of Cottesloe for the purpose of recreation.

If Council was to approve the request for a new lease and a renovation of the premises at a later date, the provisions of the Local Government Act regarding disposition of property would apply. This would require the Town of Cottesloe to advertise its intention to enter into a new lease arrangement and seek public submissions.

This would not need to occur until after the portion of Reserve 13718 has been amalgamated into the adjoining Reserve 28199 and a new lease arrangement formally approved.

**FINANCIAL IMPLICATIONS**

The lease of this facility provides an annual rental to Council of \$41,916 per annum. If Council was to accept the proposal and a new lease with an expanded area was in place, a new market valuation for this rent would be obtained and would be expected to be proportionally higher than the current rental value.

Costs associated with the preparation of a new lease document and other associated expenses would be reimbursed by Yellowdot Enterprises Pty Ltd.

This rental is reviewed every five years under the current lease and indexed to the Consumer Price Index on an annual basis for those years where a rent review is not undertaken. The next rent review is due in 2017.

The built premises that comprise the Barchetta Café are owned by the Lessee for the duration of the lease, with Council leasing the land to them. At the expiry of the lease term Council has the option to ask the lessee to remove the building or assume ownership itself. This is reflected in the rental currently paid and it is expected that this rental value will increase proportionally with the extra land provided.

The terms and conditions of any new lease arrangement would be subject to negotiations at a later date and this matter and others could be addressed at this time if Council was so inclined to amend the existing arrangements.

The business also pays approximately \$16,000 per annum in commercial refuse fees in addition to minor environmental health charges.

**STAFFING IMPLICATIONS**

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

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Town of Cottesloe staff  
Cottesloe Coastcare  
Yellowdot Enterprises Pty Ltd  
State Lands Office

There is no statutory requirement to advertise the request to expand the lease area. Given that any future renovation and/or new lease arrangement would both be subject to statutory advertising procedures, it is not proposed to advertise the proposal to expand the lease area.

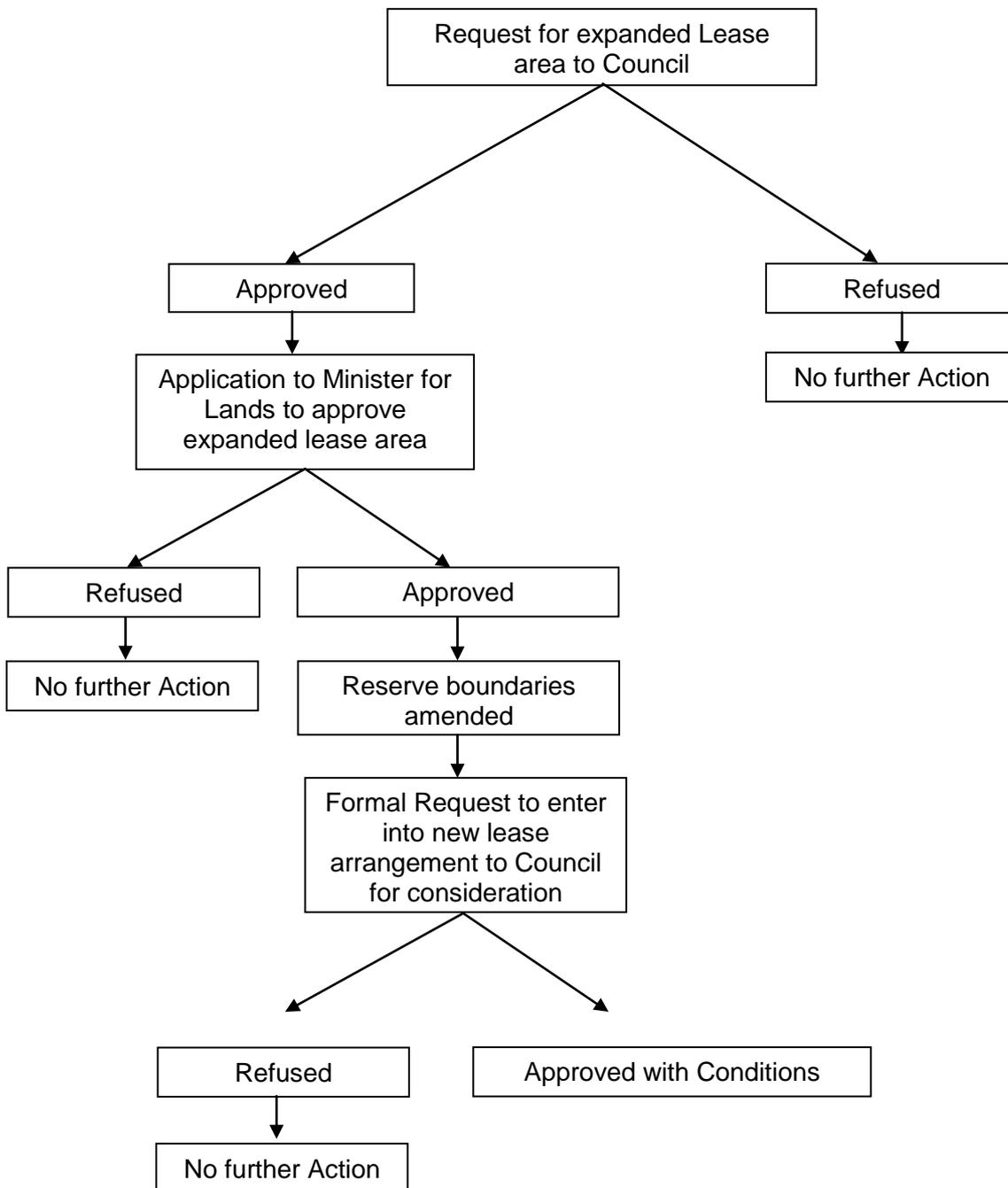
**STAFF COMMENT**

In regards to the new lease, officers supports the proposal for an expanded lease area on the basis of the increased rent return that would be derived from the site and that any subsequent redevelopment or renovation would be of benefit to residents and visitors to the Café.

Notwithstanding any subsequent consideration of the request for a new lease term of redevelopment and/or renovation, the additional land that would be available to the current or any future lessee would encourage renovation of the premises and increase the financial return to Council.

In order to assist Elected Members understand the separate processes that apply to the request for the expanded area and any subsequent redevelopment or new lease term, the flow chart is attached. An extract of the flow diagram is provided below which deals with the specific matter of the request for an expanded lease area:

**Flow Chart of Approval Process for Barchetta Café Lease Expansion  
New Lease Term and Redevelopment Proposal**



If Council or the Minister for Lands was to reject the proposal to expand the lease area, it is unlikely that the lessee would undertake any substantial renovations for the remainder of the current lease term (2023), Current maintenance obligations under the lease terms would remain.

The requested new lease term of twenty one years would make renovation or redevelopment of the building a more economically viable prospect for the lessee. This would enhance the visual amenity of the Café and would require development and building approvals.

The Barchetta Café currently seats 72 patrons, with the Town of Cottesloe not having issued a licence for a maximum number of patrons. The current lease prescribes for a maximum of 75 patrons. If the redevelopment was to proceed the café could accommodate up to 150 patrons based on the new floor area and the number of toilets presently available, although a second exit may need to be provided. This would be determined when reviewing detailed plans that would need to be submitted at a later stage.

## **VOTING**

Simple Majority

## **OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Angers, seconded Cr Rodda**

**THAT Council authorise the Chief Executive Officer to:**

- 1. Make a formal application to the State Lands Office to have a portion of Reserve 13718 vested in the Town of Cottesloe (as denoted on the map in appendix one, in the proposal) amalgamated into the adjoining Reserve 28199 (Barchetta Café).**
- 2. Subject to the State Lands Office approving the amalgamation referred to in paragraph 1 above, provide a detailed report to Council for formal consideration of the proposed new lease request, such report to include full details of the material terms and conditions of the new lease, together with a professional current valuation of the fair market rent for a lease on the terms proposed.**

### **Advice Note:**

**Nothing in this Council Resolution should be in any way construed by the tenant of Barchetta Café, or anyone else, as Council's support or approval of a proposed new lease for Barchetta Café. Council will consider whether or not to support and approve the proposed new lease in the ordinary course following receipt of the detailed report referred to in paragraph 2 above.**

**Carried 6/3**

**10.1.5 LOCAL GOVERNMENT PROPERTY LOCAL LAW 2001 AMENDMENT –  
BAN ON SMOKING AT BEACH RESERVES**

**File Ref:** SUB/2015  
**Attachments:** [Summary of Submissions Received](#)  
[Copy of Submissions Received](#)  
[Department of Local Government and  
Communities Submission](#)  
**Responsible Officer:** **Mat Humfrey**  
**Chief Executive Officer**  
**Author:** **Garry Bird**  
**Manager Corporate & Community Services**  
**Proposed Meeting Date:** **25 October 2016**  
**Author Disclosure of Interest:** **Nil**

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**SUMMARY**

To consider submissions received in regards to a proposed amendment to the *Town of Cottesloe Local Government Property Local Law 2001* (the Local Law) to ban smoking on beaches within the local government area.

