

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING CONFIRMED MINUTES

ORDINARY COUNCIL MEETING
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
6:00 PM Tuesday, 25 September 2018

MAT HUMFREY
Chief Executive Officer

9 October 2018

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 6:00pm.

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

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

4 PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****1.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Robert Hamilton, 1 Macarthur Street, Cottesloe – Bin Pads on Verge

Q1: I'd Like To Ask How The Erection Of Two Concrete Bin Pads On The Verge At The Front Of My Property Is Considered An Appropriate And Effective Use Of Council Funds?

A1: The concrete pads were installed due to ongoing complaints received by the Town regarding the placement of bins, and allegations that neighbours were removing waste and/using bins not allocated to their property.

Yvonne Hart, 26 Mann Street, Cottesloe - Indiana Toilets

Q1: Could you please tell the ratepayers of Cottesloe what is going on with Indiana – the lease, the toilets, cleaning and maintenance and will there be an upgrade and would you also let us know what's the cost to maintain this please?

A1: At the time the question was asked, the Town was negotiating access to clean and maintain the toilets. The matter has subsequently been resolved.

Mr Chris Shellabear – 575 Stirling Highway, Cottesloe – Agenda Forum – 18 September 2018

Q1. Would the Council recommend that the North Cottesloe Ocean Pool proponents go directly to State Government with our proposal because we have an appropriate management plan, we have no environmental or cultural issues and we have all access covered for beach, pedestrian and parking for the project.

A1. Taken on notice.

Standing Order 8 – Questions Submitted by Cr Boulter via email 14 August 2018

Q1: Who Supplies The U-Shaped Hand Rails That Are At Pedestrian Crossings Around The Town Of Cottesloe (Rails)?

A1: Town of Cottesloe.

Q2: What are the individual and total costs of the purchase of the Rails?

A2:

600mm Wide Handrails Powder coated with Reflective Tapes \$75.95 ea
900mm Wide Handrails Powder coated with Reflective Tapes \$83.10 ea
1200mm Wide Handrails Powder coated with Reflective Tapes \$93.10 ea
Approximately \$1000 a year supply and install

Q3: What is the annual cost of the purchase of the Rails?

A3: As above and varies from year to year.

Q4: What Australian Standard requires the placement of Rails at pedestrian crossings?

A4: MRWA Standards.

Q5: Has a study been undertaken about the need for and use of the Rails? If so, can a link to or the study be circulated to EMs?

A5: No.

Q6: What Australian Standard requires the colour of the Rails to be bright red and yellow? If no standard applies, who decided on the colour and the quality of the paintwork?

A6: Main Roads Specification Requirement.

Q7: Who is responsible for the maintenance of the Rails, especially repairing the peeling paint and bent Rails?

A7: Town of Cottesloe.

Q8: What is the annual cost to the TOC residents and ratepayers of the maintenance of the Rails or who pays for this?

A8: No records have been kept but this would be negligible.

Q9: What would be the approximate cost of removing one rail and repairing the site?

A9: \$700 if the rail is located in the pram ramp as this pedestrian facility would need to be reconstructed and \$110 anywhere else.

Q10: What is the annual cost to the TOC residents and ratepayers of the square green bins of the Town of Cottesloe that are all around the Town of Cottesloe (Bins)?

A10: Approximately \$180,000/year, this figure is for ALL street litter bins throughout the Town which includes daily collections during peak periods.

Q11: Who receives the income from the third-party advertising on the Bins?

A11: The sites in question are part of contract with an advertising company, the Town does not receive any direct income, but the contract does defray costs.

Q12: Who empties the Bins and how often and who pays for this?

A12: The Town's Waste contractor Solo with assistance from the Depot staff during peak periods, for the bins the Town controls.

The bins are emptied 4 times/week during 'off peak' periods and daily during peak periods.

Q13: What is the annual cost to the residents and ratepayers of the Town of Cottesloe of installing and maintaining the Town of Cottesloe bus shelters (the Shelters)?

A13: The cost to install and maintain the shelters is \$0. These responsibilities are those of Adshell Pty Ltd who have an agreement to supply and maintain the shelters and they collect the advertising revenue.

Q14: Who receives the income from the third-party advertising on the Shelters?

A14: See above.

Q15: Who maintains the Shelters and who pays for the maintenance?

A15: See above.

Q16: Who decides which Shelters are replaced and which are not, noting the shabby Shelter on North St?

A16: The Adshell shelters supplied under contract, other shelters are controlled by the Town. The location of bus stops is decided by the Public Transport Authority.

Standing Order 8 – Questions Submitted by Cr Pyvis via email 15 August 2018

Q1: How many littering infringements (as per have been issued by TOC since 2013) and how many have been issued in each year?

A1: 11 litter infringements have been issued since 2013.

Q2: How many dog excreta infringements (as per 5.1 Dogs Local Law Consolidated) have been issued by TOC since 2013 and how many have been issued in each year?

A2: 0 to date.

Q3: Which Committees (of all Committees listed under Current Committees on TOC website) are open and not open to the public?

A3: All committees are open to the public, however at times (as with Council) some items will be considered behind closed doors.

Q4: Will and when will the TOC weekly Events Calendar be re-instituted?

A4: The calendar provided to elected members, advising of dates of interest for elected members will be re-instituted shortly. In the meantime, elected members will be sent calendar invites for all meetings organised by the Town.

Q5: If the TOC weekly Events Calendar is to be re-instituted, will this be posted on the TOC website?

A5: The weekly calendar was information for elected members – if Council wishes to have a weekly notice published on the website, it would need to be costed and presented to Council for consideration.

Q6: How many times per week and for how many weeks per year does the contract beach cleaner use its beach cleaning machine to clean Cottesloe Beach?

A6: Once a week in winter and four times a week in summer. This varies between two to four times per week in spring and autumn depending on level of cleanliness and number of beach users.

Q7: What dimensions of rubbish items does the mechanical beach cleaner pick up and can the sifter be modified to collect smaller items of rubbish?

A7: Predominantly bottles, cans, ice block sticks and plastic wrappers. Current settings have the capability to pick up 90% of the rubbish above on the beach.

Q8: Can the contractors using the mechanical beach cleaner be requested to audit the rubbish collected from Cottesloe Beach? If yes, can this be implemented over the 2018/19 summer season? If no, what changes are needed to achieve this?

A8: No. This time consuming task has previously been done by Town of Cottesloe staff.

Q9: By what means are residents required to dispose of swimming water when pools are cleaning and/or draining?

A9: The *National Construction Code 2016* requires owners of swimming pools/spas to provide adequate means for the disposal of swimming pool water/waste water and drainage within the lot on which the swimming pool is located.

Furthermore, the *Town's Health Local Laws* states that *a person shall not deposit or cause or permit to be deposited liquid waste (this includes swimming pool water) onto a street or any land or place other than a place authorised for that purpose.*

Q10: What arrangements will be made for the cleaning and maintenance of the public toilets in the Indiana Tea House building for the 2018/19 summer season?

A10: Since this question was submitted, the Town has negotiated a sublease for the cleaning and maintaining of the public toilets within the Indiana building. As such, the Town will be providing the cleaning services.

Q11: Please itemise the amounts TOC has paid for cleaning contractors for the public toilets in the Indiana Tea House building for the past 5 years?

A11: The Town has only engaged cleaning contractors for two summer periods during the 5 years in question. The schedule of payments will be supplied under a separate cover

Q12: What are the current obligations of the Indiana Tea House building lessee to clean and/or maintain the public toilets in the Indiana area House building?

A12: At the time the question was asked the lessee was obliged to keep the public toilets clean and in a tenable condition

Q13: What times of time, days of the week and months of the year is the Indiana Tea House lessee required to keep open the public toilets in the Indiana Tea House building?

A13: Under the previous arrangements, the lessee was able to use a portion of the building for the provision of public toilets, but there was no minimum requirement.

Standing Order 8 – Questions Submitted by Cr Boulter via email 18 September 2018

In relation to dog attacks in Cottesloe:

- Q1. What are the number of dog attacks reported to the TOC and/or police in the Town of Cottesloe for the last three years of data broken down into each year?
- Q2. What are the number of dog complaints reported to the TOC and/or police in the Town of Cottesloe for the last three years of data broken down into each year?
- Q3. How many of the dog attacks and complaints relate to playgrounds for the last three years of data broken down into each year and whether it was complaint or attack?
- Q4. What are the nature of dog complaints for the last three years of data broken down into each year and nature of the complaint?
- Q5. How are the dog attacks recorded in the TOC system?
- Q6. How many dogs in Cottesloe have been declared dangerous?
- Q7. How many dog prosecutions have there been in the TOC for the last three years of data broken down into each year and grounds of the prosecution? How many of these prosecutions succeeded for the last three years of data broken down into each year?

Standing Order 8 – Questions Submitted by Cr Pyvis via email 20 September 2018

ANNUAL TOC CALENDAR

- Q1. What is the cost of producing the annual TOC calendar (paper copy) that gives waste pickup dates, environmental messages and artwork by local primary school students?
- Q2. What is the cost of delivering to each property the annual TOC calendar (paper copy) that gives waste pickup dates, environmental messages and artwork by local primary school students?
- Q3. For years 2016, 2017 and 2018, which company had the contract to design and produce the annual TOC calendar (paper copy) that gives waste pickup dates, environmental messages and artwork by local primary school students?
- Q4. As per the TOC Policy Purchasing 2015, were 3 quotes obtained for design and production of the 2018 TOC calendar (paper copy) and, if so, from whom were quotes obtained and for how much were the quotes?
- Q5. What was the date of the Council resolution for approval to design/produce/distribute the annual TOC calendar (paper copy) that gives waste pickup dates, environmental messages and artwork by local primary school students?
- Q6. What budget line item states the cost of the annual TOC calendar (paper copy) that gives waste pickup dates, environmental messages and artwork by local primary school students?

DEPOT

- Q1. Where do depot staff wash-down vehicles now that the SVGC TOC depot wash-down area is no longer available?
- Q2. What are the itemised costs of the proposed installation of a sea container along the northern boundary
- Q3. What are the itemised costs of the proposed installation of a sea-container (for a period of 12 months to provide temporary storage for depot equipment) along the northern boundary of the Civic Centre?
- Q4. As per the TOC Policy Purchasing 2015, were 3 quotes obtained for the sea-container (to be installed for a period of 12 months to provide temporary storage for depot equipment) along the northern boundary of the Civic Centre?

OUTSTANDING COUNCIL RESOLUTIONS

- Q5. Can Elected Members please be provided with a list all currently outstanding Council Resolutions (that is, Council resolutions approved by Council but not yet completed)?

DELEGATED AUTHORITY

- Q1. What is the next step in the process following the Delegation Workshop held 14 August 2018?
- Q2. Re outcomes of the Delegation Workshop held 14 August 2018, will TOC administration produce a report to Council and, if so, when will this be presented to Council?

4.2 PUBLIC QUESTIONSPatricia Carmichael 14-116 Marine Parade, Cottesloe – Item 10.1.2

- Q1. Will there be a further provision made for additional parking on Congdon Street median strip to accommodate a commercial development or other on lots 24 and 25 Railway Street?
- Q2. The proposed parking entrance off Railway Street, Cottesloe, which happens to be more or less on a dog leg bend – what proper controls will be put in place to administer the entrance and the exit onto this dangerous dog leg section of the road?
 - A1. With regard to the issues of parking on the Congdon Street median strip, that would need to be applied for separately, it's not in front of Council for consideration at this stage.
 - A2. With regards to the entrance control questions, that is something we normally deal with at the development application stage, not when we're considering a Local Development Plan.

Mr Jack Walsh – 35 Grant Street, Cottesloe – Item 11.4

- Q1. Has the Town of Cottesloe conducted any surveys of the number of users of Cottesloe Beach in the last five to six years?
- A1. Mayor Angers answered that he didn't believe so – most of the Town's information has come from strict observation of the vehicles and the Town is looking at the main beach, not the Northern beaches.
- Q2. Mayor Angers further states the drop in beach visitor numbers has a negative impact on local businesses, particularly along Marine Parade. Is there any basis in fact for this claim and if so, has any downturn been compared with retail downturns at nearby local centres such as Subiaco, Claremont or Cottesloe?
- A2. Mayor Angers advised that the general consensus is that people do like to swim in the ocean, where they can see the waves, as well as pools. There will be several years before a pool becomes available so in the meantime it's complementary in as much as it's there now, rather than in three to five years' time.
- Q3. With regards to the business survey – is there any such thing or is that just an angle?
- A3. Mayor Angers advised he had spoken to a number of people in the hotels and others along there. Obviously there has been a drop, not just from sharks, there's been a drop in the main Town Centre as well and if you look at the number of swimmers at the beach today and the people I speak to and you'll find most people are quite nervous about swimming in the ocean.

Hamish Jolley – 31 Cliff Street, Fremantle - Item 11.4

- Q1. At the request of Council, a proposal regarding sonar based virtual sharknet technology was submitted to Council in October 2017. Would the sonar based virtual shark net technology, particularly in its advanced form, be considered amongst options in the feasibility study for the shark barrier?
- A1. Mayor Angers advised the Town didn't recall receiving your application. Cr Pyvis advised she received it in October 2017 marked 'commercial in confidence.'

The CEO advised that he didn't recall the Town requesting a proposal. The Town receives a lot of proposals to do with the beach that are sent to Elected Members directly and to the Town but we can take a look for it after the meeting.

5 PUBLIC STATEMENT TIMEDavid Prosser – 32 John Street, Cottesloe - Item 10.1.1

-) In principle, I do not oppose the development of the Cottesloe Hotel but I do oppose the increase in traffic that I believe will be directed to John Street.
-) John Street is iconic, residential street and should remain that way.

-) The Cottesloe Hotel appears to take a small increment and I'm talking about moving the Taxis and Uber bays into John Street.
-) We've seen what happens in small increments. Obviously there's the John Street Café, fantastic cafe – that has changed slowly over many years and has resulted where now they supply nil parking to their customers and it worries me and I suggest we should create John Street as a cul-de-sac, 100metres up from Marine Parade so therefore, if they come into John Street then they go back out to Marine Parade, rather than creating John Street as a freeway.

Julia Hayes – 38 Congdon Street, Cottesloe - Item 10.1.2

-) Following on from comments from Katherine Tellif, our colleague, who made a presentation in February to Councillors with updated visuals and answered all of the concerns brought out from the public enquiry from last year. I live in a solar passive house so I know the value of the energy efficiency in a house so these houses that are planned in this development are solar passive, they've got breezeways, solar air-conditioning, solar hot water system, rainwater re-use, all the things we have at home and I know how fabulous that is. I believe this development fits really well in the environment, which is right opposite our house. Now this area is called the Railway Street Local Centre because a new bridge is going to be built within a stone's throw of it so it's becoming even more interesting.
-) In July, I was at the meeting and I took notes and one of the Councillors made a statement that I found really detrimental to the project. You were talking about the Seapines Development and the statement went something like 'you can't trust these pretty pictures' and I quote it because I actually checked the transcript and we've got a pretty picture here, this is for Seapines. If we put it out to public consultation with a pretty picture, we're going to have the same confusion that arose over the Baverstock development.
-) Our pictures are properly drawn up designs, they're not pretty pictures, they're what we intend to build and that's what I want to tell you in case that comment comes up again tonight. I think it's very misleading and sometimes when it's said, this public personal opinion, you can actually take it as a fact.
-) The project's gone on now for a lot of years and it's been investigated and checked. We plan to build the designs that were given in the design specification. We can do that if you make it possible for us. To do that we need your support so please pass the Local Development Plan tonight.

Garry Baverstock – 38 Congdon Street, Cottesloe – Item 10.1.2

-) It's understood that being a Councillor is not an easy job and we live in a fairly conservative community, it's been a thankless task I'm sure, trying to deal with a whole lot of community issues, some real, some manufactured.
-) I'm not going to reiterate on the hard time we've had over the last four years, trying to get through what we want to do and in an atmosphere of fair play and after we've made so many concessions to the design.

-) My role in the project has been painted by some as controversial and this project is not just about me, it's not the Baverstock project. I'm fed up with seeing it in the press.
-) I'm an architect and scientist and have been awarded honours and citations nationally and internationally and also from the scientific community so I find it offensive to paint me as a greedy developer.
-) The truth is I'm a trustee of the Swanbourne Village Trust and my friends and colleagues, who I have known for 30-50 years and more have backed my ideas for a transit oriented design at the site. It will be a vision of sustainability and an example that other people can follow. It benefits our own aging in place, it benefits our local community and natural environment, it benefits the State plans for a sustainable infrastructure future, it benefits the nation's emissions targets and Sustainable Cities Programme and James, my colleague, and I have set high standards of ESD we built for longevity and hopefully providing for future heritage, if it's done well and respectfully and aesthetically, addressing the street and the locality with a high degree of artistic expression.
-) I would just like to make a point that it's time to move on and it's not just my opinion, most people I speak to are fully behind me and they consider it time to move on.

Nick Melidonos – Lilly Street, Fremantle – Item 10.1.2

-) I'm not a developer, I'm very much a lay person in these matters. I'm a photographer and teacher and I've witnessed the sorry saga of this world class development, delayed time and time again over the years. Sadly it appears that vision and leadership for some translates to retaining the status quo of a pre-world war Cottesloe.
-) This state of the art development has been debated endlessly, it's been advertised. It has had an independent expert appraisal take place that took several months rather than the weeks promised.
-) The architects have listened and the number of units has decreased by 30% as well as other design concessions after its first advertising.
-) It has had a second advertising where there were 121 letters of support, the detractors only managed 19 replies. Most of the complaints were much the same handful that appeared after the first advertising relevant to some work - setbacks, privacy, overshadowing, parking and so on. This can be handled competently by professionals working for this Council using the R-Codes. We don't need months of debate.
-) Amongst the supporters was respected world expert, Professor Peter Newman. No expert has come out against it. The previous Mayor of Cottesloe also sent a strong letter of support.
-) When first shown the preliminary sketches of this visionary development I was excited at the prospect of living here in retirement with friends. I put my hard-earned super into it. All but one of the one-bedroomed units are now taken up. I was then 71, I'm now pushing 76.

-) We don't need any more delaying questions and tactics and expert opinions. What we need now is some vision and some action and the supporters/detractors ratio is deafening at 6:1 for this much needed development. Council, please, can we have support for this?

Alan Wilson – 36 Congdon Street, Claremont – Item 10.1.2

-) I believe this development is good for local people who want to move from a house to a unit-like life, who want to be near transport stops and who want to live in high quality, environmentally sound housing.
-) The Perth and Peel 3.5M Strategy states a number of criteria for a desirable way to increase urban density. This development in Railway Street meets these criteria. This development started about four years ago.
-) The first plans were presented to Council in April 2016, two and a half years ago now. There have been an unusual number of delays since then. The end result was that nine very significant modifications have been made to the development in an attempt to please everyone who's had an interest in this.
-) There's been a large number of questions listed in the agenda papers tonight and there's a summary of all the objections that were presented after publication of the revised Local Development Plan. I feel the Council officer has gone to great lengths to satisfactorily answer all these questions. Also, there were 121 submissions in favour of this development but it's taken two and a half years to get to this point and therefore I'm asking Council to look at the application on its merits and vote on it tonight and support it.

Mercedes Elliot – 12 Windsor Street, Claremont - Item 10.1.2

-) I think it's really important that no concessions be given but in looking at it, I find it difficult to interpret. I think it's really important that the setbacks are maintained because it has problems with line of sight for driving for that corner and it's a really busy corner.
-) I also think it's really important that concessions are given with respect to the effect it's going to have on the neighbours, concession on setbacks, impacts privacy, overlooking and quality of life.
-) This isn't just a manufactured type of concern. I personally have experienced having a development near me which was zoned R40 but it really has a permanent effect on quality of life.
-) It's a wonderful development, with lots of merit but I'm just not sure that's the spot the put it, on a residential street, amongst character houses.
-) What I've found is that with concessions given re the development near me, there's constant overlooking every day. People are looking into my living area and into my daughter's bedroom. Concessions were given on balconies that were for aesthetic purposes only – there are people out there, washing goes out there and there's people looking out there so I think a lot of concern should be given to those kind of concessions.

-) Also, with respect to parking concessions that were given, there is not enough parking for residents, let alone for the visitors of this complex near me, so that needs to be considered as they have to park on the streets around there. I think it's really important to not put concessions in place.

James Shaw – 9 Greenville Street, Swanbourne – Item 10.1.2

-) I am intending to develop this project and I'm an Associate Director EcoTect Architects, the architects for this project.
-) With regard to the Local Development Plan for this project, we believe the LDP as currently drafted is a fair and reasonable document.
-) In principle, the reason why the LDP is very important on the site is that if a development did not have a LDP it was to comply fully with the standard R60 zoning provisions, complying with all the required setbacks, i.e. from the two roads, the side and back boundaries, the result would be a solid mass of building located in the middle of the site – in other words an apartment building and this is an outcome this village does not want.
-) A fully deemed-to-comply R60 apartment building could have bedrooms on upper floors, setbacks 4.5 metres from the southern and western boundaries with no true privacy screens and looking back in the the neighbours' backyard and the neighbour would have no say in the matter as it would be fully compliant with the R-Codes. An R60 apartment building, fully compliant with the deemed-to-comply provisions of the R-Codes, if it had a solid, 6.5metre high wall with one opening set back three metres off the southern boundary, over 25 metres long and the neighbours would have no rights to object.
-) It is not our intention to build an apartment building. We do not want to live in an apartment building. Once you live in a high quality attractive cluster housing development. We have purposely separated the buildings for environmental reasons. The gaps between the buildings not only gives the appearance of individual houses plus reduces the scale of the development and also they allow for through ventilations within the units themselves and breezeways to neighbouring properties.
-) The central courtyard is essential to maintain these through breezes and solar access to the rear units of the proposed development. If increased setbacks from the south and the western boundaries are not provided the separation between units will not be possible and the courtyard will not be possible, resulting in an apartment style building with shared walls, reduced environmental qualities and an extra impact on the neighbouring blocks. The apparent LDP as proposed is essential and allows the village nature of Swanbourne to be emphasised and therefore we ask you to approve the LDP as shown.

Brad Osborne – 124 Railway Street, Cottesloe - Item 10.1.2

-) A lot of what Mr Shaw has just raised relates to a R60 development and I'd like to point out and highlight to you what a R60 is. Comparing to a R60, this is

something that was forced on us, not something we chose to buy next to or wanted to be next to.

-) I acknowledge some of the amendments that have occurred, post advertising, the most recent advertising, to provide a level of certainty that residents that neighbour the site have been asking for and I think that in a lot of instances they have been fair and reasonable amendments that have been requested and they have to a large degree included in the LDP.
-) In that instance, a lot of those requirements are a fair bridge between what the developer wants and what we need for certainty over the site. The only exclusion that I can think of that I would like you to address further, if possible (and I believe Cr Boulter has put forward an amendment for this area) is in relation to the nil setback, primarily on Railway Street. It is an incredibly narrow pedestrian path – it does not have a grassy mean or anything next to it to give it extra depth between the built form and the street.
-) My kids ride their bikes down that street all the time and dodging their way through bins and past telephone poles is dangerous at the best of times and putting a nil setback on one of those blocks is only going to exacerbate the problem so the only concession I'm looking for at this point is removal of that no setback on Railway Street.

Trevor Seleebe – 30 John Street, Cottesloe – Item 10.1.12

-) I was the primary proponent for option 2. I was very surprised when I saw this motion before you tonight because I understood Council's process that there had been three proposals over the years and they needed an independent consultant to have a look at those options to see which was the best proposal, which had general support.
-) We weren't able to partake in that directly, the tender, as we were one of the proponents but we did assist the proponents with information. That proposal has come out as the number one most popular proposal, also the soundest proposal but I'm very surprised to see this motion before you, the first point of which says that Advisian will do detailed architectural concept plans, including the proposed location of seating amongst other things. Advisian don't have any architectural inhouse skills at all, they're essentially a multi disciplinary mining and processing consultancy.
-) When I spoke to the CEO about this last week, he said this was part of the tender process and therefore he wouldn't consider the alternate proposal that I put forward, which was for less than half the money involved for four of the points mentioned in the report. He said that because that was part of the tender process, they had to stay with them and couldn't consider our proposal, but we were excluded from the original tender process proposal because we were one of the proponents, so it's a nice catch 22.
-) I think Council should ponder on this a bit and I think the the amount of money involved when the company involved doesn't have the inhouse skills at all is not the soundest of proposals and I express my disappointment.

Carlo Orlando - 34 John Street, Cottesloe – Item 10.1.1

-) I strongly oppose any change to John Street, any proposal about relaxing increased traffic to John Street.
-) Ubers should remain in Marine Parade.
-) Also, it should not be cul-de-saced, it should be left as it is. It's bad enough with the John Street Café, but we cope with that. Certainly no change to increase traffic, that would be extremely negative.
-) Ubers should park on Marine Parade and patrons should walk there and sober up on the way to catching a cab.
-) Going up John Street to Broome Street is reasonable but beyond that, it's a bottleneck, so any increase in traffic would be a negative, so I oppose any change that would effect that.

