



Town of Cottesloe

I hereby certify that the minutes of the Council meeting held on
Tuesday, 26 February 2019
were confirmed as a true and accurate record by Council resolution.

Signed:


Presiding Member

Date: 2/4/2019

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING

MINUTES

ORDINARY COUNCIL MEETING
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
6:00 PM Tuesday, 26 February 2019

MAT HUMFREY
Chief Executive Officer

13 March 2019

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 6:05pm.

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****STANDING ORDER 8 – QUESTIONS SUBMITTED BY CR BOULTER VIA EMAIL 28 DECEMBER 2018**

Q1. What is the state of repair of the Sun Dial sculpture at Mudurup Rocks and when was this last assessed?

A1. The structure was assessed late 2018 and the required repairs identified within the report will be undertaken.

Q2. What is the inspection and maintenance schedule for the Sun Dial?

A2. The stonework is inspected on a monthly basis and preservation undertaken as required.

Q3. When was the Sun Dial last repaired?

A3. 1st Feb 2019.

Q4. How much has been spent on Sun Dial maintenance and repairs since it was installed?

A4. Approximately \$700.

Q5. What specific line item is in the current TOC budget for Sun Dial repairs?

A5. 45.9000.2 Sculpture renewal (Sundial).

Q6. What general line item in the current TOC budget can be drawn from for Sun Dial repairs?

A6. As Above.

Q7. What Aboriginal consultation (and with whom) took place for the installation of the Sun Dial Sculpture and what Aboriginal consultation takes place (and with whom) when repairs and maintenance are proposed to take place?

A7. No consultation was undertaken at construction as the area was not listed as a significant site until 2002. The Southwest Aboriginal Land and Sea Council will be consulted prior to any maintenance works.

Standing Order 8 – Questions Submitted by Cr Pyvis via email 30 January 2019**1-9 ROSENDO STREET (TUKURUA SITE)**

Q1. What date was the Development Approval for 1-9 Rosendo Street (TUKURUA site, and including the new dwelling at the front) (the DA) granted?

A1. Council approved the application on 23 May 2017. Minor modifications were approved under delegation on 13 November 2017. There is no new dwelling at the front.

Q2. In reference to the DA what condition/s relating to noise management and parking were placed on the development approval?

A2. Conditions 8, 9, 10, 11 & 12.

Q3. What was the text of these conditions?

A3. The pool pump(s) and filter(s) shall be located closer to the dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels under the Environmental Protection (Noise) Regulations 1997.

Any air-conditioning plant and equipment shall be located closer to the dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, to ensure that sound levels emitted do not exceed those permitted under the Environmental Protection (Noise) Regulations 1997.

The Building Permit plans shall include details of all external plant, equipment or infrastructure, including all proposed installations to the roof, and shall demonstrate how those fixtures are to be located, housed, screened or treated to achieve visual and acoustic amenity and to respect heritage.

A comprehensive Demolition and Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Demolition Licence or Building Permit, and shall address (amongst other things): maintaining access for residents; traffic management and safety for the streets and site; worker parking, including off-site parking in consultation with and approval by the Town; and verge protection.

All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction sites.

Q10. Who drafted and who settled the parking and/or traffic management plan(s) for the DA works?

A10. Built Construction submitted a Construction Management Plan. It was approved by Council Officers.

Q11. On what date was parking and/or traffic management plan(s) signed off for the DA works?

A11. 27 July 2017.

Q26. On what date/s were FOI applications received by TOC?

A26. Taken on Notice.

Q27. On what date/s were FOI applications finalised by TOC?

A27. Taken on Notice.

Q32. If yes, on what dates were these complaints/concerns/inquiries made to TOC?

A32. Taken on Notice.

Q34. Can EMs be provided with a copy of any register of complaints relating to 1-9 Rosendo Street (TUKURUA site including the new dwelling) in confidence?

A34. Taken on Notice.