**BACKGROUND**

Following a review of the Local Law in 2015 and the consideration of public submissions received in regards to the review at the April 2016 Meeting of Council, Council resolved to advertise an amendment to the Local Law that would have the purpose and effect of;

**Purpose** To improve the amenity of beaches in Cottesloe by reducing litter from cigarette butts and eliminating exposure to cigarette smoke by beach users.

**Effect** Smoking would effectively be prohibited on all beach and beach reserves so signed, with smokers being required to go to the nearest road reserve or private premises.

In accordance with the Resolution of Council, this proposal was advertised in May and June 2016, with public submissions closing on 4 July 2016.

A total of seven submissions from the public were received which are attached to for the consideration of Elected Members. All of these submissions supported the proposed ban.

In addition to these submissions received, a further submission was received from the Department of Local Government and Communities. This submission is provided in a separate attachment and in summary outlines several issues the proposed amendment as follows;

1. Recommended redrafting of the amendment to reflect current best practice and so that the amendment is in a format that is acceptable to the Joint Standing Committee on Delegated Legislation.

2. Seeking confirmation that the all of the beaches and beach reserves are within the local government boundary as typically jurisdiction ceases at the low water mark.
3. Raising some doubt about whether the proposal to ban smoking from all beaches and beach reserves will be approved by the Joint Standing Committee on Delegated Legislation, suggesting it may be viewed as an inappropriate use of the powers conferred on local government.

In regards to these issues raised by the Department of Local Government and Communities, points one and two can be simply addressed by redrafting the clause and advising that the Town of Cottesloe's local laws extend 200 metres to sea by a Governor's Order.

Point three is more problematic and raises significant doubt that Council will receive the necessary approval from the Joint Standing Committee on Delegated Legislation as the proposed amendment currently stands.

It is now a question for Council to determine whether to accept this advice and redraft the legislation in a similar form to that used by the City of Joondalup; which is referenced in the Department's advice.

This is made somewhat more problematic given that there are several other amendments to the Local law at different stages. These other changes are;

1. Ban on balloons, and
2. Major review involving transferring some powers from the Beaches and Beach Reserves Local Law to the Local Government Property Local Law.

### **STRATEGIC IMPLICATIONS**

Priority Area 3 – Enhancing Beach Access and Foreshore  
Major Strategy 3.2 – Continue to improve access to beach facilities

### **POLICY IMPLICATIONS**

The Town of Cottesloe Beach Policy states that a secondary objective of the policy is to:

*“(c) to provide a level of essential amenity on the beach reserves which meets the expectations of residents of Cottesloe, the people of Western Australia and visitors to the metropolitan region.”*

The banning of smoking on all beaches would be in keeping with this Policy objective by ensuring that they were kept relatively free of cigarette butts and beach users are able to enjoy these facilities free of cigarette smoke.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*  
*Local Government (Functions and General) Regulations 1996*  
*Town of Cottesloe Local Government Property Local Law 2001*

The *Local Government Act 1995* specifies the process to amend a local law is the same as for which a new local law is introduced. This process is as follows;

### **3.12. Procedure For Making Local Laws**

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

### **FINANCIAL IMPLICATIONS**

The Local Law prescribes various penalties for non-compliance, with one of the submissions stating that these penalties should be increased.

Council very rarely issues infringements under the powers of this Local Law, and any increase to the prescribed penalties will have a negligible impact on Council's revenue.

Depending on the level of policing required by Council of the new ban on smoking, additional staff resources may be required.

### **STAFFING IMPLICATIONS**

Rangers will ensure compliance with the amendment if adopted by Council, which will be done as part of their regular patrols and as such there will be no major staffing implications. Any additional staff required to implement the banning of smoking on beaches and reserves would require additional funding from the Budget.

### **SUSTAINABILITY IMPLICATIONS**

By banning smoking on beaches and beach reserves, litter generated from discarded cigarette butts will be minimised.

**CONSULTATION**

Town of Cottesloe Staff  
Department of Local Government and Communities  
Western Australian Local Government Association

**STAFF COMMENT**

Doubt has been raised however by the Department of Local Government and Communities as to whether the proposed amendment will receive the necessary approval from the State Government to enact the proposed legislation.

It is now a question for Council to determine whether to proceed with the proposed amendment in its current form, knowing that it may receive approval or redraft the amendment in keeping with the City of Joondalup legislation which effectively bans smoking at locations where so signed. This would not achieve Council's intent of banning smoking entirely but would provide the power to ban smoking at more popular locations and other designated sites.

If Council was to determine to redraft the legislation based on the advice received from the Department of Local Government and Communities, the local law amendment process would need to be restarted. As there are other Local Law amendments currently under consideration, the smoking amendments could be incorporated into this process. This would mean that any amendment would not be in effect for the coming summer, however it is considered unlikely that this will now occur due to the doubts raised over the State Governments approval of the amendment and the time taken to assess such proposals even if it was to be approved in its current form.

From an administrative perspective there will be significant cost and time savings in undertaking an omnibus amendment to the Local government property local law that achieves the current objectives of;

1. Banning smoking on beaches (or at designated sites on beaches).
2. Transferring powers from the Beaches and Beach Reserves Local Law to the Local Government Property Local Law.
3. Banning balloons on local government property.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

**Moved Cr Rodda, seconded Cr Burke**

THAT Council:

1. Accept the advice from the Department of Local Government and Communities in regards to the current drafting of the proposed Local Government Property Local Law Amendment 2016 and not proceed further with the amendment in it's current form, and

2. Engage a suitably experienced consultant to draft an omnibus amendment to the Local Government Property Local Law that will consolidate any past and proposed amendments into one new Local Law for further consideration by Council no later than 28 February 2017.

**AMENDMENT**

**Moved Cr Pyvis, seconded Cr Thomas**

**That an additional point be added “While drafting the amendment officers prepare a strategy, including lobbying the State Government, to effectively ban smoking on all public beaches.”**

**Lost 4/5**

**POINT OF ORDER**

**Moved Cr Pyvis, seconded Cr Thomas**

**That Standing Orders be suspended for a maximum of five minutes.**

**Lost 3/6**

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**THAT Council:**

1. **Accept the advice from the Department of Local Government and Communities in regards to the current drafting of the proposed Local Government Property Local Law Amendment 2016 and not proceed further with the amendment in it’s current form, and**
2. **Engage a suitably experienced consultant to draft an omnibus amendment to the Local Government Property Local Law that will consolidate any past and proposed amendments into one new Local Law for further consideration by Council no later than 28 February 2017.**

**THE SUBSTANTIVE MOTION WAS PUT**

**Carried 6/3**

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

**10.1.6 COTTESLOE OUTDOOR FILM FESTIVAL**

**File Ref:** SUB/2294  
**Attachments:** [Event Application Outdoor Film Festival Proposal](#)  
[Film Screen Specifications](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Garry Bird  
Manager Corporate & Community Services  
**Proposed Meeting Date:** 25 October 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

A joint application has been received from local film maker, Cottesloe Films, partnering with Sunset Cine, who are seeking approval to host an outdoor community film festival at Cottesloe Civic Centre, on the following dates: 4 February, 11 February, 18 February and the 24 February 2017.

**BACKGROUND**

Cottesloe Films is owned by Miranda Edmonds, a Cottesloe resident and filmmaker whose short films have played on Qantas Airlines, SBS television, and United Airlines, and screened at festivals around the world. For this project, Miranda has partnered with Sunset Cine, a Western Australian business owned by Peter Hudson, who uses a mobile cinema system to take large screen outdoor cinema to unique locations, particularly in regional and remote Western Australia.

The Cottesloe Outdoor Film Festival will consist of four nights of films in February 2017, screened on an inflatable screen on the Lower Lawn of the Cottesloe Civic Centre. Organisers have also designed the festival to give a fantastic opportunity for members of the Cottesloe community to come together and enjoy the stunning views of the Indian Ocean, listen to acoustic music, hear filmmakers introduce the films and participate in Q&A's, and watch world class films.

Organisers have stated that they are passionate about bringing great local, national, and international films to Western Australia. There are many films featured at film festivals around the world, such as Cannes, Venice, Sundance and Berlin that do not get released in Australia, and the Cottesloe Outdoor Film Festival would allow the local community to see these masterpieces.

Each film night event will open at 5.30pm and be concluded by 10.30pm. The proposed capacity for the film evenings in 2017 will be limited to 250 patrons. The Lower Lawn has been chosen as the preferred venue location as it provides a more intimate setting for the small number of patrons attending.

Proposed ticket prices are:

- Children \$15
- Adults \$22

(10% proceeds donated to not-for-profit organisation)

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The inflatable screen and equipment used to show the films is entirely portable and will be installed in less than 3 hours. The equipment will be removed entirely at the conclusion of each night so that the venue can be available for other bookings. Noise minimisation measures will be employed to reduce impacts to nearby residents, including the employment of Council noise monitoring devices. Solo acoustic musicians will be employed to entertain guests as part of the picnic portion of each evening.