Natalie Kendall – 19 Princes Street, Cottesloe - Item 11.4

-) I'm speaking in favour of the shark barrier that's being considered by Council.
-) There are many people that I know that don't feel safe swimming in the ocean or if they do, they don't swim very far out.
-) I think it's a wonderful opportunity. If you look at the number of beaches along the Perth metropolitan area, most beaches now have something that draws people to the beach.
-) Many people drive to Coogee to swim in that enclosure or Sorrento and Quinns so I think they've increased those beach visitation areas enormously because people feel safe and yet they can still swim in ocean water.
-) Other beaches such as Scarborough and City Beach have undergone major upgrades in terms of their foreshore areas and so people who used to swim in Cottesloe go to other areas so it's a wonderful opportunity to bring people back to the beach in Cottesloe.
-) I know the owners of Cottesloe General Store and they said that with the sharks their business revenue numbers are significantly down and I think it would be a great amenity but most importantly, something that could be achieved now.
-) Having been a regular attendee to Council I think that Councillors and the CEO work very hard to try and make progress but sometimes it takes awhile and an ocean pool will take a significant number of years, whereas this will give us something to enjoy very soon and I wholeheartedly support that initiative.

6 ATTENDANCE**Present**

Mayor Philip Angers
Cr Sandra Boulter
Cr Sally Pyvis

Cr Mark Rodda
Cr Rob Thomas
Cr Michael Tucak
Cr Melissa Harkins
Cr Helen Sadler
Cr Lorraine Young

6.1 APOLOGIES

Nil

Officers Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Nil

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 DECLARATION OF INTERESTS

Mayor Angers – declared an IMPARTIALITY INTEREST in Item 10.1.2

Mayor Angers – declared a PROXIMITY INTEREST in Item 11.2

Mayor Angers – declared a PROXIMITY INTEREST in Item 11.3

Cr Pyvis – declared an IMPARTIALITY INTEREST in Item 10.1.3

Cr Young – declared an IMPARTIALITY INTEREST in Item 10.1.2

Cr Boulter – declared an IMPARTIALITY INTEREST in Item 10.1.3

Cr Tucak – declared an IMPARTIALITY INTEREST in Item 10.1.2

Cr Tucak – declared a FINANCIAL INTEREST in Item 11.3

Cr Thomas – declared an IMPARTIALITY INTEREST in Item 10.1.9

8 CONFIRMATION OF MINUTES**Moved Cr Rodda****Moved Cr Young**

That the Minutes of the Ordinary Meeting of Council held on Tuesday 28 August 2018 be confirmed as a true and accurate record.

COUNCILLOR AMENDMENT**Moved Cr Boulter****Seconded Cr Pyvis**

That the officer recommendation in respect of the Ordinary Meeting of Council held on 28 August 2018 is amended by adding the following words:

“, subject to:

Yvonne Hart Questions on Notice be amended to add two dot points of the two other questions that were asked:

-) *Is Council aware that the men’s toilets at Indiana were closed last weekend?***
-) *Why hasn’t there been information to the community since the last confidential Indiana Council meeting?***

Under Item 11.3 Seaview Golf Course, the header “Background” at page 110 be amended to add the words as follows after Background “, provided by Cr Boulter.”

Under Item 11.4 Principal Shared Path the header, “Councillor Rationale” at page 115 be amended to add the words after Councillor Rationale “, provided by Cr Boulter”.

Under Item 10.2.1 at page 97 under the header Officer Recommendation that the word “Draft” be inserted immediately prior to the word “Minutes”.

Carried 8/1

For: Mayor Angers, Crs Boulter, Pyvis, Tucak, Sadler, Young, Harkins and Thomas

Against: Cr Rodda

SUBSTANTIVE MOTION

That the Minutes of the Ordinary Meeting of Council held on Tuesday 28 August 2018 be confirmed as a true and accurate record subject to:

Yvonne Hart Questions on Notice be amended to add two dot points of the two other questions that were asked:

-) *Is Council aware that the men’s toilets at Indiana were closed last weekend?***
-) *Why hasn’t there been information to the community since the last confidential Indiana Council meeting?***

Under Item 11.3 Seaview Golf Course, the header “Background” at page 110 be amended to add the words as follows after Background “, provided by Cr Boulter.”

Under Item 11.4 Principal Shared Path the header, “Councillor Rationale” at page 115 be amended to add the words after Councillor Rationale “, provided by Cr Boulter”.

Under Item 10.2.1 at page 97 under the header Officer Recommendation that the word “*Draft*” be inserted immediately prior to the word “Minutes”.

Carried 8/1

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

Moved Cr Rodda

Moved Cr Young

That the Minutes of the Special Meeting of Council held on Friday 7 September 2018 be confirmed as a true and accurate record.

Carried 8/1

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

9 PRESENTATIONS

9.1 PETITIONS

Nil

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

For the benefit of the members of the public present, the Mayor announced that items 8, 10.1.1, 10.1.2, 10.1.6, 10.1.7, 10.1.8, 10.1.9, 10.1.10, 10.1.12, 10.1.13, 10.2.1, 11.1, 11.2, 11.3, 11.4, 11.5, 13.1.1, 13.1.2 have been withdrawn for discussion. All other items will be dealt with en bloc.

COUNCIL RESOLUTION

Moved Mayor Angers

Seconded Cr Rodda

That items 10.1.3, 10.1.4, 10.1.5, 10.1.11 and 10.1.14 be carried by en bloc resolution.

Carried 9/0

10 REPORTS**10.1 REPORTS OF OFFICERS****PLANNING****10.1.1 LOT 39 (104) MARINE PARADE (COTTESLOE BEACH HOTEL) - RESTAURANT/BAR ALTERATIONS, AND 'IN-PRINCIPLE' AFRESCO DINING AREAS**

File Ref: SUB/2594
Applicant(s) Proponents: Alan Ross Architects
Attachments: 10.1.1(a) Plans [under separate cover]
10.1.1(b) Submissions [under separate cover]
10.1.1(c) Photo [under separate cover]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Ed Drewett, Coordinator Statutory Planning
Author Disclosure of Interest: Nil

SUMMARY

This application is for alterations and additions to the Cottesloe Beach Hotel, including Cott & Co restaurant. A summary of the proposal is provided below:

1. Replacement of timber folding doors on south end of Marine Parade elevation with aluminium-framed and sashless sliding windows, and remodelling Cott & Co restaurant interior;
2. Replacement of the south-facing window to match window above;
3. Replacement of the south-facing security screen and window with contemporary openable glazed aluminium windows;
4. Modification to internal walls to enhance connection between Cott & Co restaurant and existing internal bar area;
5. Modification to internal stud walls for re-planned bar area;
6. New toilet facilities to re-configured bar area;
7. Provision of weather protection canopy over entry to kerb alignment in John Street;
8. Replacement of existing timber verandah enclosure in John Street with a contemporary detailed steel and glazed structure with stainless steel roof trim and brass faced wall elements;
9. Screening of existing air-conditioning units in John Street; and
10. Approval 'in-principle' for alfresco dining areas adjoining John Street, Marine Parade and Warnham Road, with 1.4m high kerbside screens for weather protection.

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

BACKGROUND

| | |
|-----------------------|--|
| Property Address: | Lot 39 (104) Marine Parade |
| Zoning | MRS: Urban |
| | LPS 3: Hotel (Special Control Area 2) |
| Use Class: | P (means the use is permitted providing it complies with the relevant development standards and requirements of the Scheme). Restaurant use is existing. |
| Development Scheme: | Local Planning Scheme No. 3 (LPS 3) |
| Lot Size: | 3338m ² |
| Existing Land Use: | Hotel/restaurant |
| Value of Development: | \$986,000 |

A deputation by the applicant, Alan Ross of Artem Architecture (now Alan Ross Architects) was made to Council earlier this year regarding this proposal for alterations & additions to the Cottesloe Beach Hotel, including the Cott & Co restaurant. Mr Ross also addressed the Foreshore Precinct Implementation Committee (FPIC) to request that the proposed alfresco dining areas be included in the Council's Master Planning Project and approved 'in-principle' by Council.

As part of the Car Park One - Opportunities Plan, the option of incorporating alfresco dining area adjacent to cafés and restaurants within the foreshore precinct was shown and received a significant amount of community support. The Cottesloe Beach Hotel proposal addresses this Plan by seeking 'in principle' support for alfresco dining areas in adjoining streets.

On 21 May 2018, the FPIC considered the application and resolved that:

Council should support the concept of alfresco dining 'in principle' by the Cottesloe Beach Hotel, subject to the following conditions:

1. *Minimum pavement width of 1.8m*
2. *Further investigation by the FPIC of the following:*
 - a) *Alignment of the footpath to the property boundary.*
 - b) *Location of seating and tables.*
 - c) *Consideration of an appropriate development contribution.*
 - d) *Liquor licensing management plan to be considered by Council.*
 - e) *Staged review of the detailed design of permanent and temporary structures.*
3. *Consultation is undertaken during the development application process with surrounding businesses regarding parking.*

On 26 June 2018, the architect submitted revised documentation and drawings to address the FPIC comments. The footpath width has been increased to 1.8m to satisfy engineering

requirements, and confirmed that two parking bays are proposed to be converted to short-term drop-off parking bays in John Street. A small alfresco deck area has also been shown on Marine Parade adjoining the Cott & Co restaurant.

Other comments addressed by the applicant include:

- (1) Prevalence of rideshare transport serving patrons at the venue;
- (2) Short-term drop-off bays in John Street;
- (3) Entrance off John Street- impact on residential areas; and
- (4) Alfresco planning/design – width of pedestrian pathway and routing of path.

A summary of these comments is provided below:

Prevalence of rideshare transport serving patrons at the venue

-)] Estimates that between 2000 – 4000 patrons may visit the hotel each week, rising to 10,000/week when high volumes are experienced.
-)] Most patrons (approximately 90%) drive to the venue, although ride-sharing appears to be becoming more popular, particularly amongst younger patrons.
-)] Presently, 30 minute parking in Marine Parade functions for a mixed ride drop-off, taxi waiting, short-term deliveries, and patron parking.

Short-term drop-off bays in John Street

-)] This has been clarified on the revised plans to show only two short-term drop-off bays in John Street.

Entrance off John Street - impact on residential areas

-)] Proposed activity area/alfresco dining associated with the entry in John Street is within 30m of Marine Parade;
-)] The entry in John Street is existing and currently is to the Pieroni bar (not used).
-)] Provision of acoustic seals and glazing to windows into the alfresco area will control sound from the interior.
-)] Retention of these alignments has been proposed to limit the impact of noise on residential properties in John Street.

Alfresco planning/design – width of pedestrian pathway and routing of path

-)] The proposal incorporates a 1.8m footpath around the perimeter of the alfresco areas. This is the applicant's preferred option taking into account operational considerations such as servicing of tables, liquor licensing issues, environmental control of wind and shade, as well as interaction between the seating areas and the street.
-)] Service to the outside tables will be provided across the level change at the building's edge with a dumbwaiter/air-locked connection that delivers orders to table staff operating at the (lower) street connection zone;
-)] The alfresco areas will be licensed, but this is harder to manage if drinks need to be carried across the footpath to a separate area;

-)] The proposal includes transparent wind breaks as close as possible to the alfresco tables for the comfort of patrons. The applicant also proposes to design the screens to offer landscaped softness externally combined with a casual seating facility to augment the table experience with a lighter patronage commitment to single seating choices;
-)] Six canvas awnings on galvanised steel frames are proposed to be fixed to the western building facade over the major openings for sun protection. The awnings will project approximately 1.5m from the face of the building and each is approximately 3.5m in length and 0.3 in height. These will be similar to 5 canvas awnings that were approved by the Town on 17 May 2017, with support from the Heritage Council.
-)] Large umbrellas will be fixed over outer table groups to provide further sun protection.
-)] The alfresco areas may allow for up to 154 patrons in the area around Warnham Road and Marine Parade corner, and 120 patrons on the Marine Parade and John Street corner (total max. 274 patrons). The overall number of patrons currently permitted at the hotel will not increase due to restrictions imposed under the Public Buildings Regulations.

STRATEGIC IMPLICATIONS

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

Priority Area 3: Enhancing beach access and the foreshore

Major Strategy 3.1: Implement the 'Foreshore Redevelopment Plan' in consultation with the community.

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

Priority Area 4: Managing Development.

Policy Implications

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

STATUTORY ENVIRONMENT

-)] *Planning and Development (Local Planning Schemes) Regulations 2015*
-)] *Local Planning Scheme No. 3*
-)] *Liquor (Licensed Premises) Policy*

FINANCIAL IMPLICATIONS

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

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

The application was advertised to 382 surrounding owners and occupiers. Ten submissions were received. Whilst there is support for the alfresco areas, there are also concerns regarding safety, noise, parking, and loss of car bays. These comments should be further considered following the submission of a separate application to the Town for an Outdoor Eating Area Facility.

HERITAGE

The Application was referred to the Heritage Council as the Cottesloe Beach Hotel is included on the State Register of heritage places. The Heritage Council advised, inter alia:

The proposal will have some impact on original fabric internally, but the place has been modified over time to respond to changing needs. The external changes are to non-original fabric and will result in a better street presentation, particularly along John Street.

The proposed development, in accordance with the plans submitted, is supported subject to the following condition:

1. Damage to original fabric to be made good to match existing.

OFFICER COMMENT

This lot is zoned 'Hotel' and is within 'Special Control Area 2' under Local Planning Scheme No. 3.

The objectives of the 'Hotel' zone are to:

- (a) ensure that the hotel recreational, entertainment, accommodation and service uses are compatible with the amenity of the surrounding locality;
- (b) support the heritage provisions of the Scheme applicable to any land or buildings in the zone; and
- (c) give consideration to the maintenance and enhancement of important views to and from public places as a contributor to the character and amenity of the locality and the district overall.

The objectives of Special Control Area 2 are to ensure that:

- (a) the development, subdivision and strata subdivision of these sites is compatible and consistent with its regionally important beachfront location, surrounding development and the amenity of the locality; and
- (b) the Building Design Control Diagrams which form the basis of development, subdivision and strata subdivision control in this special control area appropriately guide and manage built form, bulk and scale, amenity impacts, the type, mix, location and arrangement of land uses, and other relevant considerations accordingly.

Comment

The development application satisfies the relevant Scheme objectives.

Parking

Under Local Planning Scheme No. 3 the parking requirement for a hotel/tavern (in this context) is 1 space to every 6.5m² of floor or ground floor area open to the public for the consumption of liquor. A restaurant requires 1 space to every 8 persons the development is designed to accommodate.

The proposed internal works do not increase the floor area of the hotel/café/bar area and therefore do not require additional parking to be provided.

If the proposed alfresco areas (297.6m²) are included then, based on a hotel/tavern use 45.8 bays would be required.

However, it has been the Town's practice to exclude alfresco areas from floor space calculations as these are generally used by patrons already at the premises and do not necessarily result in additional patrons being present. Furthermore, in most cases the alfresco areas are not used all year round and are generally exempt from requiring planning approval unless they require significant permanent infrastructure within the public domain.

Noise

The proposed replacement windows and doors are being designed to improve the appearance of the existing facades and provide better weather and acoustic attenuation.

Noise arising from the proposed alfresco areas could affect the amenity of some nearby residents and this has attracted some objections following advertising of the proposal. However, further consideration of these matters including the location of seating and tables, hours of operation, numbers of patrons, reduction in on-street parking bays, floor area, and the submissions received during advertising will need to be further addressed following the submission of a separate Outdoor Eating Area Facility application. Referral of the separate application to the Foreshore Precinct Implementation Committee (FPIC) and its assessment under the Council's Liquor (Licensed Premises) Policy would be required.

CONCLUSION

The proposed alterations and additions to the Cottesloe Beach Hotel, including Cott & Co, satisfy the relevant objectives of the Scheme, will enhance the streetscape, have due regard to the heritage significance of the building with support of the Heritage Council, and will likely improve acoustic attenuation by providing better construction materials following replacement of the windows and doors identified on the plans.

The applicant's request for 'in-principle' support of the alfresco area has preliminary support by the Foreshore Precinct Implementation Committee (FPIC) and appears consistent with the Town's overall objectives for the foreshore. It has therefore been included in an advice note to the applicant in the Officer recommendation.

COUNCILLOR QUESTIONS**Submitted by Cr Boulter via email – 17 September 2018**

- Q1. Can the TOC charge fees for the use of TOC reserves for parking and storage during this construction?
- A1. The Town could potentially charge for the use of any parking bays. This would require the applicant making an application for a work zone permit.
- Q2. What will those fees be and how will they be calculated?
- A2. Cost:
Application fee of \$95
Parking bay - \$52 per bay/day
- Q3. Can condition five be amended to include at the end of the condition the following words “and safe passage for pedestrians around the development including universal passage”?, given the pedestrian access inhibitions that have occurred around the building site on the corner of NE corner of Eric St and Broome St. How can the tradesmen be prohibited from using general community parking spaces as has happened with detrimental impact at the Eric St Shopping Centre? NB: The parking issues have the potential to cause loss of trade to nearby businesses.
- A3. This is a standard condition that is used by the Town. The wording is not all encompassing and advises ‘amongst other things’, so that pedestrian traffic etc can be assessed on a case by case basis. Alternatively, Council could move an amendment to modify the condition for this proposal.
- Q4. What will be the permitted construction hours?
- A4. As per the requirements of the *Environmental Protection (Noise) Regulations* all construction works shall occur between 7am-7pm Monday to Saturday only (excluding public holidays).
- Q5. Will there be ANY removal of asbestos during the works?
- A5. If any asbestos is removed during the works, an application for asbestos removal shall be completed, the application must be submitted with;
-)] Asbestos Management Plan
 -)] Copy of asbestos removal licence
 -)] Details of proposed signage to be located on site
 -)] Copy of notification letter to surrounding properties

VOTING REQUIREMENT

Simple Majority.

OFFICER RECOMMENDATION

Moved Cr Harkins Seconded Cr Thomas

THAT Council GRANT planning approval for alterations and additions to the Cottesloe Beach Hotel on Lot 39 (No. 104) Marine Parade, Cottesloe, as shown on the plan received

26 June 2018, subject to the following conditions:

1. All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction sites.
2. The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.
3. All air-conditioning and other plant or equipment being designed, positioned and screened so as to be visually concealed and treated as may be necessary so as to ensure that sound levels emitted shall not exceed those specified in the Environment Protection (Noise) Regulations 1997.
4. The landowner shall be responsible for the costs of any changes to the public domain outside the site proposed by or due to the development. All such works shall be to the specification and satisfaction of the Town.
5. A comprehensive Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit, and shall address (amongst other things): maintaining access for residents; traffic management and safety for the streets and site; and worker parking in consultation with and approval by the Town.
6. Any damage to the original fabric of the building shall be made good to the satisfaction of the Town and Heritage Council.
7. A schedule of proposed materials, finishes and colours shall be submitted to the satisfaction of the Town and Heritage Council prior to issue of a Building Permit.
8. A detailed acoustic report that addresses all potential noise sources from the venue shall be submitted to the Town for approval following completion of the proposed works.

Advice Notes:

1. The owner/applicant is responsible for applying to the Town for a Building Permit and obtaining approval prior to undertaking the development.
2. That 'in-principle' support is granted for the proposed alfresco dining areas. However, details including amongst other things, the size, location, landscaping, protective screens, decking, removal of parking bays, Council's Liquor (Licensed Premises) Policy, and comments from nearby residents will all be subject to further assessment and Council approval following the submission of an Outdoor Eating Area Facility application.

COUNCILLOR AMENDMENT

Moved Cr Boulter

Seconded Cr Pyvis

1. Amend condition 5 to add the following words," and safe passage for pedestrians around the development including universally accessible passage, at the cost of the owner/applicant.

2. Amend Condition 8 as follows: to add the following words at the end of the condition “, and an acoustic attenuation report shall be submitted with the application for a building licence”.
3. Add condition 9: That the use of public parking bays requires payment to the TOC and that a parking permit is to be displayed by all workers relating to this redevelopment.
4. Add condition 10: The owner/applicant will notify the TOC administration of the discovery and required/planned removal of any asbestos, and cease work until the TOC administration is satisfied that the asbestos removal satisfies all applicable regulations, codes and policies; and until affected neighbours have been notified and a sign has been placed on the site advising of the presence of asbestos.
5. Add condition 11: At the owner/applicant’s cost, a sign will be placed on site prior to any demolition, according to Council policy.
6. Add condition 12: There is no increase in the floor area of the hotel/café/bar areas resulting from the re-development.
7. Add Advice Note : The owner/applicant is required to submit a Work Zone permit in relation to the use of public parking bays for construction workers and visitors to the site.
8. Add Advice Note: Council has a policy requiring notice of impending demolition.
9. Add Advice Note: The owner is also requested to consider the provision of onsite parking on the South side of the Beach Club, with access from John St prior to submission of the outdoor eating area facility application.

LOST 3/6

For: Crs Boulter, Pyvis and Tucak

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

SUBSTANTIVE MOTION

CARRIED 9/0

**10.1.2 PROPOSED LOCAL DEVELOPMENT PLAN : LOTS 24 (NO.126) LOT 25 (NO. 128)
RAILWAY STREET, COTTESLOE**

File Ref: SUB/2594
Applicant(s) Proponents: Swanbourne Village Trust
Attachments: 10.1.2(a) Summary of Submissions - Supportive Submissions [under separate cover]
10.1.2(b) Summary of Submissions - Objections [under separate cover]
10.1.2(c) Revised Local Development Plan [under separate cover]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Warren Anderson, Strategic Planner
Author Disclosure of Interest: Nil

Mayor Angers – declared an **IMPARTIALITY INTEREST** in this item by virtue “he knows the proponents of the development over the course of dealing with them in Council.”

Cr Young – declared an **IMPARTIALITY INTEREST** in this item by virtue “having been on the record previously as having been an objector to the rezoning.”

Cr Tucak – declared an **IMPARTIALITY INTEREST** in this item by virtue “he knows the proponents of the development over the course of dealing with them in Council.”

SUMMARY

Council is being asked to consider the report prepared by CLE Town Planning and Design Consultants on the submissions received following the advertising of the revised Local Development Plan for 126 & 128 Railway Street, Cottesloe.

BACKGROUND

The council considered a Local Development Plan with a development concept in 2016 which was developed by Ecotech Architects. The initial LDP was modified after advertising to include the following;

- 1) Units reduced from 13 to 9;
- 2) Vehicle use reduced from 22 to 15;
- 3) building reduced by one storey from the Railway Street frontage;
- 4) Minimised overshadowing and height impact to neighbours;
- 5) Chamfered roof to reduce south boundary wall height and shading;
- 6) No shading to western boundary;
- 7) Minor structures on neighbour boundaries removed;
- 8) Driveway concept reined to support pedestrian and driver awareness; and
- 9) Transition with surrounding building heights improved.

On 27 February 2018, council considered the modified LDP and a development concept, and resolved that a detailed review be undertaken by an independent consultant to:

- (a) PROVIDE a detailed review and strategic planning assessment of the modified Local Development Plan;
- (b) SUBMIT and present their comments and recommendations on the amended Local Development Plan to the Town's Design Advisory Panel for their consideration and comment;
- (c) RE-ADVERTISE the Local Development Plan to the community. and in particular to all Town of Cottesloe residents and ratepayers who made a submission on the first draft of the Local Development Plan submitted by the applicant; and
- (d) SUBMIT a detailed report to Council addressing the consultant's recommendations and responding specifically and technically to the submissions received from the consultation contained in points 2 and 3 of this recommendation.

In April 2018 CLE Town Planning and Design consultants were commissioned by the council to undertake an independent review of the modified Local Development Plan (LDP) for Lots 24 and 25 Railway Street, Cottesloe.

CLE made a presentation to the Design Advisory Panel on 29 May 2018. Subsequent amendments included conditions for undercroft parking structures, setbacks for commercial development, and building setbacks in accordance with the Residential Design Codes.

The revised LDP was advertised for a period of 14 days, from 23 July 2018 to 10 August 2018. During the advertising period, 19 objections and 121 support submissions were received. These submissions comprise both individual letters and petitions.

Two objectors were granted an additional 14 day extension of time due to an address issue with the mail out, and subsequently lodged their objections on 24 August 2018.

STRATEGIC IMPLICATIONS

Relates to Local Planning Scheme No.3, Amendment 5.

POLICY IMPLICATIONS

Council's Purchasing Policy will apply.