ABORIGINAL CONSULTATION FOR BEACH SIGNAGE NAMES

Q35. What was the total amount paid to Mr Danny Ford/Aboriginal consultants who were engaged by TOC staff (Ms Tyler-Hare and MES Shaun Kan) for 8 October 2018 workshop held with Traditional Owners and Elders to provide BAP Aboriginal signage names?

A35. Approximately \$2000.

Q36. Was this a "one off" payment or was it part of an ongoing contractual arrangement TOC has with Mr Ford?

A36. One off payment.

Q37. What were the amounts paid (and dates paid) to individual Traditional Owners and Elders whom TOC staff (Ms Tyler-Hare and MES Shaun Kan) engaged in the workshop held October 2018 to provide BAP Aboriginal signage names?

A37. Approximately \$200 was paid to each participant on the day of the workshop.

Q38. Who were the Aboriginal Traditional Owners and Elders (please list consultants' names) TOC staff (Ms Tyler-Hare and MES Shaun Kan) engaged in a workshop held October 2018 to provide BAP Aboriginal signage names?

A38. To be confirmed. Query has been sent to consultant.

Q39. Has TOC made any payment/s to the Gidgup family representatives?

A39. Yes

Q40. If payment/s were made to Gidgup family representatives, can you advise what amount/s and on what date/s payment/s were made?

- A40.** \$200 to each participant from the family paid on 3 December 2018.
- Q41. Why weren't Elected Members notified of the workshop held 8 October 2018 with Traditional Owners and Elders to provide BAP Aboriginal signage names?
- A41.** The matter was operational in nature for the purpose of preparing an officer's recommendation for the committee's endorsement.
- Q42. Will TOC be notifying Elected Members of future meetings involving indigenous consultants?
- A42.** Yes.
- Q43. Will TOC be inviting Elected Members to future meetings involving indigenous consultants?
- A43.** If required.
- Q44. Further to the dog attack (German Shepherd) on Mr Michael O'Connor in Cottesloe on 20 October 2018
- (a) Did TOC administration/Ranger write a report on the dog attack?
 - (b) If yes, can Elected Members be provided with a copy of this report?
 - (c) Since the attack, has TOC administration/Ranger communicated with the dog attack victim?
 - (d) If yes, on what date/s and via what means (eg phone call, email, letter, in person) has TOC administration/Ranger communicated with the dog attack victim?
 - (e) Since the attack, has TOC administration/Ranger communicated with the dog owner?
 - (f) If yes, on what date/s and via what means (eg phone call, email, letter, in person) has TOC administration/Ranger communicated with the dog owner?
 - (g) What action, if any, has TOC administration/Ranger taken against the dog owner?
 - (h) What were the consequences for the dog owner?
 - (i) What were the consequences for the dog?
 - (j) Were the Police (or other government agency/organisation) involved in this matter?
 - (k) Has TOC administration/Ranger received any complaints/communication from the public regarding the same dog that attacked Mr Leaversuch?
 - (l) If yes, how many complaints/communications were received from the public regarding the same dog that attacked Mr Leaversuch, and on what dates were these received?

- (m) Is TOC administration/Ranger aware of any other attacks this same dog has made?
- (n) What measures has TOC administration/Ranger taken against this same dog to prevent it attacking again?

A44. Taken on Notice.

Q45. What conditions/restrictions are put on the owner of a dog that is declared a dangerous dog?

A45. Taken on Notice.

Q46. Which organisations/authorities are notified if a dog is declared a dangerous dog?

A46. Taken on Notice.

Q47. How many dog attacks were reported to TOC administration/Rangers in 2016, 2017 and 2018? (Please list attack dates).

A47. Taken on Notice.

Q48. How many of the dog attacks reported to TOC administration/Rangers in 2016, 2017 and 2018 resulted in prosecutions against the dog owners?

A48. Taken on Notice.

Standing Order 8 – Questions Submitted by Cr Pyvis via email 12 February 2019

Q1. Who appointed EMERGE as TOC foreshore consultants and on what date was this appointment made?

A1. Council at the June 2017 OCM.

Q2. IF EMERGE was not contracted as Foreshore Consultants, what have they been engaged to do for the Town of Cottesloe?