In order to create a vibrant atmosphere and a place for the Cottesloe community to come together, organisers will encourage patrons to arrive early and enjoy a picnic dinner before the film. This will be in the form of a picnic that patrons bring themselves, or they will have the choice of purchasing food from two food vendors available on the night. Organisers would like to provide a small bar selling a limited amount of beer and wine to patrons, to be consumed at the venue.

Appropriate Council food stall permits will need to be in place prior to the event. A liquor licensing permit would need to be finalised from the Department of Racing, Gaming and Liquor before the event date, and appropriate security staff would need to be employed to manage the event.

Existing public toilets located in the grounds of the Cottesloe Civic Centre would be adequate for the number of patrons attending the film events. Organisers would need to provide additional bins to cater for the additional number of patrons attending the event.

The Cottesloe Civic Centre has adequate parking available in the streets, and local residents will be encouraged to walk to the event.

The Cottesloe Outdoor Film Festival will engage local businesses to sponsor and advertise in partnership with the organisers, with a view to promoting their services on the screen.

The potential to use the screen and the film events for awareness and educational messages is an aspect the organisers wish to promote. The Town of Cottesloe will also be invited to take advantage of the opportunity to promote educational community messages or notify residents of upcoming Council events.

Organisers have stated that as part of the community engagement aspect of the Cottesloe Film Festival, they are committed to making a formal donation to a not-for-profit organisation of their choice engaged in a charitable project specifically benefiting the suburb and residents of Cottesloe. In addition, the not-for-profit organisation will also be able to promote their organisation to patrons attending the film festival in the form of screen advertising and possibly a small stall. With regards to this, organisers are currently considering Cottesloe Coastcare Association as the beneficiary for the 2017 film festival.

Organisers view the establishment of an outdoor film festival in Cottesloe as an annual project with the potential to provide significant community engagement and goodwill far into the future. While only 4 cinema evenings are proposed for 2017, there is a desire to increase dates in the future, subject to approvals, popularity and financial viability.

**STRATEGIC IMPLICATIONS**

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

Approval of this event would be in keeping with this stated strategic objective.

**POLICY IMPLICATIONS**

Event Classification Policy – this event is classified as a Commercial Event under this policy, however, officers are of the view some dispensation could be provided as the event has the potential to significantly add benefit to the Cottesloe community. In addition, organisers have stated they will make a formal donation to Cottesloe Coastcare Association.

Liquor (Licensed Premises) Policy – As the applicant would like a liquor license for the film festival then this policy is applicable.

Donations Policy – This event and applicant would not meet the requirements under this policy.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995.*

*Health Local Law 1997* has provisions for noise management at events.

**FINANCIAL IMPLICATIONS**

If Council charges the projected fees for this event under Commercial classification, it would total approximately \$1,000 for each film night. This would be in addition to other costs that the organiser will have.

These figures are broken down as follows, as stated in the Schedule of Fees and Charges 2016-2017:

- Daily venue hire fee \$450
- Event set up fee \$100
- Noise monitoring fee per event \$250
- Food permits (x 2 vans) \$120
- Bins (x 4 extra bins) \$80

Organisers have stated that these charges would mean that the project would unfortunately not be able to go ahead as it would be commercially un-viable.

As one of the primary purposes of the film festival is to provide an opportunity for Cottesloe residents to come together and enjoy a local outdoor cinema in the beautiful grounds of the Cottesloe Civic Centre, the officer recommendation is to waive the fees stated above for all 4 film nights in 2017. This would add support the event and assist the organisers in establishing the event in Cottesloe.

Officers recommend organisers pay a \$300 bond for use of the Lower Lawn to cover the duration of the Cottesloe Film Festival, as per the Schedule of Fees and Charges 2016-2017.

**STAFFING IMPLICATIONS**

Environmental Health staff will be engaged to monitor the noise at the film nights to ensure compliance with the Environmental Noise Regulations.

**SUSTAINABILITY IMPLICATIONS**

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

Organisers will be encouraged to use recyclable materials and environmental based products where appropriate, particularly in the area of food and beverage service.

**CONSULTATION**

Organisers will write to local residents in the proximity to the Cottesloe Civic Centre advising them of the Cottesloe Film Festival taking place and provide them with a mechanism to provide feedback, should they wish to.

**STAFF COMMENT**

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

- Noise minimisation measures will be in place, including noise monitoring undertaken by the Town's Environmental Health staff. The employment of acoustic musicians to perform at the event will reduce the likelihood of noise breaches.
- Alcohol permits will be in place prior to the event.
- Organisers will write to local residents in the proximity to the Civic Centre advising them of the Cottesloe Film Festival taking place.
- Sanitary facilities and bins will be provided for patrons.
- Parking facilities in the adjacent streets will be adequate to cover the additional 250 patrons accessing the Cottesloe Civic Centre.

Officers recognise the benefit to the Cottesloe community of the Cottesloe Outdoor Film Festival. Therefore, the officer recommendation is to waive all hire and set up fees, noise monitoring fees, food stallholder fees, and bin hire fees for the first year of the event, in an effort to assist organisers in establishing the event in Cottesloe. If the festival was to become an annual event and something that Council would like to support, then there is the option for Elected Members to consider their position again for any future event.

Due to the community engagement benefits that this film festival brings to the Cottesloe community and its residents, the officer recommendation is to approve the application.

**VOTING**

Simple Majority

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

THAT Council approve the application to hold The Cottesloe Outdoor Film Festival on the Lower Lawn at Cottesloe Civic Centre on Saturday 4 February, Saturday 11 February, Saturday 18 February, and Friday 24 February 2017, from 3.30pm to 11.00pm respectively, subject to the following conditions:

1. That the venue hire and set up fees, noise monitoring fees, stallholder fees and bin hire fees be waived for the 2017 season subject to this support being appropriately acknowledged.
2. A bond of \$300 is paid for use of the Lower Lawn for the duration of the Cottesloe Film Festival.
3. Adequate arrangements for rubbish removal and collection, including the provision for recycling.
4. Neighbouring properties to the Cottesloe Civic Centre are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required.
5. All film making sound and music is to cease by 10.30pm on each night of the film festival.
6. All signages to be approved by the Chief Executive Officer one month prior to the event.
7. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, provided prior to the event.
8. 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.
9. All appropriate food and beverage permits are in place prior to the event.
10. The event complies with the *Environmental Protection (Noise) Regulations 1997*.
11. The event complies with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*.
12. The event complies with the Town's *Health Local Law 1997*.
13. The event complies with relevant sections of the Town's *Liquor (Licensed Premises) Policy*.
14. No balloons to be used during the event.
15. Earth Carers 'H2O to Go' Water Station facilities are investigated for use at the event.

**AMENDMENT ONE**

Moved Cr Boulter, seconded Cr Pyvis

That the words “this support being appropriately acknowledged” removed from point one (1) and replaced with “the Town of Cottesloe Support being acknowledged on film program and film advertising and ticket prices being not more the \$15 for children and \$22 for adults for the purpose of the 2017 trial season.”

Lost 1/8

**AMENDMENT TWO**

Moved Cr Boulter, seconded Cr Pyvis

That the words “if required” be removed from point four (4) and replaced with the words “and that a copy of each complaint (oral or in writing) made to the event organisers is provided to the Town of Cottesloe administration within one week of that complaint being made.”

Lost 2/7

**AMENDMENT THREE**

Moved Cr Boulter, seconded Cr Pyvis

That an additional point be added that reads “That all screened material including the movie, trailers and advertisements have a rating of M or less.”

Lost 1/8

**AMENDMENT FOUR**

Moved Cr Boulter, seconded Cr Pyvis

That an additional point be added that reads “That the event is a non-smoking event.”

Carried 5/4

**COUNCIL RESOLUTION**

THAT Council approve the application to hold The Cottesloe Outdoor Film Festival on the Lower Lawn at Cottesloe Civic Centre on Saturday 4 February, Saturday 11 February, Saturday 18 February, and Friday 24 February 2017, from 3.30pm to 11.00pm respectively, subject to the following conditions:

1. That the venue hire and set up fees, noise monitoring fees, stallholder fees and bin hire fees be waived for the 2017 season subject to this support being appropriately acknowledged.
2. A bond of \$300 is paid for use of the Lower Lawn for the duration of the Cottesloe Film Festival.
3. Adequate arrangements for rubbish removal and collection, including the provision for recycling.

4. Neighbouring properties to the Cottesloe Civic Centre are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required.
5. All film making sound and music is to cease by 10.30pm on each night of the film festival.
6. All signages to be approved by the Chief Executive Officer one month prior to the event.
7. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, provided prior to the event.
8. 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.
9. All appropriate food and beverage permits are in place prior to the event.
10. The event complies with the *Environmental Protection (Noise) Regulations 1997*.
11. The event complies with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*.
12. The event complies with the Town's *Health Local Law 1997*.
13. The event complies with relevant sections of the Town's *Liquor (Licensed Premises) Policy*.
14. No balloons to be used during the event.
15. Earth Carers 'H2O to Go' Water Station facilities are investigated for use at the event.
16. That the event is a non-smoking event.