STATUTORY ENVIRONMENT

-)] *Local Planning Scheme No 3;*
-)] *Planning and Development (Local Planning Scheme) Regulations 2015;*
-)] *Perth and Peel @ 3.5 Million Metropolitan Strategy.*

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation

STAFFING IMPLICATIONS

There will be some implication to staff to liaise with CLE consultants in respect to potential modifications to the LDP as a consequence of public submissions or Council assessment.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

The Local Development Plan adopted 29 May 2018 was advertised for 14 days from 23 July 2018 to 10 August 2018. During the advertising period, one objection was received four days after the closing date for lodgement.

The results of this consultation are discussed in detail below.

OFFICER COMMENT

The CLE report provides the following information regarding public submissions and implications for the proposed Local Development Plan. The list of submitters is tabulated in two sections for Objections and Support.

SUMMARY OF SUBMISSIONS – SUPPORTIVE SUBMISSIONS (ATTACHMENT 1)

A total of 121 submissions were received in support of the advertised LDP.

41 submissions were received from landowners within the suburb of Cottesloe.

80 submissions were received from suburbs outside the suburb of Cottesloe or were provided with no property address.

A total of 4 petitions/pro-forma responses were received as follows:

- ⌋ Petition/pro-forma 1 - 5 submissions;
- ⌋ Petition/pro-forma 2 - 17 submissions;
- ⌋ Petition/pro-forma 3 - 10 submissions; and
- ⌋ Petition/pro-forma 4 - 10 submissions.

Key findings of supportive submissions are listed below, with a detailed summary of each submission included as Attachment 1:

- ⌋ Provides for dwelling diversity and alternative living options for downsizers;
- ⌋ Increases population density;
- ⌋ Supports transit oriented development principles;
- ⌋ Supports local businesses;
- ⌋ Proposes appropriate built form and development controls;
- ⌋ Will improve the amenity of the area; and
- ⌋ Is aligned with state strategic planning policy.

RESPONSE TO SUMMARY OF SUBMISSIONS – OBJECTIONS (ATTACHMENT 2)

A total of 19 submissions were received which objected to part or all of the LDP.

18 submissions were received from landowners within the suburb of Cottesloe.

1 submission was received from landowners outside the suburb of Cottesloe.

The following section provides a consolidated response to the key comments:

Content of LDP

The role of the LDP is not to embody all relevant development standards, but to specify where a variation to the R-Codes is permitted. All relevant local planning frameworks must be considered in the assessment of a planning application for the subject site. The LDP must be read in conjunction with the Town's Local Planning Scheme and the R-Codes, both of which will continue to apply.

The LDP has been prepared in accordance with the *'Planning and Development (Local Planning Schemes) Regulations 2015'* and the WAPC's *'Framework for Local Development Plans'*. The LDP contains an appropriate level of detail based on the requirements of these documents.

Impact of Basement Car Parking Structure with Nil Setback to Railway Street

Any car parking structure developed in accordance with the provisions of the LDP will have a similar visual impact as an R-Code compliant boundary fence constructed to 1.2m above natural ground level. Street fences such as this are currently characteristic of Railway Street west of the subject site. Where car parking is capable of being considered adjacent to the boundary, development of an active and open nature (terraces etc) are able to be located above the structure to ensure an appropriate level of interaction with Railway Street.

Plot Ratio, Site Coverage, Visual Privacy and Lot Boundary Setbacks

Plot ratio, open space, visual privacy and lot boundary setback provisions are enforceable for the site under the requirements of the R-Codes. The LDP does not remove or replace R60 R-Code requirements which are summarised below:

-)] Plot ratio of 0.7 (multiple dwellings/ commercial development only); and
-)] 40% Open Space

For visual privacy and lot boundary setbacks, requirements shall be determined based on the lower R20 density coding of adjoining lots, as per the R-Codes. For visual privacy, a setback of 4.5m for bedrooms and studies, 6m for rooms other than bedrooms and studies, and 7.5m for outdoor active habitable spaces shall apply. For side setbacks and boundary walls, this shall be determined based on wall length, wall height, major openings and the R20 requirements of the R-Codes for boundary walls.

The above-mentioned deemed-to-comply R-Code provisions will provide an acceptable development outcome for all possible forms of development and land uses.

Street Setbacks

The LDP permits a nil setback for a portion of the Congdon Street frontage, and part of Railway Street frontage for the possible construction of a commercial use on the corner and a potential portion of a basement car park fronting Railway Street. The remainder (majority) of building setbacks to a street boundary shall be between 2m and 4m which will assist in the transition between the corner landmark feature and the general residential precinct either side of the subject site.

Zero setbacks to the primary and secondary street boundaries have deliberately been permitted by the LDP in response to local context, the landmark nature of the site, possible land uses, and the unique position of the site relative to neighbouring properties. A nil setback (in accordance with the LDP) is an appropriate built form response.

Impact to Opposing Properties

The subject site is sufficiently separated from dwellings across Railway Street or Congdon Street. A Railway Reserve is located on the northern side of Railway Street, effectively rendering Railway Street as a single sided street. Congdon Street is an increased width boulevard of approximately 42m and is therefore unlikely that the nil street setbacks for a minor portion of the street frontage will impact opposing neighbours.

It is also noted that presently the opposing side of Congdon Street is developed for commercial purposes with nil setbacks. The provisions of the LDP will result in a development that is generally consistent with the eastern side of Congdon and is therefore not anticipated to have any additional impact.

Impact to Adjoining Properties

The landmark nature of the site suggests that zero setbacks are generally appropriate along the Railway Street frontage and Congdon Street frontage, particularly towards the intersection of these two streets. The LDP also permits 20% additional building frontage with a nil setback, with no prescribed location. This maintains an appropriate level of flexibility for built form outcomes, subject to land use and development intensity.

The street setbacks are capable of including minor areas of nil setbacks, however the majority of the frontages will be setback at 2m - 4m which will provide an appropriate graduation of setbacks between the subject site and adjoining properties. Additional separation will be provided from adjoining properties as side boundary setbacks must be provided in accordance with the Deemed-to-comply requirements of the R-Codes at the lower density code of R20.

Vehicle Access Points

The LDP covers lots 24 and 25 which are currently separate and both require street access. If the lots are developed separately, each will be entitled to an access point to the local road network and as such, a minimum of 1 access points will be permitted. The LDP reflects the possible location of a crossover to Railway Street, which has been located for maximum separation from the corner of Railway Street and Congdon Street. The LDP does not increase the number of crossovers currently permitted to the local road network and will not burden the traffic environment surrounding the site.

Vehicle access, circulation, and safety will be investigated further as part of a development application for the site.

Nil setback to street frontage on a corner to ground level commercial use proportionate to the length is consistent with mixed use design in the metropolitan area. The use of a LDP with a level of variation to development standards is linked to the objectives of consolidating density in proximity to transit nodes, efficient use of land, providing lifestyle choice, incorporation of sustainable design principles, and walkable distance to the Swanbourne Village in this location.

TCLE consultant's response to the Residential Design Code provisions in this LDP reflects previous consideration by the council and Design Advisory Panel, and deemed to comply limitations. However, in establishing specific development standards and exemptions, consideration of the gradient, effective access and egress, and ensuring appropriate integration of the proposed development within its context is essential. A review of the current LDP provisions highlighted a number of design issues which are deemed to require further clarification and refinement, and will be presented to the Council meeting on 25 September 2018.

COUNCILLOR QUESTIONS

Questions provided by Cr Boulter – Emailed 17 September 2018

- Q1. Who was the employee /contractor at the Town of Cottesloe who wrote the officer report to Council?
- A1. Warren Andersen.
- Q2. Did the person who wrote the report do a site inspection?
- A2. Yes.
- Q3. Note page 25, lines 5-7 of the report: How is the number of crossovers relevant to the traffic generated from this development?
- A3. An engineering assessment at the development application stage will determine whether 2 entries will be necessary.
- Q4. What are the setbacks on Railway St at the commercial centre to the east of the subject land?
- A4. The local centre to the east is nil setback between Congdon Street and Windsor Street, along Railway Street (Claremont Crescent shops are also nil setback with fixed canopies over the footpath).
- Q5. Is it the case that an R60 zoning requires 2 metre setbacks? If not, why not? If yes, to which boundaries do these 2 metre setback apply in an R60 zoning on the subject sites?
- A5. An R60 zoning has a minimum 2 metre setback from primary street, and a 1 metre from a secondary street. In this case, the LDP states a minimum 2 metres and maximum of 4m from both street frontages which is a variation. Side and rear boundaries will be in accordance with the r-codes.
- Q6. Where is it anticipated that all the rubbish bins would be lined up for rubbish collection on this LDP plan and if it is on Railway St, how will this impact traffic flows?
- A6. Location for rubbish bins on the verge, and internal bin storage area, will be determined as part of a development application with advice from the council health section.
- Q7. What are the specific words of the scheme amendment that provided for the redevelopment of this site and that relate to the LDP?

A7. Amendment 5 to LSP3 dated 20/9/2017 signed by the Minister for Planning refers to the rezoning from R20 to R60, and Special Provisions for Schedule 12 relating to 'land use', and 'development in accordance with a Local Development Scheme'.

Q8. What are the Cottesloe Local Planning Strategy guidelines for this site and for infill generally in Cottesloe? What are the Community Strategic Plan priorities for this site and for infill generally in Cottesloe?

A8.

1. The Local Planning Strategy (2008) – States a number of increases in density in selected residential locations (Page 15) notably in the medium density range. The proximity to an existing local centre is supporting this use.
2. Community Strategic Plan 2013 -2023 states sustainable infrastructure, and sustainable development principles as a general priority (Page 6). The draft design reflects this by choice of location adjoining a transit node, and green principles for water conservation (roof garden).
3. Cottesloe Inquiry by Design Report (March 2009) – Objectives in the executive summary relate to height limits, density in selected locations, development of railway reserve land, and mixed use near and within commercial nodes.

Q9. Will the LDP be binding on the TOC/JDAP when the development application is considered?

A9. The LDP is a development guide for both the council and JDAP but is only a document of due regard.

Q10. Will the R Codes be binding on the TOC/JDAP when the development application is considered? What does LPS3 say about the R Codes being binding in relation to this LDP and any development undertaken pursuant to it?

A10. The Residential Design Codes will determine the design outcome of a development application, and are referred to in the Amendment 5 document.

Q11. What is the "budgetary allocation" in the TOC budget reported under Financial Implications header in the officer report for this LDP, and how much is it?

A11. Advice in the budgetary section is that further work 'may' be necessary dependent on the decision of the council on this matter (ie: whether documents are required to be changed again or further research, and who is responsible for this to happen).

Q12. How does the TOC Purchasing Policy apply as reported in the officer report? And to which purchases?

A12. The appointment of the consultant was done in accordance with the purchasing policy. As no further purchases are expected there are no further implications.

Q13. How much was the total cost of the CLE TPD consultants' engagement in this project to date and what are the itemised costs? What further engagement of CLE TPD is required or anticipated for this project? What quotes were obtained prior to engaging CLE TPD?

A13. CLE have advised the report and submission list concludes the current budget (Cannot comment on itemized costs or engagement).

Q14. Will the TOC Design Advisory Panel committee meeting minutes relating to this report be attached to the Council agenda consistent with TOC DAP policy?

A14. These minutes have been previously provided.

Questions provided by Cr Boulter – Emailed 18 September 2018 (

Q1. Does the amended LDP (which I still do not have a copy of), include a maximum plot ratio of 1,033m² (being the 70% permissible under an R60 code) and a minimum 664m² of Open Space (being the 45% required under the R60 code). If not, why not? If not, should the LDP be further amended to include this? If not, why not?

A1. Plot ratios and open space will be in accordance with the R-codes.

Q2. Does the amended LDP (which I still do not have a copy of), require formal consultation with all neighbours, before approval is permissible about any proposed modifications external to the site (road reserves, power lines etc), to require consultation with all neighbours? If not, why not? If not, should the LDP be further amended to include such a requirement in line with Council Consultation policy and the Community Strategic Plan priorities about open, transparent and community engaged decision making? If not, why not?

A2. No. The consultation for such works is contained within the Community Consultation Policy.

Submitted by Cr Sadler via email – 18 September 2018

Q1. The LDP has nil setback at the Congdon/Railway Corner to activate the site. Does this create an opportunity to require greater setbacks for neighbours to the South and West in the LDP, while maintaining the plot ratio allowable in the R-codes?

A1. The LDP only applies to 126 and 128 Railway Street, and does not affect the development on neighbouring properties.

FURTHER COMMENT

An updated LDP has been provided, incorporating the proposed modifications. As such, the recommendation has been amended to now recommend approval.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Young

Seconded Mayor Angers

THAT Council:

- 1. Consider recommendations by CLE Town Planning and Design Consultant Report concerning public submissions and Local Development Plan; and**
- 2. Approve the Local Development Plan as shown in the attachment.**

COUNCILLOR AMENDMENT**Moved Cr Boulter****Seconded Cr Pyvis**

1. That Council amend the officer recommendation in respect of the amended LDP as follows:
 - a. The entire building footprint is set back from Railway Street by at least 2 metres as required for R 60 zone setbacks.
 - b. Under 3. Other Setbacks add the following words *"No variations shall be permitted"*.
 - c. Under 7. Outdoor Living Areas add 11(b) Covered structures within the outdoor living areas are prohibited within the front setbacks. It is preferable and where possible, provision is made for tree planting in the OLAs.
 - d. Under 11. Vehicle Access and Parking add a new 11 (e) that requires the LDP to be considered as if the two lots are amalgamated for the purpose of assessing the safest and necessary access/egress to the site, parking and bin storage requirements.
 - e. Add to 11. Vehicle Access and Parking 11(c) as follows: *'All carparking requirements will be met on site and cash – in – lieu arrangements are prohibited.*
 - f. Amend the words of 12. Road Reserve Infrastructure to change the word *"may"* to *"shall"*.
 - g. Amend all reference to balconies to ensure that they cannot be covered up.

Lost 2/7**For: Crs Boulter and Pyvis****Against: Mayor Angers, Crs Rodda, Tucak, Sadler, Young, Harkins and Thomas****COUNCILLOR AMENDMENT****Moved Cr Boulter****Seconded Cr Pyvis**

That any Responsible Authority Report (RAR) prepared by TOC administration responding to a DA to JDAP in respect of 126 and/or 128 Railway Street will be brought to Council in a timely way, so as to ensure Council has an opportunity to make its own submission to JDAP.

Carried 8/1**For: Mayor Angers, Crs Tucak, Sadler, Young, Harkins, Boulter, Pyvis and Thomas****Against: Cr Rodda****SUBSTANTIVE MOTION****Moved Cr Young****Seconded Mayor Angers****THAT Council:**

1. **Consider recommendations by CLE Town Planning and Design Consultant Report concerning public submissions and Local Development Plan; and**

2. Approve the Local Development Plan as shown in the attachment.
3. That any Responsible Authority Report (RAR) prepared by TOC administration responding to a DA to JDAP in respect of 126 and/or 128 Railway Street will be brought to Council in a timely way, so as to ensure Council has an opportunity to make its own submission to JDAP.

Carried 8/1

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

Against: Cr Boulter

10.1.3 LOT 31 DEANE STREET - PUBLIC ACCESS EASEMENT

File Ref: SUB/2594
Attachments: 10.1.3(a) Blank Instrument Form **[CONFIDENTIAL]**
[UNDER SEPARATE COVER]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Ed Drewett, Coordinator Statutory Planning
Author Disclosure of Interest: Nil

Cr Pyvis – declared an **IMPARTIALITY INTEREST** in this item by virtue “she knows the owners.”

Cr Boulter – declared an **IMPARTIALITY INTEREST** in this item by virtue “she knows the owners.”

SUMMARY

The purpose of this report is to obtain Council’s authorisation to apply the Town’s Common Seal to a Public Access Easement Deed dated 29 August 2018 which is necessary to fulfil Condition 7 of the Western Australian Planning Commission’s (WAPC) subdivision approval dated 21 March 2107 (ref: 154416), which requires:

Easement(s) in accordance with Sections 195 and 196 of the Land Administration Act 1997 for the benefit of local government are to be placed on the certificate(s) of title of the proposed Lot B specifying access rights. Notice of this easement(s) is to be included on the diagram or plan of survey (deposited plan). The easement(s) are to provide access rights for the public over the portion of Lot B between the right of way and Deane Street.

BACKGROUND

The *Local Government Act 1995* requires a Common Seal to be approved by a council or its delegate. As Council has not delegated that authority, each time the Common Seal is required, it necessitates obtaining a Council resolution.

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Planning and Development Act 2005

FINANCIAL IMPLICATIONS

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

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

No consultation required.

OFFICER COMMENT

The attached Public Access Easement Deed is between the landowner(s) and the Town and is a requirement of a WAPC planning condition relating to an approved Green Title subdivision at the rear of 82 Marine Parade, Cottesloe. It specifically provides a right of access for the public over the existing portion of privately-owned right-of way (known as ROW 59B). This requirement shall be met by the landowner and by a specific formal notification being placed on Deposited Plan 412013.

The Town's solicitor's have reviewed the Public Access Easement Deed and have advised that it is in the correct form and consistent with the WAPC approval for the Town to execute.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Angers Seconded Cr Rodda

THAT Council RESOLVE to authorise the Chief Executive Officer to apply the Town's Common Seal, and with the Mayor to sign the Public Access Easement Deed dated 29 August 2018 to satisfy Condition 7 of the Western Australian Planning Commission's subdivision approval dated 21 March 2017 (ref: 154416).

Carried 9/0

10.1.4 PLANNING APPLICATIONS DETERMINED UNDER DELEGATION

File Ref: SUB/2594
Applicant(s) Proponents: Nil
Attachments: Nil
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Ed Drewett, Coordinator Statutory Planning
Author Disclosure of Interest: Nil

SUMMARY

This report provides details of the planning applications determined by officers acting under delegation, for the month of August 2018.

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

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

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

STAFFING IMPLICATIONS

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

CONSULTATION

Nil.

OFFICER COMMENT

During August 2018 the following planning applications were determined under delegation:

| Address | Description | Delegation Notice | Date Determined |
|-------------------|--------------------------------------|-------------------|-----------------|
| 16 Gibney Street | Two, two-storey dwellings | 20 July 218 | 6 August 2018 |
| 30 Marine Parade | Home business (beauty therapy) | 20 July 2018 | 7 August 2018 |
| 5/40 Ozone Parade | Home occupation (clinical pilates) | 20 July 2018 | 7 August 2018 |
| 7 Albion Street | Subdivision | 30 July 2018 | 8 August 2018 |
| 47 John Street | Realignment of a rear retaining wall | 30 July 2018 | 8 August 2018 |
| 48 Forrest Street | Amalgamation | 22 June 2018 | 15 August 2018 |
| 8 Grant Street | First-floor addition | 6 August 2018 | 17 August 2018 |
| 17 Warton Street | Amalgamation | 22 June 2018 | 20 August 2018 |

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATON AND COUNCIL RESOLUTION

Moved Mayor Angers Seconded Cr Rodda

THAT Council receive this report on the planning applications determined under delegation for the month of August 2018.

Carried 9/0

ADMINISTRATION**10.1.5 APPROVAL TO COMPLETE EXECUTIVE CERTIFICATE IN EVENT MANAGEMENT (BUSINESS AND PUBLIC EVENTS) – EVENTS OFFICER**

File Ref: SUB/2594
Attachments: Nil
Responsible Officer: Garry Bird, Deputy Chief Executive Officer
Author: Gabrielle Hall, Events Officer
Author Disclosure of Interest: The Author discloses a financial interest in this item as if approved, some costs will be paid by the Town.

SUMMARY

The report recommends Council endorsement for the Town's Events officer to complete an Executive Certificate in Event Management (Business and Public Events) with Event Training Australia in Melbourne.

BACKGROUND

The Events Officer key responsibilities are, but not limited to the following;

-  Manage external events and bookings
-  Ensure event compliance
-  Coordinator the Town of Cottesloe community event program
-  Liaison for the contracted event company
-  Facilitate Citizenship ceremonies

The Events Officer wishes to participate in this course as it is a career development opportunity for government event planners, it aims to enhance the skills and knowledge base of those who are already employed to plan and deliver events.

The course endeavours to cover the following key areas which will be beneficial to the Town's event portfolio;

-  Planning and delivering environmentally sustainable events
-  Risk management
-  Evaluation and knowledge management
-  Establishing event goals and objectives
-  Undertaking event context – legal, technological, social and environmental

Courses at this level are not available in Western Australia. Event Training Australia run the four-day Executive Certificate in Event Management (Business and Public Events) annually through various locations globally.

Event Training Australia has its origins in the recently closed Australian Event Award winning Australian Centre for Event Management (ACEM), University of Technology, Sydney.

STRATEGIC IMPLICATIONS

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

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

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

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

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

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

POLICY IMPLICATIONS

The Town's Conference, Seminars and Training Policy requires interstate travel to be approved by Council.

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

The estimated cost for the certificate and flights is approximately \$2,500. There are funds available in the training budget to cover these costs.

The Officer has offered to cover accommodation cost while attending the course.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The Executive Certificate in Event Management addresses delivering environmentally sustainable events.

CONSULTATION

Chief Executive Officer

Deputy Chief Executive Officer

OFFICER COMMENT

The Events Officer is committed to growing their skill set to ensure they're maintaining expert industry knowledge. Innovative event management principles will benefit the Town's events portfolio and aid in achieving greater event objectives for the community. Exposure to additional event management practices may aid in the execution of the Town's new event conditions.

COUNCILLOR QUESTIONS

Submitted by Cr Pyvis via email – 18 September 2018

Q1. When did the EVENTS OFFICER commence employment at TOC?

A1. 7 May 2018.

Q2. Is the EVENTS OFFICER position full time or part time, and if part time how many hours per week?

A2. Full time.

Q3. Is this EVENTS OFFICER employed under a permanent or fixed term contract, if so which and if fixed term, for what period?

A3. Permanent.

Q4. What are the specific requirements of Council's Conferences, Seminars and Training Policy for employee training courses?

A4. Please refer to the Town's Policy.

Q5. In the last 3 years (each year itemised), for how many events did TOC

(a) receive applications

(b) grant approvals

(c) require a report to Council

A5a.

2018 – 34 applications received (as at 19 September 2018)

2017 – 54 applications received

2016 – 56 applications received

A5b.

2018 – 30 events approved (as at 19 September 2018)

2017 – 34 events approved

2016 – 29 events approved

A5c.

2018 – 10 reports presented to Council (as at August Council Meeting)

2017 – 15 reports presented to Council

2016 – 16 reports presented to Council

Q6. What was the total income to TOC generated by events in the last 3 years (each year itemised)?

A5. Event income is not itemised as it is receipted to general venue hire and lease income.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Angers Seconded Cr Rodda

THAT Council APPROVE that the Events Officer completes an Executive Certificate in Event Management (Business and Public Events) with Event Training Australia in Melbourne, including airfares at a total cost of approximately \$2,500.

Carried 9/0

10.1.6 ALCOHOL THINK AGAIN BEACH VOLLEYBALL TOUR - ROUND 3

File Ref: SUB/2594
Attachments: 10.1.6(a) Event Application
10.1.6(b) Site Map
Responsible Officer: Garry Bird, Deputy Chief Executive Officer
Author: Gabrielle Hall, Events Officer
Author Disclosure of Interest: Nil

SUMMARY

Volleyball Western Australia is seeking approval to host the Alcohol, Think Again Beach Volleyball Tour – Round 3 at Cottesloe Beach on Saturday, 1 December 2018 and Sunday, 2 December 2018 from 4.00am to 6.00pm.

BACKGROUND

The “Alcohol, Think Again Beach Volleyball Tour” is Western Australia’s Premier Beach Volleyball competition. The Beach Tour events season runs from November to April each year at various beach venues. The event has been held at Cottesloe in for the past four years, this year organisers have again chosen Cottesloe Beach as a venue for their Round 3 event.

Participants include beginners, juniors and elite players, competing in a single set, double elimination format, with two divisions for each gender. Organisers are expecting approximately 200 competitors over the two day event. Members of the local community are encouraged to participate in the event, either as a competitor or spectator.

STRATEGIC IMPLICATIONS

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

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

Major Strategy 1.4: Continue to improve community engagement.

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

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

Major Strategy 1.4: Continue to improve community engagement.

POLICY IMPLICATIONS**Beach Policy**

This event appears to be in compliance with the Town of Cottesloe’s Beach Policy.

Event/Facility Classification Policy

Under the current Policy, the event meets the assessment criteria of a community event as outlined in the policy, as ‘*the event organisers are not seeking to make a profit*’ and ‘*spectating at the event is free*’.

STATUTORY ENVIRONMENT

Local Government Act 1995

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

FINANCIAL IMPLICATIONS

Organisers would be charged fees in accordance with the Event and Facility Classification Policy and Schedule of Fees and Charges, organisers would be charged \$750 per day for hire and a \$300 bond.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

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

CONSULTATION

-)) Volleyball Western Australia
-)) Cottesloe Surf Life Saving Club
-)) Town of Cottesloe

OFFICER COMMENT

The competition beach set up will include four beach volleyball courts to the south of Indiana's. A draft site map of the event space is included with this report. The Town has also received a Risk Management Plan from the organisers.