A2. NA.

Q3. What has EMERGE been contracted to undertake?

A3. Develop the design for the current works and construction superintendency.

Q4. How much has EMERGE been paid to date?

A4. \$143,768.

Q5. How much more is there in the contract and TOC budget for EMERGE to be paid?

A5. \$12,399.17.

Q6. What involvement has EMERGE had with the design of the Beach Shade Structure, two prototypes of which are currently installed at Cottesloe Main Beach and what amount has EMERGE been paid for this involvement?

- A6.** Approximately \$25,000 for design specifications project management, contract administration including supply and install of structure.
- Q7. Who appointed SPACE AGENCY (Michael Patroni) to design the new Beach Shade Structures for Cottesloe Main Beach and on what date was that appointment made and on what date was SPACE AGENCY engaged?
- A7.** This is an Emerge sub-consultant.
- Q8. How much has SPACE AGENCY been paid to date for the Beach Shade Structure design?
- A8.** Approximately \$7,000 for detailed design.
- Q9. How much more is TOC contractually bound to pay SPACE AGENCY for this work?
- A9.** \$0.
- Q10. Is PHASE 3 LANDSCAPE CONSTRUCTION PTY LTD the contractor who was awarded the contract for construction of the Beach Shade Structures?
- A10.** Yes as a sub-contractor to Emerge.
- Q11. If not, who is the contractor (the Contractor) and who appointed the Contractor – TOC administration or Council or who?
- A11.** As per answer to Q10.
- Q12. How much has the Contractor been paid for the Beach Shade Structure?
- A12.** This is part of Emerge's contract.
- Q13. What is the total cost of the construction contract with the Contractor?
- A13.** Approximately \$18,000.
- Q14. Did the Contractor contract RMF FABRICATION to undertake the Beach Shade Structure' construction?
- A14.** Yes.
- Q15. How much is RMF FABRICATION being paid for the Beach Shade Structure prototype construction?
- A15.** The Town is not privy to this information.
- Q16. Why was RMF FABRICATION spray painting the Beach Shade Structure prototype poles to head height on 6 February 2019 (Spray Painting)?
- A16.** This is part of the original design.
- Q17. Who requested that this Spray Painting be done?
- A17.** As per answer to Q16.
- Q18. How much did the Spray Painting cost?
- A18.** Approximately \$500.
- Q19. Was the Spray Painting a costs variation to the contract and which contract was it a variation to?

- A19.** Yes to the emerge contract.
- Q20. Who authorised the Spray Painting costs?
- A20.** Manager Engineering Services.
- Q21. Why couldn't the Spray Painting be done by the TOC works crew?
- A21.** Warranties would be voided.
- Q22. How many Beach Shade Structures did/does TOC intend to install ?
- A22.** Approximately 42.
- Q23. How many Beach Shade Structures does the TOC have a contract the construct?
- A23.** 2.
- Q24. What will be the cancellation costs/penalty if Council decides not to go ahead with the Beach Shade Structures?
- A24.** NA.
- Q25. Did the Western Australian Planning Commission (WAPC) approve the construction of the Beach Shade Structures on the TOC Beach Reserve?
- A25.** Yes.
- Q26. If not, why not? If the TOC claims it was exempted under the public works exemption, which specific exemption applied?
- A26.** NA.
- Q27. If the public works exemption was relied on, did TOC administration assume/presume the exemption or did the WAPC grant the exemption in writing? If the exemption from the WAPC was in writing, can Councillors be given a copy of that correspondence?
- A27.** Yes.
- Q28. How much would it cost to renovate the current "wooden hut" shade structures and build more of these in the same design?
- A28.** To be investigated.
- Q29. Is it the intention of the Foreshore Precinct Implementation to Committee (FPIC) to remove the current "wooden hut" shade structures?
- A29.** Depends on the approved Foreshore Masterplan.
- Q30. On what date were the current foreshore construction works plans approved by Council?
- A30.** This has been previously responded to.
- Q31. What documents were attached to the agenda of that Council meeting?
- A31.** As above.