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 9/0**

**10.1.7 THE COTTESLOE TRIATHLON - 2017**

**File Ref:** SUB/2293  
**Attachments:** [Event Application](#)  
[Course Map Swimming](#)  
[Course Map Cycling](#)  
[Notice of Road Closures to Residents Businesses](#)

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

**Author:** Garry Bird  
Manager Corporate & Community Services

**Proposed Meeting Date:** 25 October 2016

**Author Disclosure of Interest:** Nil

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**SUMMARY**

Organisers are seeking approval to host The Cottesloe Triathlon event at Cottesloe Beachfront from 6.00am to 1.00pm on Saturday 11 February 2017.

**BACKGROUND**

The event has previously been held on 13 February 2010 (called 'Cottesloe Surf Life Saving Club's 100<sup>th</sup> Anniversary Adventure Challenge), and the Cottesloe Ocean Adventure Triathlon in February 2011, 2012, 2013, and the Cottesloe Beach Triathlon in 2014, 2015 and 2016.

The event consists of three sections – a swim, cycle, and run, with 4 participation categories – Kids Race; Enticer; Sprint and Olympic (Enduro).

Organisers have designed the event to take into account the total community. In doing so, they believe:

- Surf Life Saving Western Australia and Cottesloe Surf Life Saving Club will benefit financially and potentially through growth in numbers.
- Local businesses in the vicinity of the event will benefit financially through significantly added patronage on the day.
- Local community and the Town of Cottesloe will benefit as the event will be recognised as belonging to Western Australia's most popular and well known beach. It will enhance the Town of Cottesloe as a leader in supporting events.
- The event will encourage the development of health and fitness by a significant number of people training for the event.

The Town of Cottesloe will be included in all materials associated with the event, local businesses will be advertised to competitors, and the local community will be invited to participate as competitors or as spectators.

The closure of Marine Parade from John Street to Curtin Avenue (all streets in between) is required for this event, between the hours of 6.30am and 9.00am. In 2015, in response to issues raised in previous events, organisers reduced the length of time the roads are closed by one hour from the 2014 event. In 2012 a dedicated

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access lane for Overton Gardens and Warnham Road was implemented, and enhanced in 2013 with additional marshals at access points. As per the 2016 event, a specific letter to those affected residents in the two streets will be sent out.

In addition to approval from the Town of Cottesloe, approval for this event will be sought from the West Australian Police, the Department of Planning and Infrastructure, and Main Roads Western Australia. Transperth will be notified of any effects that the Road Closures may have on their services.

The event will be conducted with all safety regulations adhered to through the involvement of St John's Ambulance Australia, Surf Life Saving Western Australia and qualified Traffic Management personnel.

### **STRATEGIC IMPLICATIONS**

There are no strategic implications arising from the Officer Recommendation.

### **POLICY IMPLICATIONS**

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

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995.*

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

### **FINANCIAL IMPLICATIONS**

The Event People will pay \$500 in hire fees for the one day event.

### **STAFFING IMPLICATIONS**

There are no staffing implications arising from the Officer Recommendation.

### **SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

A specific letter to the affected residents and businesses advising the closure of Marine Parade from John Street to Curtin Avenue (all streets in between) will be distributed two weeks prior to the event. An example of which is attached. Residents of Overton Gardens and Warnham Road will receive a separate letter outlining the specifics of their road closure. All distributed letters will include a detailed map showing the road closure plan.

A letter of support for the event has been provided by Cottesloe Surf Life Saving Club.

Officers contacted Cottesloe Surf Life Saving Club to provide feedback on the previous year's triathlon event. It was advised that the 2016 event was overall a positive experience for the Club with no issues brought to their attention.

**STAFF COMMENT**

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

- Surf Life Saving WA will provide water safety for the event through the Cottesloe Surf Life Saving Club.
- A Traffic Management Plan will be in place for the event, similar to the 2016 event.
- The plan will be designed and implemented by West Australian Road Projects (WARP) following Main Roads Event Code of Practice Regulations.
- A Risk Management Plan will be in place for the event similar to the 2016 event, and a Public Liability Insurance will be provided.
- Advisory signage will include signage placed to advise drivers of the road closure. The aim is for drivers to not have to turn back due to lack of prior information.

Due to the success of the previous triathlon events, the officer recommendation is to approve the application.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Dawkins, seconded Cr Downes**

**THAT Council approve the application to hold The Cottesloe Triathlon event at Cottesloe Beachfront on Saturday 11 February 2017 from 6.00am to 1.00pm, subject to the following conditions:**

- 1. Adequate arrangements for rubbish removal and collection, including the provision for recycling.**
- 2. Provision of a traffic management plan and appropriate access/signage to and from the event, provided prior to the event.**
- 3. Organisers notify residents and businesses affected by road closures which are in place for the event.**
- 4. All signage to be approved by the Chief Executive Officer one month prior to the event.**
- 5. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, provided prior to the event.**
- 6. Class this event as a "Community" event and charge the fee of \$500 and a bond of \$1,000 to be paid prior to the event commencing.**

7. The event complies with the *Environmental Protection (Noise) Regulations 1997*.
8. The event complies with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*.
9. The event complies with the Town's *Beaches and Beach Reserves Local Law 2012*.
10. The event complies with relevant sections of the Town's *Beach Policy*.
11. No balloons to be used during the event.
12. Earth Carers 'H2O to Go' Water Station facilities are investigated for use at the event.

Carried 9/0

**ENGINEERING****10.1.8 APPROVAL OF DRAFT FORESHORE REJUVENATION DETAILED CONCEPT PLAN FOR THE PURPOSE OF PUBLIC ADVERTISING**

**File Ref:** SUB/2114; SUB/2022  
**Attachment:** [Foreshore Plan](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Mat Humfrey  
Chief Executive Officer  
**Proposed Meeting Date:** 25 October 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is being asked to endorse the detailed concept plans for the rejuvenation of the Cottesloe Foreshore for advertising and consultation.

**BACKGROUND**

As a part of the development of Local Planning Scheme No.3, the Town facilitated a detailed consultation process known as Enquiry by Design (EBD). The Enquiry by Design process among other things, provided the background consultation required for the revision of the planning scheme. It also provided a valuable insight into the community's expectations for the foreshore area.

Taking this consultation further, Dr Linley Lutton was able to undertake further consultation and research to document a master plan for the Cottesloe Foreshore. The master plan was then adopted by Council in 2011. While the Council adopted the plan, the Town at that stage did not have the resources to implement the plan.

In 2014, following the finalisation of the sale of the Town's former depot site, the Town decided to revisit the master plan and set in place a program of events to refurbish the foreshore area. Subsequently, a project brief was created and sent out to tender, for the development of detailed concept plans. The plans would require assessment of many aspects of the foreshore, including physical surveys, coastal engineering, traffic engineering and cultural considerations. Following an evaluation of the tenders received, Cardno were appointed to develop the detailed concept plans required to progress the master plan.

Cardno have undertaken the required research and have presented the Town with the final draft of the detailed concept plans. These plans and supporting documentation are now ready for community consultation.

**STRATEGIC IMPLICATIONS**

Priority Area 3 – Enhancing beach access and the foreshore

- 3.1 Implement the "Foreshore Redevelopment Plan" in consultation with the community.

This report directly relates to this strategy in that the detailed concept plans are a refinement of the Foreshore Master Plan (referred to in the strategy) and these plans will provide the mechanism for further consultation as required.

### **POLICY IMPLICATIONS**

The detailed concept plan has been developed in the context of Council's Beach policy.

### **STATUTORY ENVIRONMENT**

A part of the beach reserve covered by the detailed concept plans is listed on the State Heritage Register. As a part of the consultation process, a formal referral to the State Heritage Council will be required.

Several of the projects contained within the detailed concept plans will require development approval. The Town will be required to apply to the WA Planning Commission for these approvals.

The works contained outlined in the detailed concept plans will exceed the tender thresholds contained within the Local Government Act and Regulations.

### **FINANCIAL IMPLICATIONS**

The ultimate project investment is dependent on external funding. Although Council has capacity to make a significant financial contribution to the project, achieving the level of amenity expected for Cottesloe Beach will require external financial contributions.

### **STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer's recommendation. The consultation work outlined in the recommendation can be met within existing resources.

### **SUSTAINABILITY IMPLICATIONS**

The detailed concept plan includes the planting of additional trees.

A Coastal Hazard Risk Management and Adaption Plan has been developed for this project.