Brief announcements will be made on a Public Address system at intervals during both event days, and background music will be played to provide some additional atmosphere for spectators.

Organisers are currently investigating options for a significant sponsor for this year's event, which will most likely to be sourced from Perth's radio stations. Space for sponsorship activation has also been demonstrated on the site plan.

Last year's event held on 9 December and 10 December 2017 was successful, and no major issues were brought to the attention of the Council.

COUNCILLOR QUESTIONS**Questions provided by Cr Boulter – Emailed 17 September 2018**

- Q1. Why was the event application form accepted without being fully completed?
- A1. The event application form is complete, the public version is redacted.

- Q2. What and who are the contact details for this event? These are critically important details, especially name and phone contacts.
- A2. A copy of the full application form can be provided to Elected Members upon request.
- Q3. What is the player entry fee for this event?
- A3. The registration fee is for the series, not individual events.
- Q4. Does the event owner have charitable status under federal govt legislation?
- A4. No.
- Q5. It is stated on the form that the event owner is a not for profit, incorporated organisation? If so, what is the full name of that organisation? Did the applicant provide evidence of that status?
- A5. A certificate of incorporation has been provided. Their name is Volleyball WA.
- Q6. Have there been any complaints about this event in the past? If so, what were they?
- A6. No.
- Q7. Will there be any third party advertising at the event and can the event be conditioned to prohibit this?
- A7. It is proposed that there will be third party signage but Council can prohibit if they wish too.
- Q8. Why have the words of Council's adopted condition on the ban of single use plastics been amended to add the words "without limit" and what do these added words mean? Can they be deleted?
- A8. The Council resolution of 24 July included the words "without limit."
- Q9. Why has condition 14 been included as a condition when the words of condition 13 clearly bans all single use plastics?
- A9. Condition 14 will be deleted.
- Q10. Can condition 18 be amended to include the express condition that universal access to the groyne must be maintained throughout the event?
- A10. Yes.
- Q11. Can conditions 7 and 8 state in the condition what the relevant applicable parts of the stated policies are or can the policies be attached to the approval and noted as same in an advice note. Otherwise how will the recipient of the approval know what the conditions actually say and mean?
- A11. The Events Officer and Manager Compliance and Regulatory Services will liaise with the Applicant if the event is approved to ensure the relevant legislation and policies are adhered to.
- Q12. The relevant priorities from the Community Strategic Plan and Corporate Business Plan that apply to this event also include litter reduction and public transport for moving people to and from the beach area. Can these priorities be included in the office report and specifically addressed?
- A12. No.

Q13. Which of the 5 criteria under the Events Classification Policy does the event satisfy (Community Events For events to be classed in this category they must be managed by a not for profit, incorporated organisation and satisfy at least two of the following: a. The primary purpose of the event is to provide an opportunity for Cottesloe residents to attend/participate in the event. b. The event does not seek to promote a product, service or company (sponsorship excepted). c. Spectating at the event is free. d. The event is supported or organised by a local community group. e. The event is to promote religious or political ideas).

A13. Community event:

Incorporated organisation

b. The event does not seek to promote a product, service or company (sponsorship excepted).

c. Spectating at the event is free

Q14. Will the prototype beach shades be in place when this event is due to take place and will they be in the way of any of the plans for the event?

A14. Unlikely.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Rodda

Seconded Cr Harkins

THAT Council APPROVE the application to hold the Alcohol, Think Again Beach Volleyball Tour – Round 3 at Cottesloe Beach on Saturday, 1 December 2018 and Sunday, 2 December 2018 from 4.00am to 6.00pm, subject to the following conditions:

- 1. Class this event as a 'Community' event and charge the fee of \$1500, and a bond of \$300, to be paid prior to the event commencing.**
- 2. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event.**
- 3. Provision of a transport or parking plan and appropriate access/signage to and from the event, which is to be provided at least 30 days prior to the event for the approval of the Chief Executive Officer.**
- 4. Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required.**
- 5. All signage to be approved by the Chief Executive Officer one month prior to the event.**
- 6. The event complies with all noise management conditions imposed on the event by the Town of Cottesloe.**
- 7. Compliance with the Town's *Beaches and Beach Reserves Local Law 2012*.**
- 8. Compliance with relevant sections of the Town's *Beach Policy*.**
- 9. The event complies with all requirements of the:**

-) Health (Public Buildings) Regulations 1992*
 -) Food Act 2008*
 -) Town's Health Local Law 1997*
 -) Town's Liquor (Licensed Premises) Policy*
 -) Health (Miscellaneous Provisions) Act 1911*
 -) Environmental Protection (Noise) Regulations 1997*
10. No alcohol is to be served unless a valid licence or permit from the Department of Racing, Gaming and Liquor is provided to the Town prior to the event;
 11. Adequate arrangements for rubbish removal and collection, including the provision for recycling.
 12. The Applicant will (including by directing any parties under their control or supervision) use their best endeavours to minimise waste and litter production from the event.
 13. Single use plastics including without limit balloons, plastic bottles, plastic bags that have a thickness of 35 microns or less, plastic takeaway containers and lids, plastic lined coffee cups/lids, plastic straws, plastic lolly sticks, plastic cutlery and single plastic wrapped lollies will not be used by the Applicant (and any parties under their control or supervision) in setting up, during or in clearing up after the event.
 14. That the event is a non-smoking event.
 15. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event.
 16. That the Western Metropolitan Regional Council 'Earth Carers' Event Waste Minimisation Checklist is provided to the event organisers, who are to complete the checklist and return to Council after the event with the aim of reducing the amount of plastics used at the event.
 17. The provision of a Disability Access and Inclusion Plan.

ADVICE NOTE

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

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

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

COUNCILLOR AMENDMENT**Moved Cr Boulter****Seconded Cr Pyvis**

1. Amending Condition 3 by adding the words “, including signage on or around the Cottesloe Train Station relating to use of the train to and from the Event.”
2. Delete Condition 14 as indicated in the Agenda.
3. Amend Condition 16 by deleting “ are investigated for use” and replacing them with the words “will be used for this event, unless an exemption is granted by the Town of Cottesloe”.
4. Amend Condition 17 to delete the words “plastics used at the event” and replace with the words “rubbish and litter generated by the Event”.
5. Amend Condition 18 to add the words “ that will include universal access to the groyne being maintained throughout the Event.”
6. Adding new Condition 19 “That third party advertising is prohibited at the event without the express consent of the Town of Cottesloe for each advertisement”.
7. Add Advice Note: That the Town of Cottesloe Beach Prototype Shade Structure may be placed such as to require amendment of the approved plan submitted for the event.
8. Add Advice Note: Third Party advertising does not include specific competitor sponsorships.
9. Amend the standard TOC administration conditions to reflect the changes at numbers 1, 3 and 4 above as they relate to conditions 3, 16 and 17 above.

Lost 2/7**For: Crs Boulter and Pyvis****Against: Mayor Angers, Crs Rodda, Tucak, Sadler, Young, Harkins and Thomas****SUBSTANTIVE MOTION****CARRIED 9/0**

10.1.7 TAL SPOT CHECKER 2019

File Ref: SUB/2594
Attachments: 10.1.7(a) Event Application
10.1.7(b) Container Drawings
10.1.7(c) Evaluation Report
Responsible Officer: Garry Bird, Deputy Chief Executive Officer
Author: Gabrielle Hall, Events Officer
Author Disclosure of Interest: Nil

SUMMARY

On behalf of TAL Services Limited and the Royal Flying Doctors Service, Venue Advantage is seeking approval to host the TAL Spot Checker 2019 at Cottesloe Beach on Saturday, 12 January 2019 and Sunday, 13 January 2019 from 8.00am to 6.00pm.

BACKGROUND

TAL Spot Checker 2019 will offer free skin checks nationally to the public over the summer in 2019, the activation endeavours to create awareness and education around skin cancer.

The 2017 West Australian activation was held in City Beach where they undertook 248 skin checks and administered 50 referrals. The previous event received positive media coverage which can be found in the evaluation report.

The activation is a branded, self contained shipping container. Bump in of the container would be on Friday, 11 January 2019 and bump out on Sunday, 13 January 2019 between 6.00pm to 11.00pm. During bump in and out the container, which is depicted in the attached drawings, will be unloaded and loaded off the back of a truck. The event will not have any addition infrastructure besides a 3m by 3m tent.

STRATEGIC IMPLICATIONS

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

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

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

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

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

Major Strategy 1.4: Continue to improve community engagement.

POLICY IMPLICATIONS**Beach Policy**

This event appears to be in compliance with the Town of Cottesloe's Beach Policy.

Event/Facility Classification Policy

Under the current Policy, the event meets the assessment criteria of a commercial event as outlined in the policy, as '*they seek to promote a company or product*'.

STATUTORY ENVIRONMENT

Local Government Act 1995

Health (Public Building) Regulations 1992

Heath (Miscellaneous Provisions) Act 1911

Environmental Protection (Noise) Regulations 1997

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

FINANCIAL IMPLICATIONS

Fees will be charged for a 'Commercial Event' in accordance with the Schedule of Fees and Charges year ending 30 June 2019.

| | |
|---|---------------|
| Bond | \$400 |
| Hire (additional fees charged for bump in and bump out) | \$750 per day |

STAFFING IMPLICATIONS

If approved, the Manager Compliance and Regulatory Services will liaise with event organisers to review the relevant event plans and discuss the requirements of *Health (Public Building) Regulations 1992*.

Officers will be required to attend the event to ensure compliance with the officer's recommendation and relevant Acts.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

To allow adequate medical practices the applicant is to be considered for an exemption from the ban on single use plastics, as per the following advise note; *Exemptions may apply if the Applicant or the council requires the use of single use plastic items for medical reasons, where there is no reasonable alternative and the single use plastics are properly recycled or disposed of or stored safely and sustainably, or are removed from the Town of Cottesloe.*

CONSULTATION

Town of Cottesloe

melanomaWA

Venue Advantage on behalf of TAL Insurance and Royal Flying Doctors Service

OFFICER COMMENT

Event Organisers are open to alternative event location suggestions for their event. In order to achieve their event objective the activation is required to be situated on a thoroughfare with high pedestrian traffic. Similar activations in the Town are held on Cottesloe Beach, adjacent to Carpark Two on the grassed area, this is the recommended location.

As the event purpose is to provide a free skin cancer screening consultation together with information about the importance of early detection as a way of preventing skin cancer, which provides a valuable service to the community, as well as the low impact expected, the application is recommended for approval.

COUNCILLOR QUESTIONS**Questions provided by Cr Boulter – Emailed 17 September 2018**

- Q1. How is this event different from the Lions MelanomaWA event and how was that event classified?
- A1. Different organization, different objectives.
- Q2. Why was the event application form accepted without being fully completed? What and who are the contact details for this event? These are critically important details for the TOC especially name and phone contacts.
- A2. The event application form is complete, the public version is redacted.
- Q3. It is stated on the form that the event owner is a not for profit, incorporated organisation? If so, what is the full name of that organisation? Did the applicant provide evidence of that status?
- A3. Can be provided to Elected Members upon request.
- Q4. It is stated on the form that the event organisers are not fund raising but do not say anything about profit?
- A4. It's a free event and not anticipated that there will be any profit.
- Q5. Will there be any third party advertising at the event and can the event be conditioned to prohibit this?
- A5. It is proposed that there will be third party advertising, however Council can prohibit it if it so chooses.
- Q6. Are there any charges associated with this event?
- A6. Yes (breakdown provided in report).
- Q7. Does the event owner have charitable status under federal govt legislation?
- A7. No.
- Q8. Why have the words of Council's adopted condition on the ban of single use plastics been amended to add the words "without limit" and what do these added words mean? Can they be deleted?
- A8. The Council resolution of 24 July included the words "without limit."
- Q9. Given the approval will be issued with the condition banning plastics the advice note will not help if the event organisers wish to claim an exemption. Can condition 13 be amended to add the following words "subject to an exemption granted by the TOC for reasons associated with the medical testing where no reasonable alternative is available and subject to the TOC being satisfied as to the disposal of those plastics and the plastics being removed by the event organiser".
- A9. Yes.
- Q10. Why has condition 14 been included as a condition when the words of condition 13 clearly bans all single use plastics?
- A10. Condition 14 can be deleted.
-

Q11. Can condition 18 be amended to include the express condition that universal access to the groyne must be maintained throughout the event?

A11. Yes.

Q12. Can conditions 7 and 8 state in the condition what the relevant applicable parts of the stated policies are or can the policies be attached to the approval and noted as same in an advice note. Otherwise how will the recipient of the approval know what the conditions relating to these policies actually say and mean?

A12. The Events Officer and Manager Compliance and Regulatory Services will liaise with the Applicant if the event is approved to ensure the relevant legislation and policies are adhered to.

Q13. The relevant priorities from the Community Strategic Plan and Corporate Business Plan that apply to this event also include litter reduction and public transport for moving people to and from the beach area. Can these priorities be included in the office report under Strategic Implications and specifically addressed in the officer report?

A13. No.

Q14. Which of the 4 criteria under the Events Classification Policy does the event satisfy Commercial Events: a. They seek to promote a company or product. b. Admission is charged for people to be able to participate. c. The organisers of the event are retaining the profits for personal or corporate gain. d. It is a private event that is not open to the general public; and not 2 of the criteria (Community Events For events to be classed in this category they must be managed by a not for profit, incorporated organisation and satisfy at least two of the following: a. The primary purpose of the event is to provide an opportunity for Cottesloe residents to attend/participate in the event. b. The event does not seek to promote a product, service or company (sponsorship excepted). c. Spectating at the event is free. d. The event is supported or organised by a local community group. e. The event is to promote religious or political ideas).

A14. The event has been classified as a commercial event.

Submitted by Cr Pyvis via email – 18 September 2018

Q1. p41 under CONSULTATION, can Officers advise EMs what MelanomaWA's comments were during this consultation with TOC?

A1. melanomaWA are supportive of the event.

Q2. Does TAL Insurance, RFDS and Venue Advantage have charitable status under the Federal Government legislation?

A2. The Royal Flying Doctor Service has charitable status.

Q3. Re the Officer comment p40 "... the event meets the assessment criteria of a commercial event ..", what aspect of this event is "commercial"?

A3. The event organiser, TAL Insurance, is a commercial company.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION**Moved Cr Rodda****Seconded Cr Harkins**

That Council **APPROVE** the application to hold the TAL Spot Checker 2019 at Cottesloe Beach on Saturday, 12 January 2019 and Sunday, 13 January 2019 from 8.00am to 6.00pm, subject to the following conditions:

1. Class this event as a 'Commercial' event and charge the fee of \$1500, and a bond of \$400, to be paid prior to the event commencing.
2. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event.
3. Provision of a transport or parking plan and appropriate access/signage to and from the event, which is to be provided at least 30 days prior to the event for the approval of the Chief Executive Officer.
4. Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required.
5. All signage to be approved by the Chief Executive Officer one month prior to the event.
6. The event complies with all noise management conditions imposed on the event by the Town of Cottesloe.
7. Compliance with the Town's *Beaches and Beach Reserves Local Law 2012*.
8. Compliance with relevant sections of the Town's *Beach Policy*.
9. The event complies with all requirements of the:
 - ⌋ *Health (Public Buildings) Regulations 1992*
 - ⌋ *Food Act 2008*
 - ⌋ *Town's Health Local Law 1997*
 - ⌋ *Town's Liquor (Licensed Premises) Policy*
 - ⌋ *Health (Miscellaneous Provisions) Act 1911*
 - ⌋ *Environmental Protection (Noise) Regulations 1997*
10. No alcohol is to be served unless a valid licence or permit from the Department of Racing, Gaming and Liquor is provided to the Town prior to the event;
11. Adequate arrangements for rubbish removal and collection, including the provision for recycling.
12. The Applicant will (including by directing any parties under their control or supervision) use their best endeavours to minimise waste and litter production from the event.
13. Single use plastics including without limit balloons, plastic bottles, plastic bags that have a thickness of 35 microns or less, plastic takeaway containers and lids, plastic lined coffee cups/lids, plastic straws, plastic lolly sticks, plastic cutlery and single plastic wrapped lollies will not be used by the Applicant (and any parties under their

control or supervision) in setting up, during or in clearing up after the event.

14. That the event is a non-smoking event.
15. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event.
16. That the Western Metropolitan Regional Council 'Earth Carers' Event Waste Minimisation Checklist is provided to the event organisers, who are to complete the checklist and return to Council after the event with the aim of reducing the amount of plastics used at the event.
17. The provision of a Disability Access and Inclusion Plan.

ADVICE NOTE

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

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

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

COUNCILLOR AMENDMENT

Moved Cr Boulter Seconded Cr Pyvis

1. Amending Condition 3 by adding the words "*, including signage on or around the Cottesloe Train Station relating to use of the train to and from the Event.*"
 2. Amend Condition 4 to delete the words "*if required*".
 3. Amend Condition 13 to add the words "*, subject to a partial exemption being granted by the Town of Cottesloe for reasons associated only with medical screening/testing where no reasonable alternative is available and subject to the Town of Cottesloe being satisfied about the appropriate disposal of any exempted plastics and all exempted plastics being removed from the Town of Cottesloe by the event organiser*".
 4. Remove the second Advice Note relating to single use plastic exemption.
 5. Delete Condition 14 as indicated in the Agenda.
 6. Amend Condition 16 by deleting "*are investigated for use*" and replacing them with the words "*will be used for this event, unless an exemption is granted by the Town of Cottesloe*".
 7. Adding new Condition 19 "*Third party advertising is prohibited at the Event*".
-

Lost 2/7

For: Crs Boulter and Pyvis

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

SUBSTANTIVE MOTION

Carried 8/1

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

Against: Cr Boulter

10.1.8 CELEBRATION OF THE MOTORCAR 2018

File Ref: SUB/2594
Attachments: 10.1.8(a) Event Application [under separate cover]
10.1.8(b) Event Management Plan [under separate cover]
Responsible Officer: Garry Bird, Deputy Chief Executive Officer
Author: Gabrielle Hall, Events Officer
Author Disclosure of Interest: Nil

SUMMARY

Automotive Event Management is seeking approval to host the Celebration of the Motorcar at Cottesloe Civic Centre on Sunday, 25 November 2018 from 10.30am to 3.30pm.

BACKGROUND

The event invites members of the public to view an exhibition of Australia's classic, exotic and prestige cars in the grounds of the Cottesloe Civic Centre as part of a charity fundraising event. The specific locations of the public exhibition will be on the Main Lawn, Lower Lawn and Playground Two. The site map is currently in draft format and will be finalised prior to the event.

The primary aim of the event is to raise funds and profile for the organiser's chosen charity, Wheels for Hope. Wheels for Hope is a charity that supports Western Australian families with disabilities who do not have the benefit of mobility. These are families who do not have suitable transportation to access critical medical and remedial care, educational opportunities and community events. Wheels for Hope have a fleet of 60 wheelchair hoist vehicles which are loaned to eligible families as part of the programme.

General public event admittance fees for the motoring exhibition are as follows:

| | |
|----------|--------------------------------------|
| Adult | \$20 |
| Children | \$10 |
| Family | \$50 (2 adults and up to 4 children) |

STRATEGIC IMPLICATIONS

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

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

Major Strategy 1.4: Continue to improve community engagement.

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

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

Major Strategy 1.4: Continue to improve community engagement.

POLICY IMPLICATIONS

Event Classification Policy

Under the current Policy, the event meets the assessment criteria of a 'charitable' event as outlined in the policy, as *'The primary purpose of the event is to raise funds for a registered charitable purpose(s)'*.

Outdoor Concerts and Large Public Events Policy

The proposed event is in keeping with the Outdoor Concerts and Large Public Events Policy.

STATUTORY ENVIRONMENT

Local Government Act 1995

Health (Public Buildings) Regulations 1992

Food Act 2008

Town's Health Local Law 1997

Health (Miscellaneous Provisions) Act 1911

Environmental Protection (Noise) Regulations 1997

FINANCIAL IMPLICATIONS

These figures are broken down as follows, as stated in the Schedule of Fees and Charges year ending 30 June 2019 for a Commercial event with over 2000 to under 3000 attendees.

| | |
|--|-----------------|
| Bond | \$3,000 |
| Hire (additional fees charged for bump in and bump out) | \$10,000 |
| Food permits | \$60 per day |
| Bin hire | \$29.50 per bin |
| Environmental Health Officer monitoring | \$90 per hour |
| Noise monitoring | \$100 per hour |
| Application to Construct, Extend or Alter a Public Building | \$274 |
| <i>Temporary Health (Public Buildings) Regulations 1992 – Events</i> | \$554 |

The organisers are contributing 100 percent of the admission fees collected, after costs, to their chosen charity, Wheels for Hope. The Town will require Wheels for Hope's Deductible Gift Recipient status and, Australian Charities and Not-for-Profit Commissions Charity Register Summary.

A comprehensive financial summary from the previous years events, showing charitable donations made to Wheels for Hope has been requested from the organiser.

Based on this information, it is recommended that Council classify this event as a 'Charitable' event, which has no hire fees.

As per the Schedule of Fees and Charges the applicant is not required to pay a bond. Officers recommend that the applicant is to pay a 'Community' bond of \$1000.

STAFFING IMPLICATIONS

If approved, the Manager Compliance and Regulatory Services will liaise with event organisers to review the relevant event plans and discuss the requirements of the *Health (Public Building) Regulations 1992* and the *Food Act 2008*.

Officers will be required to attend the event to ensure compliance with the officer's recommendation and statutory obligations including noise management, traffic management, risk management and relevant Acts.

Officers will liaise with event organisers in regard to ensuring compliance with the new requirement to not use single use plastics.

Staff will meet with event organisers after the event to de-brief.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

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

CONSULTATION

Town of Cottesloe

Automotive Events Management

Wheels for Hope

Neighbouring properties

OFFICER COMMENT

On the Saturday, 24 November 2018, between 1.00pm and 5.00pm, some cars will be delivered in preparation for their display placement. Event organisers will be required to keep the noise associated with this to a minimum. A security guard will be in place overnight to guard the vehicles.

On the morning of the event, the remainder of the display cars will enter the Main Lawn, Lower Lawn and Playground Two from 8.30am. Event organisers will be required to keep the noise associated with this to a minimum. Cars will not be running during the event times which will assist in keeping noise levels to an acceptable level. Cars will come in the northern entry and leave from the gate close to the War Memorial Hall, keeping all traffic moving in one direction.

The cars will leave the Civic Centre from 3.30pm on Sunday, 25 November 2018. This should minimise noise impacts on nearby residents.

The event is open to the public between 10.30am and 3.30pm on Sunday, 25 November 2018. It is expected that there will be minimal use of a public announcement system during the event for awards presentations and a charity auction. An unamplified classical trio will play from 10.30am until 2.30pm with a half hour break from 1.00pm.

Rubbish bins are required for the event, which were supplied by the Council at last year's event in support of this charitable event. No additional toilets are expected to be required as

on site toilets have been sufficient in the past. The Manager Compliance and Regulatory Services will ensure that the event is compliant with the Guidelines on the Application of the *Health (Public Buildings) Regulations 1992, Food Act 2008* and the Town's *Health Local Law 1997*.

Event organisers have advised officers that event signage will be at a minimum and will consist primarily of directional signage. Event signage will also consist of one 'Celebration of the Motorcar' banner at the public entrance from Napier Street. The focus of the event being the cars themselves, advertising will be kept to an absolute minimum.

Event organisers have also advised officers that materials used to 'rope off' areas used to house display cars, will leave as little impact as possible on the lawn areas of the Main and Lower Lawn. The Town's Grounds Staff will be required to assist with marking out the grounds prior to the event, to minimise damage to lawn areas and reticulation systems.

COUNCILLOR QUESTIONS

Questions provided by Cr Boulter – Emailed 17 September 2018

In my opinion this application needs to be deferred or made subject to receipt of the omitted information within 7 days of the receipt of the event approval.

Q1. Why was the event application form accepted without being fully completed? What and who are the contact details? These are critically important details for the TOC especially name and phone contacts.

A1. The event application form is complete, the public version is redacted.

Q2. It is not stated on the form what the status of the event owner is. Is it a not for profit, incorporated organisation or what type? What is the full name of that organisation that is holding this event and applying for this event? Did the applicant provide evidence of that status?

A2. The information can be provided to Elected Members upon request.

Q3. It is not stated on the form what percentage of the profits/funds are will be passed onto Wheels of Hope? How much will be passed on?

A3. There is no percentage, profits will be passed on.

Q4. Does the event owner have charitable status under federal govt legislation or just the intended recipient of any profit generated?

A4. Yes, the intended recipient does.

Q5. How much did last year's event donate to charity?