Q32. How much did the Blackwell and Associates Design Guide for the Beach Access Paths cost?

A32. \$13,200.00.

Q33. On what date was the Blackwell and Associates Design Guide received by TOC administration and on what date was it approved by Council?

A33. 25 October 2016 (item 10.1.9).

Q34. What was the meeting date on which the Foreshore Precinct Implementation Committee (FPIC) overrode the landscape architect Blackwell and Associates Design Guide palette that Council approved for the Beach Access Path nodes (landscaping at the top of the paths) (Nodes) that has led to the grey palette design of the Nodes currently under construction?

A34. The design was presented and approved by the Beach Access Path Committee in May 2018.

Q35. Why wasn't the Beach Access Path Committee informed or asked about the changes by the FPIC to the design palette for the Nodes?

A35. As per answer to Q34.

Q36. Does the FPIC have any delegated authority to make such decisions?

A36. As per answer to Q34.

Q37. Did this decision about the design palette for the Nodes come to Council for its approval? If so, on what date and if not, why not?

A37. In May 2018 the beach access path designs were put out for call in. No responses were received.

Q38. On what date did Council approve the foreshore construction drawings/plans for the current foreshore construction works at Cottesloe Main Beach?

A38. In May 2018, the design was put out for call in. No responses were received.

Q39. Were the foreshore construction drawings/plans attached to the agenda of the Council meeting that approved these drawings/plans?

A39. As per Q38.

Q40. Did the Western Australian Planning Commission (WAPC) approve the current foreshore works, including reconstruction of the Universal Access Path, the black bitumen slip road, changes to the grass terraces, the new stairs from CSLSC and associated decking, the limestone retaining walls?

A40. This has previously been responded to.

Q41. If not, why not? If TOC claims it was exempted under the public works exemption, which specific exemption applies?

A41. This has previously been responded to.

Q42. If the public works exemption was relied on, did TOC administration assume/presume the exemption or did the WAPC grant the exemption in writing? If the exemption from the WAPC was in writing, can Councillors be given a copy of that correspondence?

A42. This has been previously responded to.

Q43. Why weren't Cottesloe residents and ratepayers consulted about the specific plan for the current construction works on the foreshore at Cottesloe Main Beach, according to the key principles of TOC Community Consultation Policy, Table 1 Key strategic issues/major development facilities such as beachfront redevelopment which requires an ad in the paper, notification on TOC website, announcement in a newsletter, consultation with a ratepayer group; and in most circumstances requires a media release and consultation with focus groups; and may, depending on the program, consult by a survey, letter drop, personal briefing and information sessions?

A43. Consultation was carried out for the Concept. It is not usual for engagement to be carried out for detailed design plans.

Standing Order 8 – Questions Submitted by Cr Tucak via email 14 February 2019

Q1. Has the Town compiled a list of all potential Depot sites, with pros & cons?

A1. The Town has considered many sites over the last 10 years.

Q2. Has any such compiled list been provided to Councillors or the community?

A2. Please refer to previous Council Minutes/Reports.

Standing Order 8 – Questions Submitted by Cr Pyvis via email 20 February 2019

Q1. What are the results from the recent Sea Shepherd beach clean up?

A1. No information has been provided by Sea Shepherd.

Q2. How does the "litter collected" data compare with the previous cleanups?

A2. As above.

Q3. What is the TOC administration litter cleanup regime?

A3. A mechanical beach cleaner picks up rubbish from the beach. Crews patrol footpaths and foreshore tiered grounds picking litter.

Q4. How often do TOC staff clean litter throughout the coastal dune areas?

A4. Very seldom as there was never the need to.

Q5. What size plastic litter cannot be collected by the TOC mechanised beach cleaner?

A5. 600ml Mineral water bottle and smaller.

Q6. When will the TOC become a "Take Three for the Sea" partner as requested by the Beach Access Path committee?

A6. Currently in discussion with proponent.