### **CONSULTATION**

As part of developing the detailed concept plan, the landscape architect and staff met with various stakeholders. The following stakeholder meetings occurred:

- 2 February 2016 – Barbara Dobson and Ken Macintyre (Anthropologists)
- 9 February 2016 – Councillor Visioning Workshop;
- 24 February 2016 – Cindy Dowden (History);
- 25 February 2016 – Sue Freeth (History);
- 10 March 2016 – Sculpture by the Sea;
- 10 March 2016 – Ruth Merchant James and Sue Freeth (History);
- 10 March 2016 – Procott;
- 11 March 2016 – Coast Care;

- 14 March 2016 – Peter Totterdel (History);
- 14 March 2016 – Alan Bryan (History);
- April 2016 various – Barry McGuire (Whadjuk Noongar Elder);
- April 2016 various – Richard Walley (Whadjuk Noongar Elder);
- April 2016 various – Doolan Leisha Eatts (Whadjuk Noongar Elder);
- 26 May 2016 – North Cottesloe Surf Life Saving Club;
- 27 May 2016 – Cottesloe Surf Life Saving Club;
- 2 June 2016 – Main Roads Western Australia;
- 6 July 2016 – State Heritage Council;
- 4 August 2016 – Public Transport Authority; and
- October 2016 – Design Advisory Panel.

In addition the detailed concept plan was subject to peer review by Dr Linley Lutton from Urbanix, on 17 February 2016 and 26 June 2016.

While not specifically engaged, comments were received from the Cottesloe Residents and Ratepayers' Association and incorporated into the plan. Various comments were also received from residents in Bryan Way and Napier Street, regarding car park number 2, over the 12 months prior to the commencement of the detail concept design. These comments have also been incorporated into the plan.

### **STAFF COMMENT**

The initial vision workshop, held shortly after the appointment of the consultants (see consultation section) had two broad outcomes. The first was that Council considered the master plan previously adopted and considered that it still encapsulated the community's vision for the foreshore area. Secondly, the Elected Members present felt it was more appropriate for the design team from Cardno, headed by a landscape architect, to progress the plan based on the consultation undertaken previously, not by workshops with the current elected members. This decision showed a tremendous level of respect for the work previously undertaken and allowed the highly qualified professionals engaged by the Council to proceed with their work.

Officers discussed the approach put forward by elected members and while it was considered highly commendable, officers wanted to make sure that the outcomes of the consultation were appropriately considered during the design process. With this in mind, officers made contact with Dr Linley Lutton to see if he would consider undertaking a peer review of the project at several stages. The purpose of Dr Lutton's involvement was not to endorse the plan, but to represent the outcomes of the consultation process he coordinated to the design team engaged by the Town, and to ensure it was incorporated into the detailed concept plans being developed.

Initially, the design team coordinator and officers met with Dr Lutton in order to obtain a deeper understanding of the master plan adopted in 2011. The meeting examined the major elements of the master plan and the intention of each of the elements. On completion of the first draft of the master plan, a second meeting was held with Dr Lutton to undertake a review of the plan. The detailed concept plans represent a refinement of the master plan, that considers each of the major elements in more detail, having adapted them to fit the constraints presented by the site.

If the detailed concept plans are well received, the next phase will require the identification of specific projects for the final design phase. It is not envisaged that the

concept plans will result in single project for the rejuvenation of the entire foreshore in one project. The Town does not have the resources for such a project and it would have a significant detrimental impact on the amenity of the area. Instead, it is considered more prudent to identify individual projects and then prioritise the projects on the basis of need and the current condition of the assets. From this, a schedule of works can be implemented over time.

The detailed concept plans and supporting documentation attached represent a refinement of the master plan developed in 2011. Following a robust review by a highly qualified and respected urban designer, it is considered that the plans are now ready for community review. Accordingly, it is recommended that Council endorse the attached plans for community consultation.

**VOTING**

Simple Majority

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

THAT Council:

1. Endorse the attached detailed concept plan for the Cottesloe Foreshore for community consultation;
2. Endorse the consultation being undertaken in accordance with the Community Consultation Policy as a “Key strategic issue – major project”;
3. Authorise the Chief Executive Officer to submit the detailed concept plans to the State Heritage Office for their assessment and comment; and
4. Authorise the Chief Executive Officer to submit the detailed concept plans to the Department of Planning for their comment.

**AMENDMENT ONE****Moved Cr Boulter, seconded Cr Pyvis**

That an additional point be added that reads “That the detailed plans published for comment are available on the Town of Cottesloe website.”

**Carried 5/4**

**For: Crs Boulter, Pyvis, Birnbrauer, Thomas & Downes**

**Against: Mayor Dawkins, Crs Angers, Rodda & Burke**

**AMENDMENT TWO****Moved Cr Birnbrauer, seconded Cr Pyvis**

That an additional point be added that reads “Request staff to complete detailed concept plans for John Black Dune Park for consideration at the February 2017 Council meeting.”

**Carried 9/0**

**COUNCIL RESOLUTION**

**THAT Council:**

- 1. Endorse the attached detailed concept plan for the Cottesloe Foreshore for community consultation;**
- 2. Endorse the consultation being undertaken in accordance with the Community Consultation Policy as a “Key strategic issue – major project”;**
- 3. Authorise the Chief Executive Officer to submit the detailed concept plans to the State Heritage Office for their assessment and comment;**
- 4. Authorise the Chief Executive Officer to submit the detailed concept plans to the Department of Planning for their comment;**
- 5. That the detailed plans published for comment are available on the Town of Cottesloe website; and**
- 6. Request staff to complete detailed concept plans for John Black Dune Park for consideration at the February 2017 Council meeting.**

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 9/0**

**10.1.9 BEACH ACCESS PATH REFURBISHMENT**

**File Ref:** SUB/207-02  
**Attachments:** [Beach Access Paths Style Guide](#)  
[Beach Access Paths Plans](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Mat Humfrey  
Chief Executive Officer  
**Proposed Meeting Date:** 25 October 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

As a part of the Depot Funds Strategy, Council allocated funds to refurbish the existing beach access paths along the entire length of the Cottesloe Coastline.

To progress this issue, Officers have had a style guide developed and are recommending that it be advertised for public comment. It is further recommended that a committee be established to specifically oversee the detailed design of each path.

**BACKGROUND**

The Town of Cottesloe has 27 beach access paths along its coastline. The paths allow people to access the beach, while preserving and protecting the fragile dune environment. They do this by guiding access to the beach to be only through certain points and fencing the remainder of the dunes off.

Much of the infrastructure associated with or located at the beach access paths, needs refurbishment. In recent years, works staff have spent an increased amount of time undertaking regular repairs, which are mainly required due to the age and wear and tare of the infrastructure.

The beach access paths, and the associated infrastructure, are largely unplanned and represent a formalisation of tracks that were present when the Town first stepped in to preserve the dune environment. Many of the paths have evolved over a number of years and there are many difference in these paths. Further, the supporting infrastructure has been placed as requested, or as it has become available. Together, these factors have resulted in a very ad hoc collection of beach access paths.

**STRATEGIC IMPLICATIONS**

Priority Area 3 – Enhancing beach access and the foreshore  
Strategy 3.2 – Continue to improve access to beach facilities

Actions (Corporate Business Plan)

- a) *Renovate all beach access paths over a period of 4 years (commencing 2015/2016 financial year)*

Adoption of the officer's recommendation will facilitate that achieving of the strategies and actions contained within the Town's Integrated Plans.

**POLICY IMPLICATIONS****Town of Cottesloe Beach Policy**

*Objectives (secondary)*

- b) To maintain the natural features and ensure protection of the remnant dune system or any rehabilitated area on all other parts of the beach reserves from erosion by wind, stormwater run-off or pedestrian traffic*
- c) To provide a level of essential amenity on the beach reserves which meets the expectations of residents of Cottesloe, the people of Western Australia and visitors to the metropolitan region.*

While no specific policy statement within the Beach Policy relates to this recommendation, it is apparent that recreational uses of the beach will only be supported to the extent that no environmental damage occurs as a result. Providing access through the dunes in a way that prevent degradation of them, meets that policy statement.

**STATUTORY ENVIRONMENT**

Nil

**FINANCIAL IMPLICATIONS**

The Town has allocations in the current year budget, and the Long Term Financial Plan to refurbish all existing beach access paths.

**STAFFING IMPLICATIONS**

There are no staffing implications contained within the officer's recommendation.

**SUSTAINABILITY IMPLICATIONS**

There are possible sustainability implications in the placement of any infrastructure in a sensitive environment. In order to mitigate these implications, appropriately qualified landscape architects will be engaged to select appropriate materials for the projects and ensure that the attachment of the infrastructure has the lowest possible impact.

**CONSULTATION**

The Town engaged Blackwell and Associates to develop the style guide. As a part of their work, Blackwells consulted with Cottesloe Coast Care and appropriate staff at the Town of Cottesloe.

The officer's recommendation provides for wider community consultation.

**STAFF COMMENT**

Refurbishing the beach access paths represents a design and engineering challenge, that will take several years to complete. To do this efficiently, several levels of planning are needed.

As the paths are already in place, there was no apparent need to create any additional paths. This being the case, attention was turned to developing a style guide that would then be used to design each individual path.

As the Town does not employ a landscape architect, quotes were sought from appropriate firms for this work. A short brief was circulated and quotes received. From the process, Blackwell and Associates were selected to undertake the work.