A5. The information is being sought from the applicant.

Q6. What is the entry fee for the event?

A6. The information is being sought from the applicant.

Q7. The organisers do not specify how many bins will be required. Food and refreshments will be served. How many will be required and at what cost? If they are not required how will the litter and rubbish be disposed of?

- A7. The applicant will be required to submit a Special Events Bin form if the event is approved. The Health department will assist the Applicant for the number of bins required. Fees are charged in accordance with the Schedule of Fees and Charges:
- 240L recycling bin - \$12 per bin
 - Collection of 240L recycling bin - \$17.50 per bin
 - 240L general waste bin - \$12 per bin
 - Collection of 240L general waste bin - \$17.50 per bin
- Q8. Will there be any third party advertising at the event and can the event be conditioned to prohibit this?
- A8. It is proposed but Council can be prohibited if it so chooses.
- Q9. Why can't the event site map be formalised as part of the event application so that Council can view it?
- A9. Site map is finalised when the number of exhibits has been finalised. It can be provided once it is received.
- Q10. Why have the words of Council's adopted condition on the ban of single use plastics been amended at condition 12 to add the words "without limit" and what do these added words mean? Can they be deleted?
- A10. The Council resolution of 24 July included the words "without limit."
- Q11. Why has condition 14 been included as a condition when the words of condition 13 clearly bans all single use plastics?
- A11. It can be deleted.
- Q12. Can condition 18 and 19 be amended to include the words *within seven days of the grant of this approval of this application*?
- A12. No. That is not recommended.
- Q13. Can the following words be added to condition 18, *"including the amount(s) donated to any charity"*.
- A13. This should be covered by condition 19.
- Q14. Can conditions 7 and 8 state in the condition what the relevant applicable parts of the stated policies are or can the policies be attached to the approval and noted as same in an advice note. Otherwise how will the recipient of the approval know what the conditions relating to these policies actually say and mean?
- A14. The Events Officer and Manager Compliance and Regulatory Services will liaise with the Applicant if the event is approved to ensure the relevant legislation and policies are adhered to.
- Q15. The relevant priorities from the Community Strategic Plan and Corporate Business Plan that apply to this event also include litter reduction and public transport for moving people to and from the beach area. Can these priorities be included in the office report under Strategic Implications and specifically addressed in the officer report?
- A15. No.
- Q16. Noting the following from Council's Event Policy,
-

Note: Where a commercial or not for profit entity wishes to hold an event to raise funds for a registered charitable organisation, they must pay the relevant hire fee applicable. The applicant can then make separate application to Council after the event for those fees to be reimbursed on the basis of the charitable nature of the event on the following conditions:

- Detailed audited financial statement(s) for the event are submitted.*
- Receipt(s) are submitted with the financial statement showing distribution of the funds to the nominated charity or charities.*

Note, a not for profit organisation seeking to stage an event for which the organisation is formed is not considered a charitable event, it is considered a community event.

the failure to advise Council of the nature of the organisation is a critically important omission and needs to be rectified before Council considers the classification of the event.

A16. Condition 18 requires the applicant to provide evidence of their charitable status.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Rodda

Seconded Cr Harkins

That Council APPROVE the application to hold the Celebration of the Motorcar at Cottesloe Civic Centre on Sunday, 25 November 2018 from 10.30am to 3.30pm, subject to the following conditions:

1. Class this event as a 'Charitable' event and the hire charges be waived, and a bond of \$1000, to be paid prior to the event commencing.
2. Other than hire fees, all other applicable fees and charges are to be paid by the organiser.
3. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event.
4. Provision of a transport or parking plan and appropriate access/signage to and from the event, which is to be provided at least 30 days prior to the event for the approval of the Chief Executive Officer.
5. Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required.
6. All signage to be approved by the Chief Executive Officer one month prior to the event.
7. The event complies with all noise management conditions imposed on the event by the Town of Cottesloe.
8. The event complies with all requirements of the:

)| Health (Public Buildings) Regulations 1992

)| Food Act 2008

-)] *Town's Health Local Law 1997*
 -)] *Town's Liquor (Licensed Premises) Policy*
 -)] *Health (Miscellaneous Provisions) Act 1911*
 -)] *Environmental Protection (Noise) Regulations 1997*
9. 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;
 10. Adequate arrangements for rubbish removal and collection, including the provision for recycling.
 11. The Applicant will (including by directing any parties under their control or supervision) use their best endeavours to minimise waste and litter production from the event.
 12. Single use plastics including without limit balloons, plastic bottles, plastic bags that have a thickness of 35 microns or less, plastic takeaway containers and lids, plastic lined coffee cups/lids, plastic straws, plastic lolly sticks, plastic cutlery and single plastic wrapped lollies will not be used by the Applicant (and any parties under their control or supervision) in setting up, during or in clearing up after the event.
 13. That the event is a non-smoking event.
 14. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event.
 15. That the Western Metropolitan Regional Council 'Earth Carers' Event Waste Minimisation Checklist is provided to the event organisers, who are to complete the checklist and return to Council after the event with the aim of reducing the amount of plastics used at the event.
 16. The provision of a Disability Access and Inclusion Plan.
 17. Evidence of Wheels for Hope's Deductible Gift Recipient status and, Australian Charities and Not-for-Profit Commissions Charity Register Summary.
 18. Provision of a detailed financial report, summarising all income and expenditure from the 2017 event, being supplied to Council.
 19. No vehicle activity at the Civic Centre prior to 8.30am and after 6.00pm on Sunday, 25 November 2018.
 20. No vehicles to be parked at Harvey Field.

ADVICE NOTE

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

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

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

COUNCILLOR AMENDMENT

Moved Cr Young Seconded Cr Harkins

In point 18 amend '2017 event' to read '2017/18 events' and after 'supplied to Council' add the words 'by 31 March 2019'.

Carried 9/0

COUNCILLOR AMENDMENT

Moved Cr Boulter Seconded Cr Pyvis

1. Amending Condition 3 by adding the words "*, including signage on or around the Cottesloe Train Station relating to use of the train to and from the Event.*"
2. Amend Condition 5 to delete the words "*if required*".
3. Delete Condition 13 as indicated in the Agenda.
4. Amend Condition 15 by deleting "*are investigated for use*" and replacing them with the words "*will be used for this event, unless an exemption is granted by the Town of Cottesloe*".
5. Amend Condition 16 to delete the words "*plastics used at the event*" and replace with the words "*rubbish and litter generated by the Event*".
6. Condition 19 amended to add the words "*including the total and itemised amount/s donated to charity/charities, to which charity/charities and when the donation was made and what percentage of total and net revenue from the event is, to be submitted to the Town of Cottesloe within three months of the Event*".
7. Adding new Condition 20 "*That third party advertising is prohibited at the event without the express consent of the Town of Cottesloe for each advertisement*".

Lost 2/7

For: Crs Boulter and Pyvis

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

SUBSTANTIVE MOTION

Moved Cr Rodda Seconded Cr Harkins

That Council APPROVE the application to hold the Celebration of the Motorcar at Cottesloe Civic Centre on Sunday, 25 November 2018 from 10.30am to 3.30pm, subject to the following conditions:

1. Class this event as a 'Charitable' event and the hire charges be waived, and a bond of \$1000, to be paid prior to the event commencing.

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

16. The provision of a Disability Access and Inclusion Plan.
17. Evidence of Wheels for Hope's Deductible Gift Recipient status and, Australian Charities and Not-for-Profit Commissions Charity Register Summary.
18. Provision of a detailed financial report, summarising all income and expenditure from the 2017/18 events, being supplied to Council by 31 March 2019.
19. No vehicle activity at the Civic Centre prior to 8.30am and after 6.00pm on Sunday, 25 November 2018.
20. No vehicles to be parked at Harvey Field.

ADVICE NOTE

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

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

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

Carried 9/0

10.1.9 ELECTED MEMBER APPOINTMENT TO SHINE COMMUNITY SERVICES BOARD

File Ref: SUB/2594
Attachments: Nil
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Elizabeth Nicholls, Senior Administration Officer
Author Disclosure of Interest: Nil

Cr Thomas – declared an **IMPARTIALITY INTEREST** in this item by virtue “he is the Town’s delegate at SHINE.”

SUMMARY

To appoint a delegate and deputy delegate to the SHINE Community Care Services Inc. Board.

BACKGROUND

SHINE Community Care Inc. is an incorporated body which provides services to the frail, aged and elderly disabled mainly through funding provided by the Home and Community Care Program. The Constitution of TAPSS Community Care (trading as SHINE Community Services) specifies that a representative from each of the four Councils is to be appointed to the Board.

At the Ordinary Council Meeting held 31 October 2017 Council resolved:

That Cr Thomas appointed as delegate to SHINE Community Care Inc. for a period of two months only to SHINE Community Care Inc.

Despite the above Resolution, Cr Thomas has continued in this role however has recently announced his intention to step down once a new Council delegate is appointed.

The board of SHINE Community Services Inc. operates independently of the Combined Councils Committee and it would be best practice if the delegates below are not the same elected members as those who serve on the Combined Councils Committee.

The representatives on the Combined Council’s Committee are Cr Tucak with Cr Thomas as the deputy.

One delegate and deputy delegate is required.

This matter was considered at the August 2018 Meeting of Council where it was deferred as per the following Resolution:

That this item be deferred pending a report from the administration on the appropriateness or otherwise of a Councillor sitting on the Shine Board including consideration of potential conflicts of interest with a Councillor wearing two hats as a Shine Board Member and as a Councillor of Cottesloe.

As per this Resolution, comment on the “appropriateness or otherwise of a Councillor sitting on the Shine Board” is provided under the Statutory Environment section of this report.

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Part 3, Division 3, Section 3.60

3.60. No capacity to form or acquire control of body corporate

A local government cannot form or take part in forming, or acquire an interest giving it the control of, an incorporated company or any other body corporate except a regional local government unless it is permitted to do so by regulations.

Local Government (Functions and General) Regulations 1996

32. Local government permitted to form incorporated association (Act s. 3.60)

(1) A local government may form or take part in forming an association that is to be incorporated under the Associations Incorporation Act 1987 and may do things for the purpose of the incorporation of the association under that Act.

(2) A local government may form or take part in forming a body corporate constituted under section 32 of the Strata Titles Act 1985.

Based on Regulation 32 above, there would appear to be no impediment to the Town appointing an Elected Member to an independent Board. That said, it does give rise to the question as to what role the Elected Member is serving on the SHINE board, is it either:

1. As a SHINE Board Member, managing the affairs of the organisation, including ensuring the organisation is a going concern and abiding by all the requirements as legislated by the Associations Incorporations Act 2015, or
2. As a Town of Cottesloe Elected Member who provides funding to an organisation to deliver services to support elderly and disabled residents in the community who is bound by the Local Government Act 1995, accompanying regulations and the Town's Code of Conduct.

Clarification of this potential conflict has been requested from the Department of Local Government, Sport and Cultural Industries. Their response was as follows;

"Section 3.60 of the Act only refers to a whole local government, and not to individual councillors sitting as representatives on an external committee. Should any matter come before council to do with the organisation, the council member needs to give consideration to disclosing any conflicts of interest and whether any disclosures need to be made in their annual return."

Based on this advice and noting Regulation 32, it is the view of the Officer that an appointment to the SHINE Board is appropriate given the important services provided to the local community and the financial contribution made by the Town to SHINE operations. Any Elected Member who is appointed to such a role, not just the SHINE Board, should be

mindful of their responsibility to declare any conflict of interest when considering related matters at a Council Meeting.

It is noted that the Town of Mosman Park considered this matter at their May 2017 Meeting and declined to appoint a representative to the SHINE board.

FINANCIAL IMPLICATIONS

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

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Department of Local Government, Sport and Cultural Industries

Town of Mosman Park

OFFICER COMMENT

As there is no statutory impediment to making an appointment to an independent Board, it is recommended that one delegate and deputy delegate be appointed to the SHINE Community Services Inc. Board.

If Council appoints a delegate, the Elected Member appointed should be mindful of any conflict of interest that comes before Council and should seek advice about their responsibilities as a board member.

COUNCILLOR QUESTIONS**Questions provided by Cr Boulter – Emailed 17 September 2018**

Q1. In reference to the officer comment "EM should be mindful of any conflict of interest that comes before Council and should seek advice about their responsibilities as a member":

Q1a. Does the word "member" refer to being a member of the Shine Board or Council, or both?

A1a. Both.

Q2a. From whom should the EM seek advice?

A2a. The Department, WALGA or any other source they trust.

Q3a. Will the TOC pay for that advice?

A3a. No.

VOTING REQUIREMENT

Simple Majority

Cr Harkins nominated Cr Young as the delegate and Cr Sadler as the deputy delegate.

Crs Young and Sadler accepted the nominations.

COUNCIL RESOLUTION

Moved Cr Rodda Seconded Cr Harkins

That Council APPOINT Cr Young as delegate and Cr Sadler as deputy delegate to the SHINE Community Services Inc. Board.

Carried 9/0

10.1.10 REVIEW OF COUNCIL WARD BOUNDARIES AND NUMBER OF ELECTED MEMBERS

File Ref: SUB/2594
Attachments: 10.1.10(a) Review of Council Ward Boundaries and Number of Elected Members Information and Discussion Paper
Responsible Officer: Garry Bird, Deputy Chief Executive Officer
Author: Elizabeth Nicholls, Senior Administration Officer
Author Disclosure of Interest: Nil

SUMMARY

It is proposed that Council resolve to undertake a review of its ward system to comply with the requirements of the *Local Government Act 1995* (the Act). As part of the review, electors will be invited to make submissions on the options in the attached Discussion Paper. Electors may also submit alternative options they consider to have merit.

BACKGROUND

Schedule 2.2 of the Act requires local governments with wards to carry out reviews of ward boundaries and the number of Councillors for each ward from time to time so that no more than eight years elapses between successive reviews.

The Town of Cottesloe last undertook a formal review of its ward boundaries and representation in December 2010 (gazetted in 2011). The Town is required to undertake another ward review in advance of the 2019 local government elections.

The review process involves a number of steps:

- ⌋ The Council resolves to undertake the review
- ⌋ Public submission period opens
- ⌋ Information provided to the community for discussion
- ⌋ Public submission period closes
- ⌋ The Council considers all submissions and relevant factors and makes a decision
- ⌋ The Council submits a report to the Local Government Advisory Board (the Board) for its consideration
- ⌋ (If a change is proposed) the Board submits a recommendation to the Minister for Local Government (the Minister).

A Discussion Paper has been drafted outlining the current situation and provides options for consideration. After the consultation period, the views of the community will be provided for Council's consideration.

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

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

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the officer's recommendation. Staffing requirements can be met with current staffing resources.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Elected Members

OFFICER COMMENT

The Town of Cottesloe's current situation is that a Mayor is elected 'by the community' plus a total of eight Councillors elected from four wards as follows:

| Ward | # of Electors | # of Councillors | Councillor: Elector Ratio | % Ratio Deviation |
|---------|---------------|------------------|------------------------------|----------------------|
| Central | 1,402 | 2 | 701 | 2.76% |
| East | 1,332 | 2 | 666 | 7.61% |
| North | 1,488 | 2 | 744 | -3.21% |
| South | 1,545 | 2 | 773 | -7.16% |
| TOTAL | 5,767 | 8 | 721 | |

Note: Data is from the Electoral Commission and based upon eligible voters as at 2 July 2018.

The Council will consider the following options and members of the community may suggest others:

- Option 1: Maintain the current four ward system with eight elected members and a directly elected Mayor.
- Option 2: Implement a no ward system with eight elected members and a directly elected Mayor.
- Option 3: Implement a no ward system with six elected members and a directly elected Mayor.

The above options are considered further in the attached Discussion Paper using the five criteria established by the Act when undertaking a review.

COUNCILLOR QUESTIONS

Questions provided by Cr Boulter – Emailed 17 September 2018

Q1. Can the Draft Information and Discussion Paper be amended to include the differences in costs to ratepayers of each of the various options?

A1. Council could resolve this.

Submitted by Cr Tucak via email – 17 September 2018

Q1. Has consideration been given to the Guidance Note point that a discussion paper should generate wide discussion and feedback, not focus on specific outcomes – whereas the Review Options present only a choice of four wards or no wards, and 6 or 8 councillors (i.e. but not any other potential options/changes, e.g. 3 or 2 wards)

A1. The discussion paper outlines a variety of issues and provides three options as a way of generating thought and discussion on the topic. Residents are free to make any submission they like and Council can amend the paper to add further options if they so choose.

Submitted by Cr Sadler via email – 18 September 2018

Q1. What form does the community consultation council ward boundaries take?

A1. Local Public Notice, notices on the Council's website and all other advertising required by the Community Consultation Policy.

Submitted by Cr Pyvis via email – 18 September 2018

Q1. Under p73 STATUTORY ENVIRONMENT, please provide EMs with a list of the relevant sections of the Local Government Act 1995 and applicable regulations?

A1.

Local Government Act 1995

Part 2 - Constitution of local government

Part 4 – Elections and other polls

Schedule 2.1 - Provisions about creating, changing the boundaries of, and abolishing districts

Schedule 2.2 - Provisions about names, wards and representation

Q2. What "local public notice" is required by the Local Government Advisory Board for calling for submissions on the ward review, including in which newspapers must this be advertised?

A2.

Local Government Act 1995

1.7. Local public notice

(1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be –

(a) published in a newspaper circulating generally throughout the district; and

- (b) exhibited to the public on a notice board at the local government's offices; and*
- (c) exhibited to the public on a notice board at every local government library in the district.*

- (2) Unless expressly stated otherwise it is sufficient if the notice is —*
 - (a) published under subsection (1)(a) on at least one occasion; and*
 - (b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —*
 - (i) the time prescribed for the purposes of this paragraph; or*
 - (ii) if no time is prescribed, 7 days.*

Advertisements will be placed in The Post and the Western Suburbs Weekly.

Q3. What is the likely financial cost or expenditure of the local public notice required by the Local Government Advisory Board?

A3. Approximately \$1,000

Q4. What is the itemised annual cost to ratepayers of each of the Deputy Mayor and Councillors?

A4. Costs are listed in summary in the 2018/19 Budget and in more detail in the June 2018 Ordinary Council Meeting Minutes.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Young

Seconded Cr Sadler

THAT Council:

- 1. RESOLVE to undertake a review of the Town of Cottesloe's ward system to comply with the requirements of the Local Government Act 1995.**
- 2. ENDORSE the attached Review of Council Ward Boundaries and Number of Elected Members Information and Discussion Paper for the purposes of inviting public comment in regards to the review.**

COUNCILLOR AMENDMENT

Moved Cr Boulter

Seconded Cr Pyvis

That officer recommendation 2 for Item 10.1.10 Ward Review etc is amended as follows by adding the following words:

"subject to:

1. The inclusion in the Draft Discussion Paper of:
 -) a table clearly showing the payments to each Councillor and the Mayor and Deputy Mayor, and the differences in financial costs arising from each of the three proposed options; and

-) a table showing the current Ward and Councillor arrangements at each of the WESROC local governments;
2. The following words on page 5 of the Draft Discussion Paper under the header Options to Consider after the second dot point Creating new wards for example two wards that are north/south OR east/west).
 3. An additional Option 4 under the Review Options on page 7 of the Draft Discussion Paper as follows “ Any Other Options”.

Lost 3/6

For: Crs Boulter, Tucak and Pyvis

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

COUNCILLOR AMENDMENT

Moved Cr Tucak

Seconded Cr Boulter

Amend point 2 of the officer recommendation by adding “subject to:

2. an additional Option 4 under the Review Options on page 2 of the Draft Discussion Paper as follows:

implement a three ward system with six elected members and a directly elected Mayor.”

Lost 3/6

For: Crs Tucak, Boulter and Pyvis

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

SUBSTANTIVE MOTION

THAT Council:

1. **RESOLVE to undertake a review of the Town of Cottesloe’s ward system to comply with the requirements of the Local Government Act 1995.**
2. **ENDORSE the attached Review of Council Ward Boundaries and Number of Elected Members Information and Discussion Paper for the purposes of inviting public comment in regards to the review.**

Carried 9/0

10.1.11 NORTH COTTESLOE SURF LIFE SAVING CLUB INC. - CENTENARY MURAL

File Ref: SUB/2594
Attachments: 10.1.11(a) Proposed Mural Design [CONFIDENTIAL]
[UNDER SEPARATE COVER]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Elizabeth Nicholls, Senior Administration Officer
Author Disclosure of Interest: Nil

SUMMARY

That Council approve the proposed artwork for a mural to be painted on the northern wall of the North Cottesloe Surf Life Saving Club Inc. Boatshed for the Club's Centenary.

BACKGROUND

At the August 2018 Briefing Forum, a proposal from the North Cottesloe Surf Life Saving Club Inc. was presented to Elected Members to paint a mural on the northern wall of the Boatshed as part of the Club's activities to commemorate the 100 year anniversary of the Club.

The proposed design is attached, depicting the evolution of the Club over the last 100 years. Painting is proposed to be undertaken in early October 2018.

STRATEGIC IMPLICATIONS

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

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

Major Strategy 1.4: Continue to improve community engagement.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

There are no perceived financial implications arising from the officer's recommendation. The North Cottesloe Surf Life Saving Club will fund the full costs of the works.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

North Cottesloe Surf Life Saving Club Inc.

Elected Members

OFFICER COMMENT

The Boatshed is leased by Council to the North Cottesloe Surf Life Saving Club Inc. for a term of twenty one years, expiring 25 August 2038. The lease states that lessee must obtain approval from the lessor for the colour and quality when painting the premises.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Angers Seconded Cr Rodda

THAT Council APPROVE the proposed mural to be painted on the northern wall of the North Cottesloe Surf Life Saving Club Inc. Boatshed in accordance with the lease.

Carried 9/0

ENGINEERING**10.1.12 OCEAN POOL FEASIBILITY STUDY**

File Ref: SUB/2594
Attachments: 10.1.12(a) Beach Pool Feasibility Study Report
[CONFIDENTIAL] [UNDER SEPARATE COVER]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Denise Tyler-Hare, Project Manager
Author Disclosure of Interest: Nil

SUMMARY

That Council approve the next stage of the pool feasibility study, undertaking further detailed investigations to progress the preferred Option 2.

BACKGROUND

At the February 2017 Ordinary Council Meeting, Council resolved to '*update the Corporate Business Plan to include a feasibility study into a pool in the Cottesloe Foreshore Precinct in the 2017/2018 financial year.*'

Tenders were subsequently called and officer's recommended '*to award the Beach Pool Feasibility Study contract to Advisian accepted by Council*' at the April 2018 Ordinary Meeting.

Advisian have since prepared a draft report for stage 1 of the study, and undertook community consultation in accordance with the brief. 1,249 submissions were received with a large majority in favour of the pool.

Further details are provided within section 6 of the attached report.

STRATEGIC IMPLICATIONS

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

Priority Area 3: Enhancing beach access and the foreshore

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

Priority Area 3: Enhancing beach access and the foreshore.

Major Strategy 3.1: Implement the 'Foreshore Redevelopment Plan' in consultation with the community.

POLICY IMPLICATIONS

The proposed pool will need to comply with the Beach Policy.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government Regulations 1996

These works will require planning approval from the West Australian Planning Commission as the land sits under the Metropolitan Region Scheme. This has been identified in the feasibility study. Officers will work with the State Heritage Office throughout the detailed design phase to ensure heritage considerations are met.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The recommended ocean pool location south of the Groyne (Option 2) would require significant environmental and heritage investigation.

CONSULTATION

Town of Cottesloe Administration

Elected Members

Community Consultation

OFFICER COMMENT

The administration has reviewed the draft report and supports the conclusions presented.

Should the recommendation be accepted, Advisian will proceed with a detailed feasibility study of the preferred location. The scope work will include:

-  Detailed architectural concept plan, including proposed locations for spectator seating, changing rooms, accessibility, shade and other protection from the elements, and associated buildings
-  Detailed lifecycle cost, with a target accuracy of +/- 30%
-  Detailed desktop geotechnical study
-  Detailed coastal engineering study
-  Detailed environmental study
-  Detailed community consultation, including stakeholder and broad community consultation
-  Detailed feasibility report

COUNCILLOR QUESTIONS**Questions provided by Cr Boulter – Emailed 17 September 2018**

Q1. In which agenda was the confidential Beach Pool Feasibility Study Report referred to in the officer report provided to Elected Members?

A1. The attachment has been provided in the agenda briefing attachments.