Q7. When will the Council resolution to ban smoking on all Cottesloe beaches be implemented, given the by law has been endorsed by parliament and it now only requires the TOC administration to add smoking ban icon signs to all the beach signs to implement Council's smoking ban?

A7. As has previously been advised to the Elected Member on several occasions, any decision to ban smoking on Cottesloe beaches still requires a resolution of Council. This was most recently advised at the February 2019 Briefing Forum. As advised at this Forum, this matter will be presented to council at the March 2019 Meeting for consideration.

Q8. What were the results of the 2018 Cottesloe rubbish bin tagging program?

A8. Below is a summary of the results.

	Fortnight			Fortnight (%)		
	1	2	3*	1	2	3*
Number of properties	470	470	305	-	-	-
Waste Bin						
Recycling in Waste Bin (R)	95	63	17	29%	21%	8%
No Contamination (NC)	235	239	192	71%	79%	92%
No Bin (NB)	140	168	96	30%	36%	31%
Overfull Bin (O)	3	9	0	1%	3%	0%
Recycling Bin						
Recycling in Bags (B)	68	59	29	21%	20%	9%
No Contamination (NC)	229	204	249	69%	69%	79%
No Bin (NB)	140	174	154	30%	37%	33%
Overfull Bin (O)	18	21	8	5%	7%	3%
Taped Bins			3			1%

Q9. Is the bin inspection tagging program ongoing? IF yes for how long? If not, why not?

A9. No. Very few bins were presented overfull during the program and residents had a higher than normal correct recycling rate at the outset with 69% presenting no visible contamination in the recycling bin in the

initial week, rising to 92% during the third visit. A community education program highlighting main contaminants is being rolled out along with a sticker program for the refuse and recycling streams.

Q10. Have there been any costs to ratepayers of the bin inspection tagging program?

A10. No. The funding was provided by the Waste Authority.

Q11. Where are the contents of dog litter bins (at dog beaches) emptied/disposed of?

A11. The contents of the street litter (dog poo bins) is taken to a large receptacle located behind Anderson Pavilion and then emptied daily by the Town's waste contractor; taken to WMRC resource facility.

Q12. Are the dog litter bin liners also biodegradable plastic, as the dog bags themselves are? If not, why not?

A12. Yes

Q13. Where are the green bins(green waste) emptied? How are their contents used?

A13. Green waste is taken to Purearth composting facility.

Q14. Where are the yellow bins (recycling) emptied/disposed of?

A14. Content from the recycling bins is taken to Southern Metropolitan Regional Council (SMRC) Resource Facility.

Q15. Where are the red bins (general rubbish) emptied/disposed of?

A15. Western Metropolitan Resource Council (WMRC) Resource Facility.

Q16. How many accidents has the rubbish service had in Cottesloe since the contract started?

A16. Five.

Q17. How many complaints has TOC administration received about the rubbish contractor since the contract started?

A17. Three.

Q18. What was the outcome of these complaints and has any complaint generated a cost to TOC residents and ratepayers?

A18. All complaints resolved various matters (noise, missed collection). No cost to the Town.

Q19. Re WAtoday report (19 February 2019) that states TOC is conducting an investigation into the unauthorised removal of two trees near a section of the road that could be realigned if a controversial NCPS carpark goes ahead, who authorised this investigation?

A19. No authorisation is required.

Q20. Who will undertake the investigation into the unauthorised removal of two trees near NCPS a TOC, that is if it is an internal investigation (which TOC staff) or an external investigation?

A20. Internal investigation.

Q21. What does the investigation into the unauthorised removal of two trees near NCPS involve, and which agencies (eg. Police, NCPS, Western Power etc) are involved in this

A21. Consultation with various utility providers.

Q22. Will EMs be provided with a TOC report to Council on this investigation into the unauthorised removal of two trees near NCPS?

A22. No. EMs will be notified through email.

Q23. Was one of the two trees removed (without TOC authority) within the footprint of the proposed road realignment and NCPS carpark?

A23. One tree is outside the footprint, one could have been impacted (subject to final detailed design).