Staff met with Blackwell's architects on several occasions during the development of the style guide. On each occasion, the architects presented the work that they had undertaken and received feedback from the officers on that progress.

Following receipt of the final draft, the style guide was presented to the Town's Design Advisory Panel. The panel were generally receptive to the guide, noting the materials and suggested layouts for the various path types ascertained in the guide.

The Design Advisory Panel suggested that each path should be designed by an appropriately qualified landscape architect, following a detailed survey of the site in question. There was a concern that the guide would be handed to works staff who would then implement at their own discretion.

It was envisaged that each path would require its own design, however, in order to consult with residents, it was desired that an overall document be created to allow for community consultation.

In order to progress the refurbishment efficiently, it would be best if a mechanism to review each individual design be set in place. The review would need to consider compliance with the style guide, cost and the overall design of each path, before the works required could be undertaken.

Officers are recommending the formation of a special purpose committee to review each path's design as they are presented. It is recommended that three members of the committee be appointed to represent a particular point of view, and that the appointed members be accompanied by three Elected Members. Officers would recommend that a resident landscape architect, a representative of Cottesloe Coast Care and a representative of the ICEA Foundation make up the three appointed members.

Each path will require a design that meets a number of challenges. As such it is recommended that an independent landscape architect be appointed to the committee to provide advice to the committee (and Council) on the detailed design aspects of each path.

As the paths will traverse remnant vegetation and areas of rehabilitated dunes, a representative from Cottesloe Coast Care is recommended. It is envisaged this person will be able to advise the committee (and Council) of any issues that may arise through the development of the path.

Lastly, a representative from the ICEA Foundation has been recommended to represent two perspectives. Firstly, ICEA is a youth run foundation that has held many events at or around the beach reserves in Cottesloe. As such, they can provide

a perspective of a younger generation. Secondly, ICEA have the stated objective of promoting the understanding of Indigenous Culture. These two perspectives will provide valuable input to the committee (and Council) during the design phase of the project.

While the input of the three non-elected members will be important, there may be times when the committee may wish to seek the input of other groups. Where necessary, officers can arrange for visits or representatives from other groups to attend and present as necessary.

**VOTING**

Absolute Majority (Committee appointment)

**OFFICER RECOMMENDATION**

THAT Council:

1. Authorise the Chief Executive Officer to publish the style guide developed by Blackwell and Associates for refurbishing the Town's Beach Access Paths for the purposes of community consultation;
2. Set a minimum period for submissions on the style guide of 28 days; and
3. Appoint a committee comprising of Cr \_\_\_\_\_, Cr \_\_\_\_\_ and Cr \_\_\_\_\_, Ms Vicki Woods, a representative of Cottesloe Coast Care and a representative of the ICEA Foundation, to oversee the final design of each beach access path.

**COUNCIL RESOLUTION**

**Moved Cr Angers, seconded Cr Birnbrauer**

**THAT Council:**

1. **Authorise the Chief Executive Officer to publish the style guide developed by Blackwell and Associates for refurbishing the Town's Beach Access Paths for the purposes of community consultation;**
2. **Set a minimum period for submissions on the style guide of 28 days; and**
3. **Appoint a committee comprising of Cr Angers, Cr Pyvis and Cr Birnbrauer, Ms Vicki Woods, a representative of Cottesloe Coast Care and a representative of the ICEA Foundation, to oversee the final design of each beach access path.**

**Carried 9/0**

**FINANCE****10.1.10 FINANCIAL STATEMENTS FOR THE MONTH ENDING 30 SEPTEMBER 2016**

**File Ref:** SUB/2256  
**Attachments:** [Financial Statements](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Garry Bird  
Manager Corporate & Community Services  
**Proposed Meeting Date:** 25 October 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

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

The attached financial statements and supporting information are presented for the consideration of Elected Members. Council staff welcome enquiries in regard to the information contained within these reports.

**BACKGROUND**

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

The attached financial statements and supporting information are presented for the consideration of Elected Members. Council staff welcomes enquiries in regard to the information contained within these reports.

**BACKGROUND**

In order to prepare the attached financial statements, the following reconciliations and financial procedures have been completed and verified;

- Reconciliation of all bank accounts
- Reconciliation of rates and source valuations
- Reconciliation of assets and liabilities
- Reconciliation of payroll and taxation
- Reconciliation of accounts payable and accounts receivable ledgers
- Allocations of costs from administration, public works overheads and plant operations
- Reconciliation of loans and investments

**STRATEGIC IMPLICATIONS**

Nil

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**POLICY IMPLICATIONS**

Town of Cottesloe Investment Policy

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**STAFFING IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

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

- The net current funding position as at 30-09-2016 is \$8,464,524 and is in line with previous financial years as shown on pages 2 and 22 of the attached Financial Statements.
- Rates receivable as at 30-09-2016 stood at \$4,165,636 of which \$179,494 relates to deferred rates.
- Operating revenue is more than year to date budget by \$8,557 and operating expenditure is \$950,843 less than year to date budget. A more detailed explanation of material variances is provided on page 21 of the attached Financial Statements and it should be noted that depreciation expenses have not been posted for the month.
- Expenditure on capital works is \$576,396 as compared to a year to date budget of \$1,487,915 with a full capital works program listing shown on pages 33 to 36. As at 30-09-16 the year to date expenditure for capital works was 13.1% of the total.
- Whilst Salaries and Wages are not reported specifically, they do represent the majority proportion of employee costs which are listed on the Statement of Financial Activity (By Nature and Type) on page 7 of the attached Statements. As at 30-09-2016 Employee Costs were \$31,692 more than year to date forecasts.

A breakdown of reserve funds is shown in note 9 on page 27 with the balance of reserve funds at \$10,797,635 as at 30-09-2016.

**List of Accounts for September 2016**

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

- \$44,440.68 to Perthwaste Green Recycling for waste collection services
- \$223,274.72 to WA Treasury for loan repayments
- \$71,052.30 to Colgan Industries for the restoration works at the Lesser Hall
- \$28,120.27 to WMRC for waste disposal charges
- \$452,327.94 to the Department of Fire and Emergency Services being Council's first quarter contribution of emergency services levies collected from rate payers
- \$34,122.00 to Clarke Equipment being \$62,040.00 for a new skid steer loader less \$30,800 for Council's old loader traded in
- \$26,743.20 to Claremont Asphalt for car park construction
- \$84,177.00 & \$90,241.62 to Town of Cottesloe staff for fortnightly payroll
- \$400,000.00 for transfers to the Town's investment account with National Australia Bank
- \$800,000.00 for transfers to term deposits held with National Australia Bank

**Investments and Loans**

Cash and investments are shown in Note 4 on page 23 of the attached Financial Statements. Council has approximately 39% of funds invested with National Australia Bank, 25% with Bankwest, 24% with the Commonwealth Bank of Australia and 11% with Westpac Banking Corporation.

Information on borrowings is shown in Note 10 on page 30 of the attached Financial Statements. As at 30-09-2016 the Town had \$5,093,359 of borrowings outstanding.

**Rates, Sundry Debtors and Other Receivables**

Rating information is shown in Note 9 on page 29 of the attached Financial Statements. As displayed on page 2, rates receivable is trending in line with the previous year.

Sundry debtors are shown on Note 6, pages 25 and 26 of the attached Financial Statements with 31% or \$24,009 older than 90 days. Outstanding infringements are summarised on page 26 of the attached Financial Statements. As at 30-09-2016 the total outstanding value of infringements was \$418,977 with the majority of this over ninety days old.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Mayor Dawkins, seconded Cr Downes**

**THAT Council receive the Financial Statements for the period ending 30 September 2016 as attached.**

**Carried 9/0**

**10.2 REPORT OF COMMITTEES**

Nil

**11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****11.1 COUNCILLOR MOTION – DEMOLITION AND THE WELLBEING, HEALTH AND SAFETY OF COTTESLOE RESIDENTS AND VISITORS**

The following motion has been proposed by Cr Boulter:

**Moved Cr Boulter, seconded Cr Pyvis**

1. That the Town of Cottesloe administration notify in a timely way, or cause to be notified in a timely way (not less than 2 weeks), of any impending demolition of any building or structure in the Town of Cottesloe to all and any neighbour likely to be affected by pollution from the demolition, including from noise or dust.
2. That a standard condition be included in the Town of Cottesloe standard planning and building conditions to achieve the purpose of point one above, and a standard advice note to the point that any failure to so notify will be considered a significant compliance breach by the Town of Cottesloe.
3. That Council's Consultation and Communication Policies be amended to include notifications as identified above.
4. That the Town of Cottesloe administration make a note to include in the next revision/iteration of the Town of Cottesloe Strategic Plan under Priority Area 1, a new 1.11 to minimise any adverse health impacts on Town of Cottesloe residents and visitors from works in the Town of Cottesloe by fostering timely effective communication and consultation about such works, for consideration by the community in the consultation period.