- Q2. Under which of the LG Act confidentiality provisions is the Beach Pool Feasibility Study Report a confidential report to the Agenda Form?
- A2. Section 5.95 sub section (6) as this contains commercial information being provided by a consultant.
- Q3. Will the Beach Pool Feasibility Study Report be a confidential report to the Ordinary Council meeting? If yes, which of the LG Act confidentiality provisions is the Beach Pool Feasibility Study Report a confidential report?
- A3. Section 5.94 sub section, however Council can resolve to keep the meeting open should it so choose.
- Q4. Of the 1,249 submission received how many were from Cottesloe residents?
- A4. No, as addresses of respondents have not been provided.
- Q5. Of the 1,249 submissions received if the first submission was that the submitter did not want a pool but when asked which option they preferred, who was that response treated in the summary – a refusal or a support for a particular site?
- A5. Support for a particular site
- Q6. Of the 1,249 submissions received how many were made online?
- A6. This statistic has not been collected.
- Q7. Where was the submission period advertised?
- A7. 20/7/2018 to 16/8/2018 in local papers, Facebook, Residents' and Ratepayers' database.
- Q8. What specific services did Marketforce provide for \$4,442.03? Were quotes obtained for this service under the Council's Purchasing Policy?
- A8. This was for the advertising of the Ocean Pool Survey, and includes the cost of placement in the West, the Post and Western Suburbs Weekly.
- Q9. Which "Foreshore Redevelopment Plan" does the Community Strategic Plan refer to and which Foreshore Redevelopment Plan is the officer referring to under the header Strategic Implications?
- A9. The Corporate Business Plan refers to the master plan that was being developed at the time the Corporate Business Plan was adopted
- Q10. What is the budget line item for the detailed feasibility study recommended by officers?
- A10. 57.8040.3 – Feasibility Study – Swimming Pool that had a budget of \$100,000.
- Q11. How much of this budget has been expended to date? What are the itemised costs?
- A11. Approximately \$4,850 has been spent on the survey and associated workshops.
- Q12. What is the likely cost of the detailed feasibility study recommended by officers?
- A12. \$76,000.
- Q13. Does the TOC Purchasing Policy apply to the detailed feasibility study recommended by officers?

A13. No. This was the subject of a tender.

Q14. Will quotes be obtained by the TOC administration for the detailed feasibility study recommended by officers?

A14. No. This was the subject of a tender.

Q15. From whom will quotes be sought?

A15. No. This was the subject of a tender.

Q16. What is the brief for the detailed feasibility study? Will this come to Council for approval?

A16. No. This has been specified in the original brief.

Q17. Can the findings of the Stage 1 Ocean Pool Feasibility study be referred to the TOC Design Advisory Panel for comment and for input into the brief for the detailed feasibility study?

A17. No, the detailed feasibility study scope has been commissioned as part of the tender with Avisian.

Q18. Has comment or preliminary response been sought from the Department of Planning, Lands and Heritage, Western Australian Aboriginal Advisory Council, Department of Fisheries and Heritage Council about the outcomes of the Advisian study and for input into the brief for the detailed feasibility study?

A18. No this will be investigated should council approve the project progress to the detailed investigation for option 2.

COUNCILLOR QUESTIONS

Submitted by Cr Pyvis via email – 18 September 2018

Q1. What was the cost of the ADVISIAN Stage 1 Ocean Pool Feasibility Study?

A1. Approximately \$50,000 (still awaiting final invoices).

Q2. What is the cost of the proposed detailed feasibility study for Option 2, south of the Groyne location?

A2. \$76,000 (as per the adopted tender)

Q3. Under FINANCIAL IMPLICATIONS "Resource requirements are in accordance with the existing budgetary allocation." What is the total of this "existing budgetary allocation" and where does this sit (please provide itemised amounts) in the 2017/18 and 2018/19 Budgets?

A3. 57.8040.3 – Feasibility Study – Swimming Pool that had a budget of \$100,000

Q4. Given the strong negative feedback TOC and EMs have received re ADVISIAN's community consultation (i.e. the public presentation 19 July 2018 and the TOC website online survey), why is it now being proposed to approve giving further consultancy work to ADVISIAN?

A4. The Town has not received the feedback as suggested above and 1,200 submissions were received as a part of the process. The Town tendered for the work to be done in two stages, but in the end it is a Council decision whether or not to proceed.

- Q5. Why is the ADVISIAN Stage 1 Ocean Pool Feasibility Study document marked "Confidential" which denies residents and ratepayers the opportunity to view and comment on this document?
- A5. The process is only half way through and the document does contain commercially sensitive information.
- Q6. Under CONSULTATION, it states "Elected Members" have been consulted. As I cannot recall being "consulted" on this ADVISIAN Stage 1 Ocean Pool Feasibility Study document and the process of progressing this matter, at what meetings and on what dates did this consultation with Elected Members take place?

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. ACCEPT the findings of the Stage 1 Ocean Pool Feasibility Study.
2. APPROVE the detailed feasibility study for Option 2, south of the Groyne location.

COUNCILLOR MOTION

Moved Cr Boulter

Seconded Cr Pyvis

That Council defer consideration of the findings of the Stage 1 Ocean Pool Feasibility Study and does not progress with a detailed feasibility study until:

1. A clear funding source for the construction and maintenance of an ocean pool has been identified before spending a further sum of \$76,000 of TOC ratepayer funds on an unfunded project;
2. The fourth pool option currently being drafted has been received and considered by Council;
3. A preliminary response, advice and information has been sought and received by the Town of Cottesloe and presented to Council in the public domain about Option 2 (south of groyne location) from the WAPC, the Department of Planning, Lands and Heritage (approval authority), the Aboriginal Heritage Advisory Council (Muderup Rocks), the WA Heritage Council and the Department of Fisheries (Fish Habitat Protection Area), and the Environmental Protection Authority;
4. Further consultation has taken place with the residents and ratepayers of the Town of Cottesloe;
5. The Community Strategic Plan, Corporate Business Plan and 10 year Financial Plan identify the specific planning and budgeting for an ocean pool;
6. TOC Council policy of no building on the west side of Marine Parade outside the current building envelopes has been carefully addressed and responded to in terms of the capricious departure from Council policy and strategic planning that an ocean pool represents;

7. Council has workshopped resolving its outstanding capital works projects priorities given the Officer Comment on page 141 of the Agenda outlining the current projects that have overloaded the TOC administration; and
8. A further interactive workshop consultation and public submission period as taken place with only the residents and ratepayers of Cottesloe, with the details of the further consultation process decided by Council once all the information is acquired as identified above.

Lost 3/6

For: Crs Boulter, Thomas and Pyvis

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

COUNCILLOR MOTION (FORESHADOWED)

Moved Cr Young

Seconded Mayor Angers

That Council defer consideration of the item pending the Administration obtaining quotes from Advisian for Council's consideration as to the cost to prepare a report on (1) the Aboriginal heritage issues and (2) the environmental issues presented by option 2, to include advice on whether the issues undermine the feasibility of the option. Separate quotes should be provided for each of (1) and (2).

Carried 5/4

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

Against: Crs Boulter, Pyvis, Sadler and Thomas

Cr Thomas left the meeting at 8:25pm and returned at 8:28pm.

FINANCE**10.1.13 FINANCIAL STATEMENTS FOR THE MONTH ENDING 31 AUGUST 2018**

File Ref: SUB/2594
Attachments: 10.1.13(a) Financial Statements for the period to 31 August 2018 [under separate cover]
Responsible Officer: Garry Bird, Deputy Chief Executive Officer
Author: Wayne Richards, Finance Manager
Author Disclosure of Interest: Nil

SUMMARY

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

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

BACKGROUND

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

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

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

POLICY IMPLICATIONS

Investments Policy

Investment of Surplus Funds Policy

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Senior staff

OFFICER COMMENT

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

-)] The net current funding position as at 31 August 2018 was \$10,741,223 and is in line with previous financial years as shown on pages 2 and 22 of the attached Financial Statements.
-)] Rates and emergency services levies receivables at 31 August 2018 stood at \$4,208,733 as shown on pages 2 and 25 of the attached Financial Statements.
-)] Operating revenue is more than year to date budget by \$16,394 with a more detailed explanation of material variances provided on page 21 of the attached Financial Statements. Operating expenditure is \$258,355 less than year to date budget with a more detailed analysis of material variances provided on page 21.
-)] The Capital Works Program is approximately 9.3% complete as at 31 August 2018 and a full capital works program listing is shown on pages 33 to 35.
-)] Whilst Salaries and Wages are not reported specifically, they do represent the majority proportion of Employee Costs which are listed on the Statement of Financial Activity (By Nature and Type) on page 7 of the attached Statements. As at 31 August 2018 Employee Costs were \$92,677 less than the budgeted year to date amount.
-)] The balance of cash backed reserves was \$10,952,405 as at 31 August 2018 as shown in note 7 on page 27 of the monthly financial statements.

List of Accounts for August 2018

The List of Accounts paid during August 2018 is shown on pages 36 to 44 of the attached Financial Statements. The following significant payments are brought to Council's attention;-

- ⌋ \$47,570.58 & \$47,712.27 to Solo Waste Recovery for waste collection services.
- ⌋ \$142,670.00 & \$163,633.80 to the Shire of Peppermint Grove for library services.
- ⌋ \$34,585.21 to Civica for software licence fees.
- ⌋ \$44,031.65 & \$53,683.40 to Western Metropolitan Regional Council for was disposal fees.
- ⌋ \$48,609.50 to the Department of Fire and Emergency Services for building services levies collected on their behalf.
- ⌋ \$40,788.355 to Scarboro Motors Pty Ltd T/as Scarboro Toyota for a new passenger vehicle.
- ⌋ \$84,121.40 to PRW Contracting Pty Ltd T/as Claremont Asphalt for asphalt works.
- ⌋ \$223,274.72 to WA Treasury Corporation for a loan repayment.
- ⌋ \$650,000.00, \$700,000.00 & \$900,000.00 to the Commonwealth Bank of Australia for new term deposits.
- ⌋ \$800,000.00 & \$900,000.00 to Bankwest for new term deposits.
- ⌋ \$500,000.00 & \$430,000.00 to the National Australia Bank for transfers to the Investment account.
- ⌋ \$98,715.90 and \$102,870.77 for Town of Cottesloe staff payroll.

Investments and Loans

Cash and investments are shown in note 4 on page 23 of the attached Financial Statements. Council has approximately 37% of funds invested with National Australia Bank, 28% with Bankwest, 26% with Commonwealth Bank of Australia and 9% with Westpac Banking Corporation. Council had a balance of \$10,952,402 in reserve funds as at 31 August 2018.

Information on borrowings is shown in note 10 on page 30 of the attached Financial Statements and shows Council had total principal outstanding of \$4,112,523 as at 31 August 2018.

Rates, Sundry Debtors and Other Receivables

Rates revenue information is shown in note 9 on page 29 of the attached Financial Statements. Rates outstanding are shown on note 6 on page 25 and show a balance of \$4,208,733 as compared to \$4,277,474 this time last year.

Sundry debtors are shown on note 6, pages 25 and 26 of the attached Financial Statements. The sundry debtors show that 9% or \$27,083 is older than 90 days. Infringement debtors are shown on note 6(a) and stood at \$420,655 as at 31 August 2018.

Budget Amendments

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

COUNCILLOR QUESTIONS

Questions provided by Cr Boulter – Emailed 17 September 2018

- Q1. What is the total of the accounts relating to the removal of the TOC works depot from the SVGC?

- A1. There were no direct costs.
- Q2. What is the total of the accounts relating to the employment of casual /temporary staff? Which TOC departments needed these temporary staff and why?
- A2. This would require a separate report to Council.
- Q3. Why were there two significant payments in this cycle to the Shire of Peppermint Grove for library services?
- A3. We've paid for six months' worth of services.
- Q4. What was the cause of the budget amendment of \$27,500 relating to governance?
- A4. Refer to note 5, page 24 of the attachments.
- Q5. What was the cause of the budget amendment of \$125,000 relating to transport?
- A5. Refer to note 5, page 24 of the attachments.
- Q6. What was the cause of the budget amendment of \$35,280 relating to miscellaneous?
- A6. Refer to note 5, page 24 of the attachments.
- Q7. What was the cause and itemised amounts from which reserve of the budget amendment of transfer from reserves \$ 157,341?
- A7. Refer to note 5, page 24 of the attachments.
- Q8. Which trees were supplied by Ellenby tree farm for \$6,270 and where were they planted?
- A8. Fifteen x 75 litre Norfolk Island Pines, fifteen x 75 litre Peppermint Trees. Various locations.
- Q9. Which trees were supplied by Quito P/L for \$1,558.15 and where were they planted?
- A9. Three Melaleuca Quinquenvia, Two Pyrus Ussuriensis, Five Melaleuca Lanceolata, Two Allcasuarina Fraeriana – various locations for all.
- Q10. Do the stump grinding payments for \$484 on page 36 reflect tree removals and if so how many and where from?
- A10. Yes. Five and they were all dead trees.
- Q11. What IT consultancy services does BM Pember provide?
- A11. IT software consultancy.
- Q12. What IT consultancy services does managed IT P/L provide?
- A12. IT hardware consultancy.
- Q13. What specific legal services did Jackson MacDonald provide for \$1,469.20?
- A13. Indiana Lease documentation.
- Q14. What specific legal services did LSV Borello Lawyers provide for \$3,415.50?
- A14. Legal expenses relation to Lot 506 Deane St and Lot 505 Avonmore Terrace.
- Q15. What specifically is the annual licence for Civica P/L \$34,585.21 for, and is this required to be paid every year?

A15. Annual licence fees to operate Authority. Yes.

Q16. What is the payment \$48,609.50 to Department of Commerce Building for?

A16. Building Services Levy.

Questions provided by Cr Boulter – Emailed 18 September 2018

Q1. What was the total employee costs for the reporting period?

A1. \$329,394.

Q2. What is the percentage of employee costs v temporary costs that the reported expenditure?

A2. Approximately 12.5%.

Q3. Are there two payrolls and can the operation of these be explained?

A3. Payroll is paid fortnightly.

Q4. Which professional tree surgeon page 37 provided the advice about the Norfolk Island Pine page 40 Assessment of Cook Island Pine and what were his/her qualifications?

A4. Professional Tree Surgeons is the name of the company.

Q5. What was the outcome of the parking prosecution that MacLeods was paid for?

A5. Successful.

Q6. At page 43 EvolvePlus Pty Ltd was paid \$2,750 for 2 USB People counters PRx20U2 with outdoor casing - where will they be used?

A6. Various locations.

COUNCILLOR QUESTIONS

Submitted by Cr Pyvis via email – 18 September 2018

Q1. Re under List of Accounts for August 2018, the amount \$34,585.21 to Civica for software licence fees. To date, what amounts (and for what itemised services) has consultant CIVICA been paid for the Customer Relations Management System (CRMS)?

A1. Civica is not a consultant, it is a software firm. The amount shown is the license fee for the proprietary software "Authority" which is used by the Town.

Q2. What is the total funds allocation for CRMS in 2017/18 and 2018/19 budgets?

A2. 2017/18 Budget \$80,000 Actual \$20,696 2018/19 Budget \$40,000

Q3. Once fully implemented, what is the ongoing annual cost to TOC for the CRMS?

A3. Referring to the initial tender submission from Civica, the annual software licence fee for CRM is included in the current annual licence fee for the core Authority platform. Annual charges for other software procured as a part of this project is;-

Actus Mobile App Annual Licence Fee \$1500

Facilities Bookings Annual Licence Fee \$1500

Authority Online Applications Annual Licence Fee \$2252

Authority to Intramaps Annual Licence Fee \$2500

- Q4. What date did Council approve purchase of the CRMS?
- A4. 28 June 2016 (Ordinary Council Meeting).
- Q5. Given the lengthy delays in implementing the CRMS, is TOC satisfied with the CRMS product and CIVICA's service provision and backup for the CRMS?
- A5. The Town has had to withhold some payments due to implementation issues, however we are working with CIVICA to resolve these issues.

COUNCILLOR QUESTIONS**Submitted by Cr Pyvis via email – 19 September 2018**

- Q1. Please itemise the staff positions (and periods for these positions) covered by temporary staff cost \$22,104.46?
- A1. This would require a separate report to Council.
- Q2. Please itemise catering total \$3100.42 (eg. EM's monthly catering? Special events? Other?)?
- A2. The figure of \$3,100 is not able to be matched to a catering payment.
- Q3. p37 Professional Tree Surgeons \$385 for Tree report for Norfolk Island Pine (which NIP)?
- A3. 8 Beach Street.
- Q4. p40 "Assessment of Cook Island Pine" by Professional Tree Surgeons cost \$616 (which tree)?
- A4. 110 Broome Street.
- Q5. 5. p38 McLeods Barristers & Solicitors "Parking prosecution" \$1100.55 (was this prosecution successful)?
- A5. Yes.
- Q6. p43 EvolvePlus Pty Ltd \$2750 for 2 USB People counters PRx20U2 with outdoor casing - where were they/will they be used?
- A6. Various locations.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Cr Harkins

That Council RECEIVE the Financial Statements for the period ending 31 August 2018 as submitted to the 25 September 2018 meeting of Council.

Carried 7/2

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

EXECUTIVE SERVICES**10.1.14 REQUEST COUNCIL APPROVAL TO AUTHORISE THE CHIEF EXECUTIVE OFFICER TO SIGN THE RESTRICTIVE COVENENAT FOR LOTS 13, 14, 15, 16 ROSENDO STREET, COTTESLOE**

File Ref: SUB/2594
Attachments: Nil
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Freya Ayliffe, Manager Compliance and Regulatory Services
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to obtain Councils approval for the Chief Executive Officer to sign the attached Restrictive Covenant for Lots 13, 14, 15 and 16 Rosendo Street, Cottesloe, via the affixing of the Town's Common Seal, and the signatures of the Mayor and Chief Executive Officer.

BACKGROUND

The *Local Government Act 1995* requires a Common Seal to be approved by a Council or its delegate. As Cottesloe Council has not delegated that authority, each time the Common Seal is required, it necessitates obtaining a Council resolution.

STRATEGIC IMPLICATIONS

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

Priority Area 4: Managing Development

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

Priority Area 4: Managing Development.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Planning and Development Act 2005

FINANCIAL IMPLICATIONS

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

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Planning

OFFICER COMMENT

Executing the Restrictive Covenant will enable the owners of the subject site to satisfy condition three of the Western Australian Planning Commission (WAPC) amalgamation approval which will in turn will enable condition 14 of the Town's Planning Approval, dated 24 May 2017 (requiring the amalgamation) to be satisfied.

In addition, the owners are also requesting that the Town accept a bonded arrangement in order to satisfy condition two of the WAPC amalgamation approval. This condition requires that redundant vehicle crossovers be removed, and the verge reinstated to the specifications of the Town. These works are not planned to occur for some time, and therefore a bonded agreement is requested, to enable the satisfaction of condition two, and implementation of the amalgamation approval at an earlier date.

COUNCILLOR QUESTIONS**Questions provided by Cr Boulter – Emailed 17 September 2018**

Q1. What are the street addresses of Lots 13,14,15,16 Rosendo St?

A1. Numbers 1, 5, 7 and 9.

Q2. Who is the owner of these lots?

A2. Mr and Mrs Forrest.

Q3. Is Council prohibited from delegating the authority to affix the TOC common seal?

A3. No.

Q4. The covenants are not included in the attachments to the Agenda Forum agenda. Can these be tabled at the Agenda Forum in hard copy and included in the attachments to the Council agenda?

A4. Hard copies will be given to EM's at the Agenda Forum meeting.

Q5. What are the words of condition three of the WAPC amalgamation approval referred to in the officer report?

A5. Condition 3 – *A 3 by 3 metre truncation is to be provided at the junction of Rosendo Street and Marine Parade.*

A hard copy of WAPC conditions will be given to EM's at the Agenda Forum meeting.

Q6. What are the words of condition 14 of the "Town's planning approval" referred to in the officer report?

A6. The lots shall be amalgamated into one lot prior to occupation of the completed development and conservation works to the property.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Angers Seconded Cr Rodda

THAT Council resolve to authorise the Chief Executive Officer to apply the Town's Common Seal, and with the Mayor to sign the Restrictive Covenant for Lots 13, 14, 15 and 16 Rosendo Street, Cottesloe.

Carried 9/0

10.2 RECEIPT OF COMMITTEE MINUTES**10.2.1 RECEIPT OF COMMITTEE MINUTES**

Attachments:

| | |
|------------------|---|
| 10.2.1(a) | Draft Minutes - Community Safety and Crime Prevention Committee - 21 August 2018 |
| 10.2.1(b) | Draft Minutes - Disability Services Advisory Committee - 28 August 2018 |

Moved Cr Sadler Seconded Cr Thomas

THAT Council note the Minutes of the following Committee Meetings with consideration given to the Committee's recommendations as highlighted below:

COUNCILLOR AMENDMENT

Moved Cr Boulter Seconded Cr Pyvis

That the Council resolution to note the Minutes of the following Committee Meetings be amended at page 116 to insert the word "Draft" before the word "Minutes" and that the reference to the attachments to the officer report are similarly amended in the upcoming minutes of the September Ordinary Council Meeting.

Carried 7/2

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

SUBSTANTIVE MOTION

Carried 9/0

1. COMMUNITY SAFETY AND CRIME PREVENTION COMMITTEE

21 August 2018 draft minutes attached.

COUNCILLOR QUESTIONS**Submitted by Cr Sadler via email – 18 September 2018**

Q1. Is a Road Safety Commission Grant for "Slow Down, Consider Our Kids" be applied for?

A1. Not at this stage.

2. DISABILITY SERVICES ADVISORY COMMITTEE

28 August 2018 draft minutes attached.

6.2 Beach Wheelchair Lockers**Questions provided by Cr Boulter – Emailed 17 September 2018**

Q1. What will the wheel chair lockers look like?

A1. No quotes have been accepted yet.

Q2. Is it planned that they will be permanent installations?

A2. Yes.

Q3. Is the installation of wheelchair lockers development for the purpose of LPS3?

A3. No.

Q4. If yes to 3 above, who is the decision maker for the proposal to install wheelchair lockers on the groyne?

A4. N/A.

Q5. Should the development approval requirements, the draft design ideas and funding sources be explored before Council is asked to agree to install the lockers?

A5. No, but it would be referred to Foreshore Precinct Implementation Committee.

COMMITTEE RECOMMENDATION

Moved Cr Harkins

Seconded Cr Thomas

That Council:

1. **INSTALL** two beach wheelchair lockers on the Cottesloe groyne adjacent to the existing ACROD parking bays.
2. **EXPLORE** funding opportunities for two beach wheelchair lockers adjacent to the ACROD parking bays.

COUNCILLOR AMENDMENT

Moved Cr Boulter

Seconded Cr Sadler

Amend point 1 - defer consideration of the installation of two beach wheelchair lockers on the Cottesloe groyne adjacent to the existing ACROD parking bays until funding opportunities have been explored/identified, and the exact site of the installation of and draft design of the lockers is shown to Council, and the community.

Carried 6/3

For: Crs Boulter, Tucak, Sadler, Harkins, Pyvis and Thomas

Against: Mayor Angers, Crs Rodda and Young

SUBSTANTIVE MOTION

That Council:

1. **DEFER** consideration of the installation of two beach wheelchair lockers on the Cottesloe groyne adjacent to the existing ACROD parking bays until funding opportunities have been explored/identified, and the exact site of the installation of and draft design of the lockers is shown to Council, and the community.
2. **EXPLORE** funding opportunities for two beach wheelchair lockers adjacent to the ACROD parking bays.

Carried 9/0

6.3 Disability Services Advisory Committee Charter

COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Cr Sadler

That Council ADOPT the draft Disability Services Advisory Committee Charter as amended.

Carried 9/0

10.3 REPORTS OF COMMITTEES

Nil

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 COUNCILLOR MOTION - AMEND AND UPGRADE THE TOWN OF COTTESLOE MONTHLY FULL PAGE 'COTTESLOE NEWS' IN THE POST NEWSPAPER**

The following motion has been proposed by Cr Pyvis.

COUNCILLOR MOTION**Moved Cr Pyvis****Seconded Cr Boulter**

THAT Council request the administration amend and upgrade the Town of Cottesloe monthly one full page "Cottesloe News" in the POST Newspaper, including consideration of:

1. more textual information and fewer photos/graphics;
2. a list of current Demolition, Building, Development Applications, JDAP and WAPC applications/notices;
3. information (at least annually) on disability access, designated dog exercise areas, e-waste services, tree planting program, Justice of the Peace services, immunisation reminders, Fish Habitat Protection Area rules, focus on a permanent sculpture;
4. a monthly focus on one TOC Local Law (eg Beaches, Parking, Balloons, Litter, Smoking, Dogs) and the final adoption of policies;
5. "Have Your Say" information on community consultation, listing all current TOC consultation issues, submission periods, including closing dates and contact person at TOC;
6. information on Council, Agenda Forum and Committee meeting times and dates;
7. a Community Calendar of upcoming events, approved events, including concerts, The Grove Library, Cottesloe Coastcare Association, verge pickup dates;
8. a list of monthly works program (eg park works, road resurfacing, footpath repairs, drainage, maintenance);
9. information on how to make a Public Statement, ask Questions and make a Deputation at Council meetings;
10. the "Cottesloe News" page on the TOC website and EMAIL it to subscribers to TOC Residents and Ratepayers Email Data Base and to all Elected Members.