Q24. Re NCPS P&C meeting (18 February 2019) reference to an Arborist's report for trees in the area of the proposed NCPS car park, can EMs be provided with a copy of this Arborist's report? If not, why not?

A24. One tree is outside the footprint, one could have been impacted (subject to final detailed design).

Standing Order 8 – Questions Submitted by Cr Pyvis via email 21 February 2019

PTA Bus Stop Relocation Program In Cottesloe

Q1. On what date did the PTA first contact TOC administration about the PTA Bus Stop Relocation Program?

A1. 5 December 2018.

Q2. On what date did PTA first notify TOC administration of the details of the PTA Bus Stop Relocation Program?

A2. As per response to Q1.

Q3. What information was provided in that notification including any time tabling and contact numbers?

A3. A draft register of affected bus stops and the PTA Project Officer details.

Q4. On what date PTA and TOC have a meeting about this program and what was the outcome of that meeting and are there minutes of that meeting? IF so, can they be circulated to EMs?

A4. A site meeting was conducted with our Works Department on 3 January 2019. No minutes are available.

- Q5. On what date did TOC administration notify Mayor Angers and/or Elected Members or the affected community members about this project?
- A5.** Elected members were notified on 11 Feb 2019. PTA are responsible for notifying affected residents.
- Q6. Having regard to the partnership agreement between PTA and WALGA on this project, on what date did WALGA advise the TOC administration about this project and provide support about this project?
- A6.** No notification was received.
- Q7. On what date did WALGA advise a WALGA zone meeting of the impending works in the Town of Cottesloe?
- A7.** As per response to Q7.
- Q8. Why didn't TOC administration apply Council's Communication Objectives and Policy Principles to this important PTA information at the earliest opportunity?
- A8.** The PTA was responsible for notifying residents about their project.
- Q9. Why didn't TOC administration apply Council's Community Consultation Policy Key Principles and Table One Area Improvement and the applicable Table Three Area Improvement Matrix?
- A9.** As per response to Q8.
- Q10. What effort did TOC administration undertake to protect the bus stops with significant amenity and heritage values?
- A10.** To our knowledge no bus shelters of such value has been removed.
- Q11. Did TOC administration identify these heritage high amenity bus stops to Council and ask if they wanted them preserved?
- A11.** As per response to Q10.
- Q12. Given there is room to move on the bus stop materials through the WALGA/PTA partnership agreement, were the materials to be used submitted to the TOC Design Advisory Panel for comment?
- A12.** There have been no changes to the current bus shelter designs, save for the provision of universal access.
- Q13. How many complaints or inquiries has the TOC received about the project and have these been passed onto the PTA as per the WALGA/PTA partnership agreement? If not why not? If yes, what were the PTA responses?
- A13.** No records have been kept. All complaints have been directed to PTA to respond to at their discretion.
- Q14. Can the PTA data relating to TOC bus use be provided to EMs?
- A14.** The Town does not have this information.

Standing Order 8 – Questions Submitted by Cr Pyvis via email 21 February 2019**Additional Questions - Toc Bin Tagging Program**

- Q1. How much do the household rubbish bin labels cost (single label and total cost) that are about to be applied to all rubbish bins in Cottesloe?
- A1.** Approximately \$13,000 – this includes the cost of printing the stickers. The Town received funding from the Waste Authority for this through the Better Bins Program.
- Q2. Who is paying for these labels and, if TOC, from which budget line item is the cost coming?
- A2.** The Town received funding from the Waste Authority for this through the Better Bins Program.
- Q3. Has consideration been given to a two bin system with bags issued for green waste for blocks under 300 sq metres such as in City of Stirling?
- A3.** No.
- Q4. Has TOC given consideration to more sustainable (other than plastic bin stickers) methods of educating residents and ratepayers on how to best prepare, sort and correctly deposit rubbish and recycling into bins for collection from Cottesloe properties (residential and commercial)?
- A4.** Yes, working closely with WMRC on other educational tools, including a recycling information toolkit which is on the Town's website and consistent with State messaging for recycling.