**PROCEDURAL MOTION & COUNCIL RESOLUTION****Moved Cr Rodda, seconded Cr Downes**

**That the item be deferred pending preparation of an Officer Report and Officer Recommendation on the issues presented.**

**Carried 9/0**

**COUNCILLOR RATIONALE**

1. To foster the objectives of the Town of Cottesloe Strategic Plan Priority One Area of protecting and enhancing the wellbeing of residents.
2. To protect the wellbeing, health and safety of residents and visitors to the Town of Cottesloe from any health or safety risks posed by the demolition of a building or structure by giving them adequate notice to prepare against any potential impacts from demolition of a building or structure.

**OFFICER COMMENT**

The incidence of enquiries or complaints about demolitions tends to be low. Neighbours are usually aware of intended demolition, either from the owner of the property from discussing it with them or via liaison with the Town on the redevelopment proposal.

The Town issues demolition permits to contractors, who perform the work when they are ready to, which is often soon thereafter, but may be some time later as permits are valid for up to two years. Notification of neighbours is not a legislative requirement or standard condition. Contractors may undertake to notify neighbours, based on the timing or type of works, or if required to by other legislation.

One approach is that the Town could send early warning letters to neighbours advising of demolition permit applications, whereby the works can be anticipated in due course, and providing the property owner and contractor contact details. Sending letters upon issuing a permit may provide insufficient notice, as works can start the day after a permit is issued.

Alternatively, or as well, the Town could adopt conditioning permits (or supplementing them – below refers) to the effect that contractors notify neighbours ahead of the works, including providing the owner and contractor contact details.

The conditions or supplementary advice for permits would require or request a sign on site and advance notice to all neighbours. To assist, the Town could provide a standard notification letter, including the neighbour contact details. Whilst two weeks notice would be preferable, one week would seem more realistic and still reasonable, as property owners and contractors are usually keen to commence. This approach would satisfy the thrust of the motion in points one and two above.

Note that whilst the Town is empowered to impose conditions on permits, the Building Commission has advised that they should relate to the particular demolition work rather than to work of a general kind. Hence some objection to this measure is likely and it may be difficult to enforce. Also, there is a right of appeal to the State Administrative Tribunal against conditions, although it would be quicker for contractors to simply comply.

Given that conditions on permits in this respect may be questionable and are appealable, instead a supplementary letter could accompany permits promoting the “best practice” of signs and notifications as outlined above.

Further, it is considered that the appropriate place to enshrine this procedure would be as part of the Building Department’s standard practices, rather than within Council’s Communication Policy or Community Consultation Policy which deal with broader proposals that are under consideration, not the operation of approvals. Therefore, points three and four of the motion would be better left out.

**11.2 COUNCILLOR MOTION – NAMING OF RIGHT OF WAY 63**

The following motion has been proposed by Cr Rodda:

**Moved Rodda, seconded Cr Downes**

**THAT Council:**

- 1. Approve residents' request to name Right of Way 63, allocating the name Templetonia Lane, which is one of the names approved by Landgate and by the Nomenclature Working Group; and**
- 2. On confirmation, inform the affected property owners and install signs at each end of the Right of Way.**

**Carried 9/0**

**COUNCILLOR RATIONALE**

1. The naming of access to properties, even secondary accesses, is logical. The use of a name enhances the ability to locate a property for visitors, service vehicles (including Emergency services), tradespeople and delivery people to find them. Recognising history through naming of public assets assists with the preservation of community stories.
2. Rights of Way 62 and 63 run from Marine Parade to Avonmore Terrace, and then from Avonmore Terrace to Broome Street.
3. In 2014, affected property owners requested that Right of Way 62 (Marine Parade to Avonmore Terrace) be named. Council supported this request and Right of Way 62 was subsequently named 'Seadragon Lane'.
4. Affected property owners wish for Right of Way 63 (Avonmore Terrace to Broome Street) to also be named. It is proposed that the ROW be named 'Templetonia Lane'. Templetonia Retusa, or Cockies' Tongues is a wildflower indigenous to the Cottesloe area. Landgate and the Nomenclature Working Group has approved the proposed name.

**OFFICER COMMENT**

The allocation and display of laneway names enhances community safety and liveability by facilitating access by emergency vehicles, visitors, deliveries and the meeting of people.

In 2015, Council created a Nomenclature Working Group to develop names for future roads, right of ways and public places. The Working Group developed a list of suitable names, including Templetonia, with this list being approved by Council.

The Nomenclature Working Group expressed a preference for the name Templetonia to be used in the vicinity of Fig Tree Lane, in order to group names of flora and fauna. Given the above and the proximity of Right of Way 63 to Fig Tree Lane, the request is supported.

**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**

*The Mayor adjourned the meeting at 10:07 PM*

*Members of the public and the media left the meeting at 10:07 PM and did not return.*

*The Mayor resumed the meeting at 10:15 PM*

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

**Moved Mayor Dawkins, seconded Cr Downes**

**In accordance with Standing Order 15.10 that Council discuss the matters behind closed doors.**

**Carried 8/1**

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

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

**File Ref: SUB/1432**  
**Responsible Officer: Mat Humfrey**  
**Chief Executive Officer**  
**Author: Garry Bird**  
**Manager Corporate & Community Services**  
**Proposed Meeting Date: 25 October 2016**  
**Author Disclosure of Interest: Nil**

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**SUMMARY**

Refer to the confidential report attached.

**BACKGROUND**

Refer to the confidential report attached.

**STRATEGIC IMPLICATIONS**

Refer to the confidential report attached.

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**POLICY IMPLICATIONS**

Refer to the confidential report attached.

**STATUTORY ENVIRONMENT****Local Government Act 1995 (s.5.38)****5.23. Meetings generally open to public**

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

- (c) *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; and*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*

**FINANCIAL IMPLICATIONS**

Refer to the confidential report attached.

**STAFFING IMPLICATIONS**

Refer to the confidential report attached.

**SUSTAINABILITY IMPLICATIONS**

Refer to the confidential report attached.

**CONSULTATION**

Refer to the confidential report attached.

**STAFF COMMENT**

Refer to the confidential report attached.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rodda, seconded Cr Thomas**

**THAT Council authorise the Chief Executive Officer to exercise the one year renewal option for the 8 Stack Street Fremantle depot site and execute the lease extension document.**

**Carried 8/1**

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

**Against: Cr Boulter**

**13.1.2 LICENSE AGREEMENT PORTIONS OF RESERVES 44617, 6896 AND 13718 (COTTESLOE BEACH) – SCULPTURE BY THE SEA INCORPORATED**

**File Ref:** SUB/2235  
**Attachments:** [Confidential Draft License Agreement](#)  
**Responsible Officer:** Mat Humfrey  
Chief Executive Officer  
**Author:** Garry Bird  
Manager Corporate & Community Services  
**Proposed Meeting Date:** 25 October 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

To consider the granting of a license to Sculpture by the Sea Inc. to occupy and use portions of Reserves 44617, 6896 and 13718 (the licensed area) for a period of four years commencing February 2016.

**BACKGROUND**

As a result of an action considered to be a substantial breach of the previous agreement by Sculpture by the Sea Inc. in staging the 2016 event at Cottesloe Beach, the Town cancelled its agreement and advised that a new agreement would be prepared that better defined the responsibilities of both parties and addressed some underlying concerns that Council has had with the former agreement.

As such, a new Draft License has been prepared that achieves these objectives and is now presented to Council for consideration.

The Draft License has been prepared in consultation with Sculpture by the Sea Inc. who support the majority of the changes proposed. They do not agree to all of the terms and conditions of the new licence and will provide separate correspondence highlighting these areas. This should be available for presentation to Elected Members for this forum.

The major changes proposed in the License are summarised as follows;

1. Removal of the obligation on the Town of Cottesloe to acquire an artwork.
  2. An additional payment of \$15,000 per annum paid by the Town of Cottesloe to Sculpture by the Sea Inc. in the years where no artwork is acquired to reflect the loss of income on sales commissions.
  3. Better protection for activities undertaken by the Cottesloe Surf Club Incorporated including signage and beach access.
  4. Exclusivity clauses which prevents both parties from staging similar events for the term of the license and for three years after expiry.
  5. More flexibility for Sculpture by the Sea Incorporated to conduct tours, events and award ceremonies during the term of the agreement.
-

Sculpture by the Sea Inc. also use other Council facilities not included in the licensed area, such as at the Civic Centre and parking facilities, which will continue to be provided in a more informal basis and by mutual agreement in the planning stages of the annual event. This was considered appropriate to ensure the License protected the main beach area and that the ancillary requirements can be varied more easily to meet annual requirements.

Although not part of the License, the Cottesloe Surf Club Incorporated have advised Council and Sculpture by the Sea Inc. that their facilities will not be available to host the "Miniatures Exhibition" which is staged in conjunction with the main event on the beach and surrounds.

## **STRATEGIC IMPLICATIONS**

Priority Area 1 – Protecting and Enhancing the Wellbeing of Residents and Visitors  
Major Strategy 1.3 Identify places to host more cultural events and activities.

Consideration of the License to continue the Sculpture by the Sea Inc. event is in keeping with this stated strategic objective.