Lost 4/5

For: Crs Pyvis, Boulter, Tucak and Thomas

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

COUNCILLOR MOTION (FORESHADOWED)**Moved Cr Young****Seconded Cr Rodda**

That Council requests the Administration to carry out and report back to Council on a comprehensive review (to be conducted in consultation with Council) of Council's "Cottesloe Council News" policy, its Communications policy and the effectiveness (in terms of content and reach) of Council's and the Town's current communications. The review

should include but not be limited to consideration of and recommendations in relation to the matters raised in the Notice of Motion at item 11.1 on the Agenda.

Carried 6/3

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

COUNCILLOR RATIONALE

1. The latest 2018 Roy Morgan Research Survey (Melbourne) showed the POST Newspaper has 74,000 readers with 6,000 Cottesloe residents/ratepayers reading the POST. This is by far the widest and most cost effective communication network available to TOC with the POST providing an important link to Cottesloe community life.
2. Unlike other local newspapers which are in readership decline around Australia, the POST newspaper has an increasing readership.
3. A number of surveys on POST readership have been conducted by various local governments (but not Cottesloe).
City of Nedlands, via CATALYSE, conducted an in-depth survey of 500 ratepayers around its communications with residents, and more than 80% of respondents said they received their news about Nedlands from the Post.
A combined CATALYSE survey for Nedlands and Subiaco on the dull issue of council mergers showed that the vast majority of ratepayers get their news from the Post.
4. It is time to consider changes to the Town of Cottesloe monthly "Cottesloe News" page in the POST Newspaper which is currently under-utilised as a means of maximising information flow with residents and ratepayers.
5. Considering the cost of the "Cottesloe News" page (in colour) TOC should maximise the amount of information included.
6. Compared to POST Newspaper pages for City of Nedlands, City of Subiaco, Town of Cambridge and Town of Mosman Park, the "Cottesloe News" page appears to feature proportionately more photographs/graphics than text.
7. Very little additional TOC staff time and resources will be required to improve the "Cottesloe News" page as the new information to be included can be "cut 'n pasted" from existing formats (eg TOC documents, meeting agenda and minutes and TOC website).
8. Town of Cottesloe COTTESLOE COUNCIL NEWS POLICY 2011
 - 1) OBJECTIVE Provide an avenue for dissemination of information relevant to Council's aims, objectives and decision-making processes, including community events, functions and news. (2) PRINCIPLE The Town of Cottesloe, as a publicly funded body, has an obligation to the community to provide effective avenues for public information exchange and communication on Council activities and other matters of interest to the Cottesloe community. (3) ISSUES (a) Cottesloe Council News provides an avenue for reporting to the community on Council activities from Council's perspective. (b) It is funded by ratepayers and should

therefore directly benefit ratepayers. (4) POLICY Cottesloe Council News is one of the principal communication tools for the Cottesloe Council to keep the community informed of Council activities in line with the identified aims and objectives as follows: Aim To assist Council to keep the community abreast with the issues and activities of Cottesloe. Objectives (a) Provide a forum generating discussion on Council related activities; (b) Keep community informed of specific items of Council and Community interest.

Editorial Policy (i) Cottesloe Council News articles will be limited to issues of importance to the Cottesloe community raised by the Cottesloe Council. They will reflect the current and future activities of Council and seek the views of the community. (ii) Articles and information from community-based organisations and others in the community who wish to communicate matters of interest to the community will be considered for publication. Priority will be given to organisations recognised as being affiliated with the Civic Centre. (iii) The Chief Executive Officer shall retain editorial control for the publication. TOWN OF COTTESLOE POLICY POL/6 (iv) The Chief Executive Officer is responsible for: 1. developing ideas for articles/series 2. liaising with Councillors to gather articles 3. assisting in proof reading of articles (v) Advertising will be limited according to space at the discretion of the editor.

9. Town of Cottesloe COMMUNICATION POLICY 2016 (excerpts)

- 2) OBJECTIVES The objectives of this policy are to: (a) keep people informed of the issues being considered by council and of decisions made;

Principle 3(c) (c) council will endeavour to ensure that its communication is effective in that: · it reaches the appropriate target group · it explains issues clearly and succinctly · it represents views fairly and equitably; · differences are accepted and acknowledged; and · its effective communication with residents is regularly reviewed.

4.1.1 Residents, Tenants and Businesses Within the Town This group consists of businesses and residents, owners and occupiers. It is in general the easiest group to access in terms of information dissemination because a letter box drop will reach almost all of the target group. In addition, these people have access to local papers which circulate in the district. This is the group with whom council administration and elected members have the most direct contact either in person, through correspondence or by telephone.

5.4.3 The production of 'Cottesloe Council News' is governed by the council policy relating to 'Cottesloe Council News'.

10. Town of Cottesloe STRATEGIC COMMUNITY PLAN 2013-2023 (excerpt)

PRIORITY AREA 6

Providing open and accountable local governance

p22 "The aim of this objective is to ensure that this continues and that Council maintains a spirit of co-operation with the community in an accountable and transparent manner on all occasions."

OFFICER COMMENT

The suggestions put forward by Cr Pyvis are welcomed and will be considered by staff. However, it should be noted that it was only 3 years ago that we received feedback suggesting that the Cott News Page contained too much text and was ineffective as it was not attracting people to read the page. The change in direction at that time was done with the purpose of attracting more people to read the page and respond.

It would be fair to say, anecdotally, that the response rate to the Cott News Page is lower than we would hope. This is not inconsistent with other forms of advertising in print media. At the same time, we have seen an increase in responses received from electronic communications, both those undertaken by the Town and the regular email updates provided by elected members.

The regular email updates provided by elected members have prompted questions within the administration as they appear to be reaching a far wider audience and resulting in more enquiries than the official notices being placed in the print media. Given this is being done with relatively few resources, it must now be considered whether an official attempt at a similar medium might actually be a more efficient way of communicating with residents and ratepayers.

Advertising in print media has a cost, and the Cott News Page costs approximately \$40,000 per annum. This includes the costs of placing the advertising, graphic design work and staff time spent preparing the text and researching.

Given the issues raised, it may be worth Council reconsidering the Cottesloe Council News, Communications and Social Media Policies at the same time, with a view to reviewing how we connect with and communicate with our residents and ratepayers, using all forms of media.

11.2 COUNCILLOR MOTION - SHORT TERM PRIORITIES FROM THE STATION STREET PLACE MAKING PLAN 2017

Mayor Angers – declared a **PROXIMITY INTEREST** in this item.

Mayor Angers left the Chambers at 9:15pm.

At 9:15pm, Cr Rodda assumed the Chair.

The following motion has been proposed by Cr Pyvis.

COUNCILLOR MOTION**Moved Cr Pyvis****Seconded Cr Boulter****THAT COUNCIL:**

1. Respond to the following Short Term Priorities from the Station Street Place Making Plan 2017, by requesting the Town draft a brief for consideration by Council to create a "place" at the south west corner of Station Street, by the end of 2018, by implementing:
 - (a) Priority 3 - "Trees in the street."
Priority Action "seek Arborist advice as to street species to purchase as street trees" with a view to planting street trees.
 - (b) Priority 5 - "Footpath/streetscape alterations."
Request the Town draft a brief for consideration by Council to commence the detailed implementation of Priority Action "Draft new streetscape alterations and reallocate bays to create layout as per strategy plan" including seating and a drinking fountain.
2. Respond to the following Short Term Priority from the Station Street Place Making Plan 2017, by requesting the Town draft a brief for consideration by Council to create a "pocket park" at the north west corner of Station Street, by the end of 2018, by implementing:
 - (a) Priority Action "Contract a Landscape Architect and/or artist to design the Pocket Park. Section off the car bays to be resumed by the Pocket Park."
3. Request the Town prepare a brief for consideration by Council for a consultant Landscape Architect to produce a simple plan and cross section through the street with the desired outcomes, such as asymmetrical road design, trees in the middle of the road reserve, wider footpaths on the south (sunny) side of the street, lower building heights on the north side of the street to limit overshadowing, and the location of parklets.
4. Thank Architect Simon Rodrigues for his initiative.

Lost 3/5**For: Crs Boulter, Pyvis and Tucak****Against: Crs Rodda, Sadler, Young, Harkins and Thomas**

COUNCILLOR MOTION (FORESHADOWED)**Moved Cr Young****Seconded Cr Rodda**

That Council request the Administration to consider the suggestions made by architect Mr Simon Rodrigues in emails forwarded to Councillors on 10th September in preparing an Officer's Report to cover the scope, priorities, timing and budget implications for the Station Street Place Making Strategy, to be brought to Council for consideration at the March 2019 Council meeting.

Carried 5/3

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

At 9:23pm, the Mayor returned to the meeting and resumed the Chair.

COUNCILLOR RATIONALE

1. Architect Simon Rodrigues emailed Elected Members 10 September 2018 with place making strategy suggestions.
2. In accord with the Town's short term priorities adopted in the Station Street Place Making Strategy 2017 (LINK below), refer

Trees in the Street (p54).

Footpath/Streetscape Alterations (p56)

Pocket Park (p53)

<http://www.cottesloe.wa.gov.au/Profiles/cottesloe/Assets/ClientData/Documents/PageContent/Strategic Documents/Report - FINAL Station Street Place Making Strategy - Modified Copy as Adopted by Council - May 2017.pdf>

3. With the view that Town administration resources should be shared equitably across all areas of the Town, this proposal presents an opportunity for the Town to commence implementation of the Station Street Place Making Strategy 2017 in an incremental and achievable way.

OFFICER COMMENT

In the next 4 months the following projects will be undertaken by the Town;

-)] Completion of the restoration works for the Cottesloe Pylon;
-)] Stage 1 works at the Cottesloe Foreshore; and
-)] Beach access path replacement at 4 locations.

The Town will also be undertaking the next phase of the Cottesloe Foreshore Master Plan (with the design brief being considered at this Council meeting). This project will involve considerable consultation and will create a substantial workload for staff.

At the same time, staff will be working with Main Roads WA on two projects, being;

-)] The Principle Shared Path;

)] Congdon Street Bridge Project.

Both of these projects will also involve consultation and will create considerable work.

The Town also has several other mid level projects that are progressing, being;

-)] Finalisation of the new webpage, Council Minutes and Agendas system and the elected member portal;
-)] A review of the ward boundaries;
-)] A full review of the Strategic Community Plan;
-)] Replacement of the Napoleon Street Trees;
-)] The development of the Town's first Green Infrastructure Management Plan (following the update of the Street Tree Policy);
-)] Finalisation of the Seaview Precinct Master Plan;
-)] Establishment of a new depot at the Town of Mosman Park depot site; and
-)] A full review of the Community Consultation Policy.

The projects that are currently waiting to be implemented include;

-)] Implementation of the Station Street Place Making Strategy;
-)] Feasibility study on a skate park in Cottesloe;
-)] The Development of a Structure Plan for the railway lands adjacent to the Town Centre; and
-)] Relocation of the North Cottesloe Drop Off facilities and carpark;

While staff would like to support the Notice of Motion as written, we simply do not have the resources to be able to meet the timelines listed in the motion. It is also worth noting that as this project will involve design work, it will require a high level of community consultation. As many of the projects listed above will also require significant consultation and we are getting close to the point where we could create resentment in the community for consulting on too many things at the same time.

As can be seen, the implementation of the Station Street Place Making Strategy is simply waiting for resources to be available to implement it. If the works on the foreshore and beach access paths go well, we could conceivably be beginning forward works on the Station Street Place Making Strategy in the first quarter of 2019.

11.3 COUNCILLOR MOTION - STRATA TITLE AMENDMENT BILL 2018

Mayor Angers – declared a **PROXIMITY INTEREST** in this item for point 3d.

Cr Tucak – declared a **FINANCIAL INTEREST** in this item 3d.

The Mayor advised that Council would consider points 1, 2, 4 and 5 first and then consider point 3 separately.

The following motion has been proposed by Cr Boulter.

COUNCILLOR MOTION

Moved Cr Boulter

Seconded Cr Pyvis

THAT Council in relation to the *Strata Title Amendment Bill 2018* (the Bill) makes a submission to the WA State Parliament Legislation Committee inquiry into the Bill that supports:

- 1. The amendments proposed by Dr Honey MLA, Member for Cottesloe, for the reasons identified in Parliament by Dr David Honey MLA.**
- 2. Ensuring that in the Bill, the applicable local government in which a strata scheme termination is proposed has a significant role in any decision to terminate.**
- 4. If Council resolves in favour of all or any part of this Notice of Motion that the TOC administration provides a copy of the Council resolution as a matter of urgency to Dr David Honey MLA at cottesloe@mp.wa.gov.au; and to the WA Parliamentary Standing Committee on Legislation Inquiry into the Strata Titles Amendment Bill 2018 as a matter of urgency.**
- 5. If Council resolves in favour of all or any part of this Notice of Motion that it be forwarded to WALGA as a matter of priority, urging WALGA to make a submission in similar terms to the WA State Parliament Standing Committee on Legislation regarding the Bill.**

Carried 5/4

For: Crs Boulter, Pyvis, Thomas, Harkins and Tucak

Against: Mayor Angers, Crs Rodda, Sadler and Young

At 9:26pm, Mayor Angers and Cr Tucak left the Chambers.

Moved Cr Boulter

Seconded Cr Pyvis

- 3. Ensuring that in the Bill, the applicable local government in which a strata scheme is located is consulted and has a recommendatory role in relation to any:**
 - a. subdivision or re-subdivision for the purpose of establishing any strata scheme;
 - b. development applications including those heard by the JDAP;
 - c. approval for modification of restricted use conditions; and
 - d. short stay accommodation use proposal and that the zoning provisions of the local planning scheme in relation to short stay accommodation land use prevail without a specific scheme amendment proposal undertaken through the local government as currently occurs for scheme amendment proposals by applicants.

Lost 3/4

For: Crs Boulter, Pyvis and Thomas

Against: Crs Rodda, Sadler, Young and Harkins

At 9:26pm, Mayor Angers and Cr Tucak returned to the Chambers.

At 9:26pm, the Mayor resumed the Chair.

COUNCILLOR RATIONALE

1. Submissions to the WA State Parliament Legislation Committee inquiry into the Bill close at 4pm on Tuesday 25 September 2018. However, the Office of Parliamentary Committees has advised that: *it remains up to each Committee as to how it deals with late submissions – for example, they may decide to fully consider a submission received after the closure, particularly if it is received soon after the closure; to log and reference the submission as being received after the closure date; to disregard the submission; or to otherwise deal or not with the submission.*
2. Thus, even though a submission from the TOC will be received after the closure date it can be pointed out in the submission that this was unavoidable due to the Council's scheduled meeting dates, it still will express the Council's concern and implicitly will reinforce the notion that the community is not yet fully aware of this legislation plus that the time for submissions and detailed consideration is way too short for a matter as serious as property rights and related Council planning requirements.
3. Local government should always have a role in development decisions that have the capacity to impact on the amenity of the locality or that in any way relate to the objects of the applicable local planning strategy and local planning scheme within which a new strata scheme is sought.
4. Short stay accommodation land use policy approach has not been addressed by the state government. Short stay accommodation land use, which has the capacity to adversely impact the amenity of strata scheme residents and the locality generally, is causing a significant number of disputes in many local government jurisdictions. Many local governments have resolved the issue in relation to their own needs and aspirations. The Bill should not provide an opportunity for short stay land use in any strata scheme without the approval of the local government and without a scheme amendment where the use is prohibited in a particular zone of a local government – for example in residential areas with high tourism demand such as in the Town of Cottesloe or where there is significant fire risk from and to uniformed visitors on large vegetated blocks in rural residential areas such as in the Shire of Augusta-Margaret River.
5. Notes from the Hansard record of Dr Honey's speech in Parliament on the Bill:

Strata Title Amendment Bill 2018

1 Introduction

-)) The Strata Title Amendment Bill 2018 has been passed by the LA with some amendments and is about to be considered by the LC.
-)) This is a huge Bill and there is insufficient, in fact way too little, time for a full review and consideration.

-)] A review of the Strata Title Bill commenced under the previous Liberal Government.
-)] Changes to Strata Title impact a very large number of Western Australians. Report 13 of the Standing Committee on Public Administration projected that there will be 349,920 strata units in WA by 2020. Currently, there are around 250,000 strata titles in WA and these range from residential accommodation through to multi-story office complexes (accounts for more than 1/8th of all residences and households in Perth).
-)] The major advocates for the Bill have a commercial interest in its passage, in particular, the strata dissolution provisions. In effect, there has been no representation for Strata Unit owners and no effective consultation with them. The Strata Unit Owners Association represents strata managers and the like, not individual owners, occupiers or businesses.
-)] **Hundreds and probably thousands of strata unit owners and occupiers are completely unaware that the Act is being changed and, in particular, unaware of the compulsory strata dissolution provisions – this Bill is completely slipping under the radar for the people who will be affected by it. It is being heavily sponsored by speculators who are focused on their own profit.**
-)] The legislation is the culmination of collective frustrations with the existing 1985 Strata Titles Act – some 33 years of ideas to improve strata title management – but it is very complex and hard to properly assess in the time available.
-)] Overall, many of the changes are a genuine attempt to improve the management of strata titles. However, there are a couple of aspects of the legislation that cause great concern:
 -)] **Forced termination of strata title schemes**
 -)] **The introduction of Leasehold strata title schemes**
- 2 Compulsory Termination of a Strata Title Scheme**
 -)] Effectively, this Bill enables the use of the compulsory acquisition powers of the State which is supposed to be offset by the ‘social good’ of necessary Public Works to instead be used for the forced termination of strata titles for private profiteering.
 -)] There is a lot of talk about the requirement for redevelopment of decrepit blocks of units. In fact, in Cottesloe, the overwhelming number of proposed developments are in perfectly functional buildings. The sole purpose for the proposed developments is for some people to make a profit, whilst forcing others out of their homes. In any case there is no requirement in the Bill that compulsory acquisition will only apply to strata buildings deemed to be in an unfit condition.
 -)] The concern is not about the excellent transformations in our communities by developers that work sensitively with Councils, the concern is for the impact on

displaced and vulnerable people as well as to the subsequent planning and development impact on Councils.

-)] The concern with this Bill is the proposal that will force people out of perfectly good residences simply because other proponents see a profit to be made.
-)] This is a major pending problem in Cottesloe. There are a relatively large number of strata developments on the beachfront and the adjoining streets. In anticipation of this legislation, speculators have been buying strata units in developments. They have been relying on the fact that they do not require complete ownership but will be able instead to rely on a 75% majority ownership in larger units to compulsorily acquire the whole property for redevelopment.
-)] (Note: Due to amendments put forward in the LA, the legislation to be considered by the LC now has an 80% majority requirement for termination and compulsory acquisition of an existing scheme and strata lot.)
-)] In Cottesloe, the majority of people seeking to take advantage of this change in legislation are not people who live in the residences nor is there any concern that the residences are about to collapse.
-)] Right now, speculators are approaching people in Cottesloe and telling them that they had better sell up to them now, otherwise they are going to be forced out of their units. As recently as 3 weeks ago, a very distressed elderly gentleman met with the Member for Cottesloe because he was told exactly this – that if he did not sell up now, he would be forced out at a lower price.
-)] There are safeguards in the Bill but ultimately they rely on the SAT making judgements about the fairness of a termination and compulsory acquisition proposal. This may work for some people - with experience in such forums.
-)] However, the concern is for vulnerable people. Especially the elderly. Mostly older women. Compulsory acquisition and forced removal also has a very significant negative impact on children. This issue is recognised in parallel legislation in the UK, which refers to the need to consider “Ontological Security” (a stable mental state derived from a sense of continuity in regard to the events in one's life). The SAT should be required to specifically consider Ontological Security when reviewing the validity of a dissolution proposal.
-)] Applying to, attending and making submissions to SAT may not be a big deal for many persons – such as those like us on Councils. However, for many people, this is an overwhelmingly daunting undertaking.
-)] In fact, under the proposed legislation, a speculator doesn't even need to own a single unit, just needs to have an option to purchase a single unit (eg. 1 out of 100) to initiate a dissolution proposal.
-)] We are told this Act is about renewal of tired strata schemes but there is no actual requirement to do any redevelopment. No obligation to complete the proposal in the original submissions. Thus, this can simply be a way of someone obtaining control over a strata property when the prices are low (like now) and holding onto it until prices increase while the lot remains vacant and often unkempt – a problem to Councils and to the considerable financial and living

arrangements disadvantage of the owners who did not want to sell but were forced to move out by this Act (land banking).

-)] As soon as SAT makes a decision, unwilling owners are immediately homeless. Major problem with people being forced to find alternative accommodation.
-)] The SAT can vary a proposal if it believes that the offer does not compensate adequately. However, the SAT is limited to an increase of 10% in the price offered unless there are “exceptional circumstances”. In practice, this is likely to limit the SAT to 10%. This is wrong. The SAT should have much wider discretion to modify offers that are manifestly unfair – which is likely to happen when someone has majority control of the Strata Company.

3 Leasehold Strata Title

-)] **This also is in the Bill and proposes a new form of strata title** – major change for the state – not part of our culture for freehold property.
-)] The examples given in Parliament were for government property and estates such as Technology Park at Curtin University or e.g railway reserves in Cottesloe.
-)] Fully understand why this is wanted on government-owned land – certainty, finance, long term control, etc.
-)] Very concerned about this occurring on freehold land and thereby fundamentally altering a feature that is central to the egalitarian/aspirational nature and culture of Australian society.
-)] Justification is providing cheaper housing but anyone who has lived in the UK would know that the leases there now cost as much as the historic freehold title – more so, once the majority of opportunities are leasehold strata.
-)] Councils should be concerned if this is applied to a single dwelling lot by being strata developed when densities are increased – e.g perhaps a house and yard each with a separate strata ownership and possibly either or both on leasehold occupation.
-)] Equally, Councils should be concerned that there is no incentive for owners or occupiers to keep units in good repair towards the end of a long term lease.

4 Conclusion and Suggested Changes

The changes made in the LA are a good start but it is appropriate for additional changes to be proposed in the LC and by the Legislation Committee inquiry as set out in this Notice of Motion as follows:

- ✓ *The SAT should be required to consider **Ontological Security** alongside the other compulsory matters when reviewing dissolution proposals that affect strata units that house old and young people (say, 16 years or less and older than 65 years). This would parallel legislation in the UK and force the SAT to recognise that moving house causes particular mental distress in young and older people.*
- ✓ *That Council planning and other requirements be set out in the Bill.*

- ✓ *The concept of SAT being required to provide an Advocate for vulnerable people to help them through the process.*
- ✓ *Sections 174, 178 and 198 should be amended so that an **individual** strata unit owner can seek a remedy directly with the SAT to prevent bullying with repeated requirements to vote and defend proposals for dissolution of the strata scheme. This remedy shouldn't be limited to the scheme owner or the strata company who will often be the proponent for dissolution by virtue of that proponent having already achieved 50% control of the strata lots.*
- ✓ *Leasehold strata title must be restricted to government land. The only examples given in Parliament were for Government land. Allowing leasehold title on private land is a fundamental change in private land ownership and planning in our State.*
- ✓ *The SAT should have much greater flexibility to vary the financial compensation for compulsory acquisition of properties to enable dissolution of a strata scheme. The limit of 110% should be removed and left open-ended (that is, no limit – leave it up to the SAT).*
- ✓ *The compulsory acquisition powers of the State for the social good of necessary Public Works under the Land Administration Act should not instead be used for the benefit of private purchasers as is proposed by this Bill.*

OFFICER COMMENT

Nil

11.4 COUNCILLOR MOTION - SHARK BARRIER AT COTTESLOE BEACH

The following motion has been proposed by Mayor Angers.

COUNCILLOR MOTION

Moved Mayor Angers Seconded Cr Young

That Council requests the Administration to:

1. Assess the feasibility of installing a Shark Barrier at Cottesloe beach to provide a shark free enclosure for public recreational use.
2. The Assessment to include consideration of the following:
 - a. The location and optimal size of the Barrier;
 - b. The estimated cost of construction and on-going maintenance of the Barrier;
 - c. The funding alternatives available to enable the construction of the Barrier; and
 - d. A likely timeframe for construction of a Barrier, aiming to have the enclosure available for public use by October 2019.
 - e. Compatibility of a Shark Barrier with other beach activities e.g. surfing and surf life saving.

The outcomes of the Assessment to be detailed in an Officers Report to be included in the Agenda for the Council Meeting to be held in February 2019.

COUNCILLOR AMENDMENT

Moved Cr Rodda Seconded Mayor Angers

Add a point 3 as follows:

3. That the Administration make application for all necessary licences and permits required for the installation of a shark barrier at Cottesloe Beach.