## **POLICY IMPLICATIONS**

### **Events Classification Policy**

The above Policy categorises events into 4 types with this application being classified as a community event, as no admission fee will be charged and local community members are able to participate in the event.

### **Outdoor Concerts and Large Public Events Policy**

The aim of this Policy is to "*manage the impacts of outdoor concerts and large public events on the community and the environment*". The Policy states:

- a) *The Town of Cottesloe is committed to;*
  - *preserving the reasonable amenity of residents and businesses surrounding avenue used for the purpose of staging outdoor concerts and large public events, and*
  - *to ensuring that the reasonable community/society expectations to be entertained are met.*
- b) *All outdoor concerts and major public events shall comply with the Town of Cottesloe's Guide to Outdoor Concerts and Large Public Events.*
- c) *The Town will support up to two outdoor concerts only at any venue within a 12 month period.*
- d) *The Town of Cottesloe requires the promoter to take all reasonable precautions with regards to public safety, health and the appropriate and sustainable use of the venue.*
- e) *A Risk Management and Evacuation Plan, satisfactory venue maintenance procedure, sufficient crowd control and appropriate public liability cover are to be provided.*

- f) *An application for an event is to be made to Council on the Event Application and Checklist Form not less than 90 days prior to an event. The CEO may request additional information or action as deemed appropriate.*
- g) *The in-principle support of the Council of the Town of Cottesloe to stage an outdoor concert or large public event does not constitute an approval. Approval for an event will only be given by the CEO upon satisfactory compliance with all statutory and other requirements at least 24 hours prior to the commencement of an event.*
- h) *This policy applies in addition to any relevant legislation, Standards Australia standards or any other legal requirement in place at the time an application is made.*

Sculpture by the Sea is considered to be a permitted event in accordance with this Policy, subject to the restrictions and conditions imposed and final approvals, and warrants consideration by Council.

### **Beach Policy**

The aim of this policy is to *“provide guidelines for the Town of Cottesloe to enable consistency in decision making in relation to the beachfront”*.

The Policy defines a significant beach event as;

*“an event which involves one or more agencies and which will result in more than 50 people, or any form of structure, being on the beachfront area (including the Marine Parade public areas)”*.

The primary objectives of the Policy are, in summary, to protect and preserve the beach environment. In considering uses of the beach; *“the primary consideration against which all uses are measured is the public interest, particularly for residents of Cottesloe, and safety having regard to the environmental parameters and limits of capacity of the beach reserve. In this context, the beach reserves are to be administered in the interest of residents of Cottesloe, the people of Western Australia and visitors to the metropolitan region”*.

Although permissible under this Policy and others described above, it is a question for the Council to consider whether the event is in the interests of the general public. The Sculpture by the Sea event has proven to be a popular event that attracts a large number of visitors, however, it does create a large amount of traffic congestion and parking issues, particularly on weekends.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*  
*Land Administration Act 1997*

Under the provisions of the *Land Administration Act 1997*, the Minister for Lands will be required to approve the License.

### **FINANCIAL IMPLICATIONS**

Legal fees for services provided by McLeod’s to prepare and lodge the new license are expected to total \$4,000, assuming no major additional work is required.

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The Draft License removes the requirement for Council to purchase an artwork each year although of course Council can still do so if it so desires. To ensure that Sculpture by the Sea Inc. are not adversely impacted financially by this decision, a sum of \$15,000 will be paid by Council in all years when an artwork is not purchased to reflect the loss of sales commission.

The License proposes that Council will continue to provide various in-kind assistance such as a refuse etc. for the event.

### **STAFFING IMPLICATIONS**

Considerable staff resources are provided to assist manage the event and ensure the impact on local residents is minimised, which are funded from existing budget allocations.

### **SUSTAINABILITY IMPLICATIONS**

There are no direct sustainability implications arising from the Officers recommendation however it is noted that some of the sculptures promote environmental and sustainability issues/ awareness.

### **CONSULTATION**

Sculpture by the Sea Incorporated.  
Cottesloe Surf Life Saving Club Incorporated.  
Town of Cottesloe staff.

### **STAFF COMMENT**

The Sculpture by the Sea event has been operating at Cottesloe Beach for fifteen years and proven to be extremely popular with residents and the broader general public, and attracts a large number of visitors to the area.

This large number of visitors does create some inconvenience for residents due to traffic congestion and associated parking difficulties; however anecdotal evidence suggests that the majority of residents support the event.

In regards to the Draft Licence, the changes to the previous agreement are seen as better defining the responsibilities of both parties to the license and providing greater flexibility to Council in determining whether to purchase an artwork.

### **ADDITIONAL INFORMATION FOLLOWING AGENDA FORUM**

As advised at the Agenda Forum held 18 October 2016, Sculpture by the Sea has requested several late changes to the Licence. The changes are listed in the attached Confidential Memorandum.

### **VOTING**

Simple Majority

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

THAT Council:

1. Approves the Draft License for Sculpture by the Sea Incorporated to use portions of Reserves 44617, 6896 and 13718, Cottesloe for the purpose of staging the annual Sculpture by the Sea event for a term of four years; and
2. Authorise the Mayor and Chief Executive Officer to sign and apply the common seal to the License and submit to the Minister for Lands for approval.

**AMENDMENT ONE****Moved Cr Boulter, seconded Cr Pyvis**

**That the obligation in the License to pay Sculpture by the Sea Incorporated \$15,000 be removed.**

Lost 2/7

For: Crs Boulter &amp; Pyvis

Against; Mayor Dawkins, Crs Angers, Thomas, Burke, Rodda, Birnbrauer &amp; Downes

**AMENDMENT TWO****Moved Cr Boulter, seconded Cr Pyvis**

**That an additional point be added that reads "The Town of Cottesloe administration will undertake a one month public consultation and submission period about the Sculpture by the Sea event within one month of the March 2017 Sculpture by the Sea event.**

Lost 4/5

For: Crs Boulter, Thomas, Birnbrauer &amp; Thomas

Against: Mayor Dawkins, Crs Angers, Burke, Rodda &amp; Downes

**AMENDMENT THREE****Moved Cr Thomas, seconded Cr Pyvis**

**That point two (2) becomes point three (3) and new point be added that reads "Amend Item 4.6 Sale of Food to now read The sale of food in the licensed area is not permitted unless the supply of such food is provided as part of a package that includes other activities."**

Carried 9/0

**COUNCIL RESOLUTION**

THAT Council:

1. Approves the Draft License for Sculpture by the Sea Incorporated to use portions of Reserves 44617, 6896 and 13718, Cottesloe for the purpose of staging the annual Sculpture by the Sea event for a term of four years; and

2. Amend Item 4.6 Sale of Food to now read The sale of food in the licensed area is not permitted unless the supply of such food is provided as part of a package that includes other activities
3. Authorise the Mayor and Chief Executive Officer to sign and apply the common seal to the License and submit to the Minister for Lands for approval.

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 7/2**

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

**Against: Crs Boulter & Pyvis**

**13.1.3 KERBSIDE RECYCLING, ORGANICS AND WASTE SERVICES  
CONTRACT**

**File Ref:** SUB/2273  
**Responsible Officer:** Andrew Jackson  
Manager Development Services  
**Author:** Darrell Monteiro  
Principal Environmental Health Officer  
**Proposed Meeting Date:** 25 October 2016  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Refer to the confidential report attached.

**BACKGROUND**

Refer to the confidential report attached.

**STRATEGIC IMPLICATIONS**

Refer to the confidential report attached.

**POLICY IMPLICATIONS**

Refer to the confidential report attached.

**STATUTORY ENVIRONMENT****Local Government Act 1995 (s.5.38)****5.23. Meetings generally open to public**

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

- (c) *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; and*

**FINANCIAL IMPLICATIONS**

Refer to the confidential report attached.

**STAFFING IMPLICATIONS**

Refer to the confidential report attached.

**SUSTAINABILITY IMPLICATIONS**

Refer to the confidential report attached.

**CONSULTATION**

Refer to the confidential report attached.

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**STAFF COMMENT**

Refer to the confidential report attached.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Rodda, seconded Cr Angers

**THAT Council award the contract to Solo Resource Recovery for a term of three years commencing on 29 November 2016, and authorise the Mayor and Chief Executive Officer to execute the Kerbside Recycling, Organics and Waste Services Contract accordingly.**

**Carried 5/4**

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

*The Principal Environmental Health Officer left the meeting at 10:54 PM and did not return.*

**Moved Mayor Dawkins, seconded Cr Rodda**

**In accordance with Standing Orders 15.10 that the meeting be reopened to members of the public and media.**

**Carried 9/0**

*The Meeting returned from behind closed doors at 11:34 PM.*

*The Manager Corporate and Community Services left the meeting at 11:36 PM*

*The Manager Corporate and Community Services returned to the meeting at 11:36 PM*

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

As there were no members of the public or media present the resolutions for 13.1.1, 13.1.2 and 13.1.3 were not read aloud.

**14 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 11:42 PM.

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PRESIDING MEMBER:  
POSITION:

.....

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