Carried 9/0

COUNCILLOR AMENDMENT

Moved Cr Pyvis Seconded Cr Thomas

In the COUNCILLOR MOTION, replace the current words "shark barrier" and "barrier" with the words "shark protective system."

Carried 9/0

SUBSTANTIVE MOTION

That Council requests the Administration to:

1. Assess the feasibility of installing a shark protective system at Cottesloe beach to provide a shark free enclosure for public recreational use.
2. The Assessment to include consideration of the following:

- a. The location and optimal size of the shark protective system;
- b. The estimated cost of construction and on-going maintenance of the shark protective system;
- c. The funding alternatives available to enable the construction of the shark protective system; and
- d. A likely timeframe for construction of a shark protective system, aiming to have the enclosure available for public use by October 2019.
- e. Compatibility of a Shark Barrier with other beach activities e.g. surfing and surf life saving.

The outcomes of the Assessment to be detailed in an Officers Report to be included in the Agenda for the Council Meeting to be held in February 2019.

3. That the Administration make application for all necessary licences and permits required for the installation of a shark barrier at Cottesloe Beach.

Carried 9/0

COUNCILLOR RATIONALE

1. Following an increased incidence of shark attacks along the WA coast the number of visitors to, and users of, Cottesloe beach has declined sharply over the past 10+ years. The recent Westpac Rescue Service report records over 170 shark sightings in the Perth metro area last summer and the media reporting on the prevalence of sharks contributes to beach-user concerns.
2. Living close to the beach provides residents the opportunity to use the beach regularly. The drop in beach user numbers reflects a negative impact on the amenity of residents, many of whom report concerns about shark presence, the risk of attacks and corresponding changes to their pattern of use.
3. The drop in beach visitor numbers has a negative impact on local businesses, particularly the businesses along Marine Parade.
4. Shark Barriers have been installed at other beaches in WA (Busselton, Albany, Dunsborough, Sorrento, Coogee) and are reported to have been strongly supported by the public as enhancing the “peace of mind” of ocean swimmers. Beach user numbers have increased at beaches where the Barriers have been installed. (see, e.g. Hydrobiology report: Review of the Dunsborough Beach Enclosure Trial Completed for the Department of the Premier and Cabinet, Western Australia, September 2014. **Refer attachment.**
5. Initial problems with the failure of Shark Barriers have occurred in winter months, where winter storms have caused damage. Manufacturers recommend that Barriers should be removed during the winter period, which will greatly reduce the potential for failure and will prolong the life of the Barrier.

6. Modern Shark Barriers use anchoring devices which allow removal of the Barrier to allow alternative beach uses (i.e. surfing) in winter months.
7. The Cottesloe Surf Life Saving Club has confirmed its support for a Shark Barrier at Cottesloe beach as a means of restoring public confidence in swimming at Cottesloe, bringing families back to swim at a safe beach and assisting the Club with increased membership of its Nippers program and general membership. The Club is also confident that a Shark Barrier can be designed in such a way that it will still allow the Club to perform its lifesaving duties effectively.
8. Council is currently considering the feasibility of an ocean pool at Cottesloe Beach. If supported by the community and accepted by Council, the construction of an ocean pool is still likely to be at least five years away. A Shark Barrier will provide immediate peace-of mind to beach users in the interim. The installation of a Shark Barrier is compatible with all three ocean pool options being considered by Council and so could be retained as a swimming experience complementary to an ocean pool.
9. A Shark Barrier (not a net) is an ecologically acceptable, safe and relatively inexpensive alternative for open ocean swimming.

OFFICER COMMENT

As with item 11.2, it should be noted that the Town (Council and the administration) have a considerable workload for the next 3 to 4 months. It is noted that the NoM requires a report to the February 2019 Ordinary Council Meeting, however it is possible that such a report could be a preliminary report only. In such a report we would provide details such as cost, location, maintenance obligations and insurance implications only.

In order for a barrier to be placed, the Town will need to work with several State Government Agencies to obtain the relevant licenses and permits that will be required. The last time this was investigated we need seven such permits, from various departments including Transport, Fisheries, Lands and Environmental Regulation. Council may wish to consider whether it wishes for those permits and licenses to be applied for if it accepts the Notice of Motion, as there can be significant lead times in obtaining them.

11.5 COUNCILLOR MOTION - COMMUNICATION AND CONSULTATION

The following motion has been proposed by Cr Boulter.

COUNCILLOR MOTION**Moved Cr Boulter****Seconded Cr Pyvis**

That Council place on the agenda of the upcoming Consultation and Communication Policy workshop, review and consideration of the following:

1. All development application plans and subsequent approvals along with conditions are loaded onto the TOC website with the delegation notice or agenda item, and council minutes.
2. All development applications that are brought to Council include all the information in the headers to the report as per other WESROC Council examples provided below, and in particular including the identity of the owner and applicant, and the full plans sought to be approved.
3. That each neighbour and any other property owner whose property could be affected by a development application is always sent the plans by the TOC and asked for a submission.
4. TOC administration commences a Council resolution register that is displayed on the TOC website as per the Town of Mosman Park example.
5. TOC administration commences providing a monthly report to Council about the building licences issued since the last Council meeting as per the Town of Mosman Park example and including all the information that is included in the TOMP building licence report to the TOMP Council.
6. TOC administration provides information to Elected Members how best to report to Council the level of customer service satisfaction to Council, say every three months, which includes application of Council policies regarding random samples, time taken and feedback from each formal consultation process.
7. An item be re-included on the Council agenda "PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC" for public reading of all Council Resolutions made in confidential session on Council having moved out of a confidential session as used to the practice at TOC and is the practice in other local governments; and a system be established so that Elected Members have a copy of the resolution at the end of the meeting for example by it being emailed to EMs at the end of the meeting.
8. All committee agendas, adopted minutes and agenda and minutes attachments are given public notice as required under Local Government Act, applicable regulations and TOC Standing Order time by being uploaded on the TOC website under the committees portal.
9. Standing Order 8 questions are included in the Agenda Forum agenda and the TOC administration use their best endeavours to assist the Mayor to answer the SO8 questions in the applicable Council agenda if the SO8 questions have been submitted

in time to be included in the Agenda Forum agenda.

10. Restart weekly diary being circulated to Elected Members and restart the TOC administration adding all events into the Elected Member outlook diaries for e.g. such as the recent website portal training and all committee meetings.
11. Report where quotes were obtained under Policy header in officer reports as relevant under TOC Purchasing Policy.
12. Report TOC events approved under delegated authority to Council or include them in the weekly diary.

Lost 2/7

For: Crs Boulter and Pyvis

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

COUNCILLOR RATIONALE

1. Time and Content requirements in relation to notice of OCM and SCM and Committee agendas and Minutes

Local Government Act 1995

LG Act 5.5. Convening council meetings

- (1) *The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.*
- (2) *The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.*

LG Act 5.25. Regulations about council and committee meetings and committees

- (1) *Without limiting the generality of section 9.59, regulations may make provision in relation to —*
 - (da) *written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration); and*
 - (j) *the circumstances and time in which notice papers and agenda relating to any council or committee meeting and reports and other documents which could be —*
 - (i) *tabled at a council or committee meeting; or*
 - (ii) *produced by the local government or a committee for presentation at a council or committee meeting,**are to be made available for inspection by members of the public.*

LG Act 9.59. General regulations

- (1) *The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed for giving effect to the purposes of this Act.*
- (2) *Without limiting subsection (1), regulations may be made as to —*
 - (b) *the keeping of documents and records by a local government; and..*

Local Government (Administration) Regulations 1996**Reg 14. Notice papers, agenda etc., public inspection of (Act s. 5.25(1)(j))**

- (1) *A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents which —*
 - (a) *are to be tabled at the meeting; or*
 - (b) *have been produced by the local government or a committee for presentation at the meeting,**and which have been made available to members of the council or committee for the meeting are available for inspection by members of the public from the time the notice papers, agenda or documents were made available to the members of the council or committee.*

Town of Cottesloe Standing Orders Local Law Consolidated

“Meeting” includes any ordinary or special meeting of the council or any other meeting held in accordance with the provisions of the Act;

2.1 Notice of Meetings The requirements for notice of meetings are covered in the Act and Regulations.

2. The Act and Regulations cover TOC Council and TOC Committee meetings.
3. In 24 May 2016 TOC report to Council:

Header to report information:

10.1.1 NO. 62 (LOT 60) HAWKSTONE STREET - ALTERATIONS, TWO-STOREY ADDITION AND REAR GARAGE TO DWELLING

File Ref: 3296

Attachments: *Aerial Application Justification Letters Neighbour submission
Photos Plans*

Responsible Officer: *Mat Humfrey Chief Executive Officer*

Author: *Andrew Jackson Manager Development Services*

Ronald Boswell Planning Officer

Proposed Meeting Date: 24 May 2016 Author

Disclosure of Interest: *Nil*

Property Owner: *Mr RJ & Dr KA Aitken*

Applicant: Mr L Spiccia

Date of Application: 4 November 2015 of

Residential Use: P - A use that is permitted under this

Scheme Lot Area: 556m²

M.R.S. Reservation: Not applicable

4. Under the old committee system when there was a Development Services Committee (DSC) development applications not decided under delegated authority were submitted to the DSC and all the plans were attached to the agenda and thus a hard copy was provided to each DSC Elected Member.
5. The DSC might deal with over 40 applications at one meeting, which often took hours. The DSC deliberations were carefully recorded and included in their recommendation to Council. DAs considered by the DSC were forwarded to Council for scrutiny and decision.
6. Reports to the DSC were so detailed that even a FRONT GARAGE WITH DECK, REAR SHED - REVISED PLANS carried 5 pages of detailed information for Crs: see for example the report to the DSC and then Council at the Council meeting 2 November 2015:

Header to report information:

10.3.1 NO. 1 (LOT 19) ROSSER STREET - FRONT GARAGE WITH DECK, REAR SHED - REVISED PLANS File Ref: 3115

Attachments: 1 Rosser Aerial Image

Revised Applicant Submission Revised Plans August Attachments

Responsible Officer: Andrew Jackson Manager Development Services

Author: Andrew Jackson Manager Development Services

Ronald Boswell Planning Officer

Proposed Meeting Date: 26 October 2015

Author Disclosure of Interest: Nil

Property Owner: GL & FM Holman

Applicant: Scanlan Architects

Date of Application: 2 February 2015

Zoning: Residential Use: P - A use that is permitted under this

Scheme Lot Area: 886m²

M.R.S. Reservation: Not applicable

Excerpt ...

PREVIOUS AND REVISED PROPOSAL The previous and revised plans are attached and the table below summarises the nature and degree of changes made.

Previous plans Revised plans Solid wall front setback 1.04m. Unchanged. Deck front setback 1.04m. Increased by 0.47m to 1.51m. Balustrade front setback

1.04m. Increased by 1.96m to 3m. Height to top of deck 2.71m. Unchanged. Height to top of balustrade 3.82m. Unchanged. Deck semi-enclosed by solid wall. Deck with open balustrade. Planters at front of garage Unchanged. Planter above deck floor level. Planter below balustrade. Planters on western elevation. Unchanged. Arbor extending to western boundary. Unchanged. ORDINARY COUNCIL MEETING MINUTES 2 NOVEMBER 2015 Page 15 Garage door. No garage door (open-aspect).

7. Under the current system the information provided to Council about the application is far less in the header to DA reports and Delegated Decision reports to Council for example:

26 June 2018

10.1.2 LOT 6, 177 BROOME STREET – ADDITIONAL CARBAY OFF RIGHT OF WAY TO REPLACE PREVIOUSLY APPROVED FRONT CARPORT, AND MODIFICATION TO FRONT CARBAY AND WALL.

File Ref: 3617

Attachments: Application

Photographs of Site

Neighbour's Email – 23 May 2013

Responsible Officers: Mat Humfrey, Chief Executive Officer

Author: Ed Drewett, Coordinator Statutory Planning

Proposed Meeting Date: 26 June 2018

Author Disclosure of Interest: Nil

8. In some of the DSC times the TOC administration had less staff and many more development applications than today.
9. Other WESROC Councils provide this detailed information to their Elected Members and Ratepayers in their OCM agendas:

Example: Town of Mosman Park 28 August 2018

12.1 REGULATORY & PLANNING SERVICES 12.1.1 LOT 18 (NO 17) TUTTLEBEE TERRACE, MOSMAN PARK – INVITATION TO RECONSIDER THE COUNCIL DECISION UNDER SECTION 31 OF THE STATE ADMINISTRATIVE TRIBUNAL ACT 2004

File No: TP111 and 4044.1 **Responsible Executive/ Manager:** GABRIELA POEZYK
EXECUTIVE MANAGER PLANNING AND REGULATORY SERVICES

Author: ERINA PARSONS SENIOR PLANNING OFFICER

Property Address: LOT 18 (NO 17) TUTTLEBEE TERRACE MOSMAN PARK WA 6012

Owner's Name: RAMLI BIN MD NOR

Applicant's Name: RAMLI BIN MD NOR (REPRESENTED BY RPS GROUP)

Author Disclosure of Interest: NIL

Attachments: 1. LOCALITY PLAN AND GIS AERIAL

2. AMENDED PLANS DATED 5 JUNE 2018
3. ALTERNATIVE FENCE DESIGNS AND APPLICANT'S JUSTIFICATION
4. EXTRACT OF LPP11 SHOWING FENCING TYPES

10. City of Nedlands 28 August 2018 header:

Section 1.01 Example: Planning & Development Report No's PD36.18 to PD42.18 (copy attached)

Note: Regulation 11(da) of the *Local Government (Administration) Regulations 1996* requires written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70, but not a decision to only note the matter or to return the recommendation for further consideration.

| | |
|----------------|---|
| PD36.18 | (Lot 601) No. 2A Korel Gardens, Swanbourne – Two Storey Single House |
|----------------|---|

| | |
|----------------------|---|
| Committee | 14 August 2018 |
| Council | 28 August 2018 |
| Applicant | Westlake Corp Pty Ltd (Trendsetter Homes) |
| Landowner | Mr A R & Ms K F Johnson |
| Director | Peter Mickleson – Director Planning & Development |
| Reference | DA18/28993 |
| Previous Item | Nil. |
| Delegation | <i>In accordance with Clause 6.7.1a) of the City's Instrument of Delegation, Council is required to determine the application due to objections being received.</i> |
| Attachments | Site Photographs Applicant Justification |

11. Shire of Peppermint Grove 28 August 2018 header

Item 8.1.1 8.1.1 Transportable teaching and learning facility (tennis courts) Presbyterian Ladies College (PLC) Lot 69 (14) McNeil Street, Peppermint Grove.
URBAN PLANNING

ATTACHMENT DETAILS Attachment No Details Attachment 1 – Item refers 8.1.1 8.1.1 - PLC – 14 McNeil Street

Voting Requirement : Simple Majority

Subject Index : DB027B

Location / Property Index : 14 McNeil Street, Peppermint Grove

Application Index : DA2018/00018 LPS No 4

Zoning : *Private Clubs, Institutions and Place of worship*

Land Use : *Private School*

Lot Area : *44,000m²*

Disclosure of any Interest : *Nil*

Previous Items : *Nil*

Applicant : *Parry & Rosenthal Architects*

Owner : *Presbyterian Ladies College*

Responsible Officer : *Manager Development Services - Mr Ross Montgomery*

COUNCIL ROLE Advocacy *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*

Executive *The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*

Legislative *Includes adopting local laws, town planning schemes & policies.*

Review *When Council reviews decisions made by Officers.*

Quasi-Judicial *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT *Council has received an application from Parry and Rosenthal Architects on behalf of the Presbyterian Ladies' College (PLC) for Planning Approval. It is proposed to install a demountable building (called a temporary learning block) on the concrete playing field deck situated just to the north of Pindari Place in Peppermint Grove.*

SUMMARY AND KEY ISSUES

12. TOMP Building licence reporting

12.1 REGULATORY & PLANNING SERVICES 12.1.1 BUILDING PERMITS ISSUED FOR THE MONTH OF JULY 2018 that shows BUILDING PERMITS ISSUED – JULY 2018
Build Type Permit No Location of Building Lot and Street No Description of Building Work Name and Address of Contractor

13. Town Of Cottesloe 23 November 2015 OMC Item Public Reading Resolutions

13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

13.1.1 BUDGET AMENDMENT – CONFIDENTIAL ITEM

The resolution for item 13.1.1 was read aloud 13.1.2 NO. 21 (LOT 18) DEANE STREET - TWO-STOREY DWELLING - RECONSIDERATION OF COUNCIL DECISION PURSUANT TO SAT MEDIATION

As the matter was currently before the SAT the Council Resolution would be held until the SAT had determine the matter.

It is the decision of this Council as to whether or not the Council returns to publishing this information to Councillors and the Community at the end of the Council meeting.

There is no prohibition against publishing this information.

14. The rules under the applicable legislation have not changed since the committee system was abandoned by Council, in favour of Agenda Forums, such that any change has been required in Council's information dissemination practice.
15. Not publishing this information has rightly led to some current angst within the Cottesloe community that this Council is not open, transparent and accountable in its decision making as evinced in the recent email to Elected Members by R. Walsh.
16. Cottesloe residents and ratepayers have adopted the following words as a priority 6 in their Community Strategic Plan *"The Council is committed to fostering a sense of belonging and involvement amongst residents in recognition that input from the community into major decisions adds value and enhances the democratic process. Council is committed to effective community communication and engagement."*; and at Priority Area 6.1 *Ongoing implementation of Council's community consultation policy*; and at 6.2 *Continue to deliver high quality governance, administration, resource management and professional development.*

OFFICER COMMENT

With regards to points 1, 2 and 3 – Council should be mindful of the additional workload that this will create. At present, residents are advised that the Town has a set of plans that are able to be inspected. A second advantage of this approach is that an officer is available to answer any questions that community members may have.

With regards to point 4, there are no objections to this at a theoretical level, but again caution is issued to Council around the level of work this will create. At present, all Council resolutions are available for inspection on the website and it is unclear what further information or benefit will be received by creating a table and repeating the information.

With regards to point 5, building licenses are now subject to strict requirements for issuing and are not able to be called in (or approved) by Council. Building license applications in the most part are not publicly inspectable, so again it is unclear what benefit will be received as a result of the additional work generated.

With regards to points 7, 8 and 9 – the Town already reads out resolutions made in a closed session when the meeting re-opens – if any members of the public or press are still in attendance. If not, the meeting is closed. This was demonstrated at the recent Special Council Meeting.

The notice provisions of the Act (local public notice) cannot be satisfied using the webpage at this point in time. The Notices required are sent well within the required time and all papers are provided as required. If Council wants to impose additional requirements, Council is free to do so, but it should be clear that the current requirements are met and often exceeded.

The weekly events calendar will be restarted when resources allow. While so much time is being consumed preparing Agendas and Minutes, we simply don't have the resources to send a calendar to elected members at the end of each week. It is worth noting that Elected Members are provided with an electronic device (I-pad, laptop, etc...) of their choosing and provided with an electronic calendar. Electronic calendar invites are sent to elected members for meetings and functions they are expected to attend.

While we endeavour to report under all policy headings, the decision to appoint a particular contractor or consultant is rarely applicable to a decision to adopt a report or recommendation. While the point can be read as though the purchasing policy requires this disclosure, it does not.

With regards to the last point, there will need to be some clarification. The Chief Executive Officer is authorised by the Act to undertake the day to day management of the local government and this requires consideration of minor events and the hire of facilities. Very few events (if any) are approved under a delegation. If the intent of the motion is that all events held on the Town's property are listed on the Councillors calendars, Council should be mindful that there are large number of weddings, children's parties and corporate events held within the Town – and providing this information could create information overload.

Lastly, the point of the resolution appears to be to get all of these items on the workshop agenda for the Community Consultation Policy Workshop. The items above would represent a workshop on their own and will take some time to get through. The intended purpose of the workshop was to examine how and when we consult on significant issues and will already be a lengthy workshop. Council should be mindful of their own workloads (as well as staff's) when considering what should and shouldn't be discussed during such workshops.

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:

12.1 ELECTED MEMBERS

Nil

12.2 OFFICERS

Nil

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

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

Carried 7/2

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

Against: Crs Boulter and Pyvis

The meeting was closed to the media and public at 9:59pm.

The media and public vacated the gallery at 9:59pm.

13.1.1 FORESHORE MASTER PLAN - PROPOSED BRIEF

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

File Ref: SUB/2594

Attachments: 13.1.1(a) Visual Summary **[CONFIDENTIAL] [UNDER SEPARATE COVER]**
13.1.1(b) Foreshore Master Plan - Project Brief - Draft **[CONFIDENTIAL] [UNDER SEPARATE COVER]**

Responsible Officer: Mat Humfrey, Chief Executive Officer

Author: Denise Tyler-Hare, Project Manager

Author Disclosure of Interest: Nil

OFFICER RECOMMENDATION**Moved Mayor Angers Seconded Cr Rodda**

That Council APPROVE the attached brief and visual summary for the Foreshore Master Plan Consultancy Tender.

COUNCILLOR AMENDMENT**Moved Cr Pyvis Seconded Cr Young**

1. That the Enquiry By Design (EBD) document be included in the list of "General considerations", Point 2 (page 2).
2. That the TOC Beach Policy document be included in the list of "General considerations", Point 2 (page 2).
3. That the words "Foreshore Implementation Committee" be replaced with the words "Mayor and all Councillors", under "Deliverables", the final bullet point.

4. That under "Submission Date" the date stated Monday 26 March 2018" be corrected.

Carried 9/0

COUNCILLOR AMENDMENT

Moved Cr Boulter

Seconded Cr Pyvis

Release the visual summary with the brief to the community through the normal channels, including on the Town's website, on the day of the calling for tenders.

Carried 9/0

SUBSTANTIVE MOTION

1. That Council APPROVE the attached brief and visual summary for the Foreshore Master Plan Consultancy Tender.
2. That the Enquiry By Design (EBD) document be included in the list of "General considerations", Point 2 (page 2).
3. That the TOC Beach Policy document be included in the list of "General considerations", Point 2 (page 2).
4. That the words "Foreshore Implementation Committee" be replaced with the words "Mayor and all Councillors", under "Deliverables", the final bullet point.
5. That under "Submission Date" the date stated Monday 26 March 2018" be corrected.
6. Release the visual summary with the brief to the community through the normal channels, including on the Town's website, on the day of the calling for tenders.

Carried 7/2

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

Against: Crs Boulter and Pyvis

13.1.2 COUNCILLOR MOTION - AMENDMENT TO THE MINUTES

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (b) as it contains information relating to the personal affairs of any person.

COUNCILLOR MOTION

Moved Cr Boulter Seconded Cr Pyvis

That Council:

1. Authorises the Mayor to annotate the 27 February /6 March 2018 Ordinary Council Meeting minutes (the Minutes) in relation to Item 13.1.1 to show clearly the item 13.1.1 minutes that were adopted at the 27 March 2018 Ordinary Council Meeting, as per attachments 1,2,3,4.
2. Authorises the Mayor to annotate the 27 March 2018 Ordinary Council Meeting minutes to include the resolution and Councillors' names for and against the resolution adopting the Minutes.
3. Requests the TOC administration to update, at its earliest convenience, the online versions of the Minutes and the 27 March 2018 Ordinary Council Meeting minutes to reflect the annotations as resolved in points 1 and 2 above.

Lost 2/7

For: Crs Boulter, and Pyvis

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

COUNCILLOR MOTION (FORESHADOWED)

Moved Cr Young Seconded Cr Rodda

That Council authorises the Mayor to annotate the Minute book and requests the Administration to update the online version of the Minutes to reflect the changes that were agreed to at the March 2018 Ordinary Council Meeting (including the vote on the resolution to adopt the Minutes).

Carried 6/3

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

Against: Crs Boulter, Tucak and Pyvis

MOTION FOR BEHIND CLOSED DOORS

Moved Mayor Angers Seconded Cr Rodda

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

Carried 9/0

The meeting reopened to the public at 10:20pm but no members of the public or media returned to the Chambers.

13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

13.1.1 FORESHORE MASTER PLAN - PROPOSED BRIEF

The resolution for item 13.1.1 was read aloud.

13.1.2 COUNCILLOR MOTION - AMENDMENT TO THE MINUTES

The resolution for item 13.1.2 was read aloud.

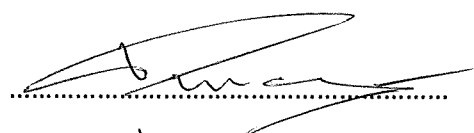
14 MEETING CLOSURE

The Mayor announced the closure of the meeting at 10:20pm.

CONFIRMED MINUTES OF 25 SEPTEMBER 2018 PAGES 1 - 130 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

A handwritten signature in black ink, appearing to be 'J. M. ...', written over a dotted line.

DATE: 26 / 9 / 2018