4.2 PUBLIC QUESTIONSPaul Underwood – 11A Rosendo Street, Cottesloe – Item 10.1.7

- Q1. Why has this Council not insisted that the CEO register and record all complaints, including telephone complaints and complaints in writing, not necessarily on the prescribed form?
- A1.** Taken on notice.
- Q2. What does the Council's recordkeeping plan require for complaints management?
- A2.** The CEO advised that the Town's Recordkeeping Plan doesn't prescribe a complaints process. The Town's Recordkeeping Plan outlines how the records are to be retained, not how we deal with complaints, they're separate documents.
- Q3. Why isn't the Town's Recordkeeping Plan accessible under the strategic documents on the Town's website?
- A3.** The CEO advised we would add that to the strategic documents.

- Q4. How is it then that after almost 18 months of construction in Marine Parade wherein there up to 100 workers' cars parked there every day, with literally daily infractions on parking, notified to Councillors via photograph, that not even one parking infringement has been issued in 18 months?
- A4. The CEO advised that there had been multiple parking infringements issued. The Town doesn't publish the details of where infringements are issued or who to on our website but that question has been answered on notice previously and we can provide details of the number overall.
- Q5. It is my understanding that the response to Cr Pyvis was that there had been none.
- A5. The CEO advised that he believed there had been a number issued in that area in the last 18 months.
- Q6. Why has a noise monitoring exercise never been made given the scale and schedule of the development activities over the last 18 months?
- A6. The CEO advised that there is a noise management plan in place. Our information at this stage is that the noise level hasn't been exceeded.
- Q7. Why hasn't a noise monitoring exercise been conducted?
- A7. The CEO advised it hadn't been deemed warranted.
- Q8. Despite all the complaints?
- A8. The CEO advised that we have received several complaints from one complainant on that site so, so far, it hasn't been warranted.

Tom Alabakis – 28 Loma Street, Cottesloe - Item 10.1.14

- Q1. Stated he wasn't sure where the final tree policy had gone. Residents of Loma Street put a petition to Council in August requesting removal of an unauthorised planting of a Jacaranda Tree in Loma Street. This is now five or six months later and we have yet to get the decision from Council on what they're going to do. To me it's a binary decision, it's unauthorised, it shouldn't be there, it doesn't meet the street master plan and I wondered why Council has sat their heels and done nothing about it. The same resident recently planted seven other trees on the verge, which, if we hadn't notified the Council, they'd probably still be there. Can you please advise what actions going to take place?
- A1. The CEO advised his recollection was that Council deferred it until the street tree policy was adopted by Council. Item 10.1.14 tonight is the revised street tree policy. If that item is adopted tonight the item of the tree would be put back to Council next month.

5 PUBLIC STATEMENT TIME

Ken MacIntyre – 20 Florence Street, Cottesloe – Item 10.1.11

-) Congratulated Council especially on the policy on shark fishing on the beach

-) Considers the banning of steel traces is a very good idea, well thought of and researched, hopes it can be implemented
-) Some of the information in the West Australian newspaper seemed a bit erroneous. The information put up by the journalist was not well researched
-) Don't know if anyone contacted Council for information but I don't think so
-) At Cottesloe we have a fish habitat protection area which highlights the Town's commitment to banning shark fishing. There's a total ban on shark and ray fishing in Cottesloe, which wasn't highlighted in the newspaper
-) Thanked the Town for their research and for those researchers who did the research and finding such a way and hope it becomes part of the Town's local law

Noel Smith – 134 Grant Street, Claremont -

-) Represents a group of residents from Grant Street, area between Congdon and Parry Streets
-) Seeking parking restrictions to our section of Grant Street following issues with students from Christ Church Grammar School and Methodist Ladies College parking in the area
-) Town of Claremont introduced two hour parking restrictions in this area in 2018
-) Problem intensified during the year as more students became eligible to drive
-) Tried to solve the problem by engaging those schools but wasn't successful
-) Construction workers from the MLC aquatic centre project have up to 20 vehicles on both sides of the street all hours of the day
-) Essentially has become a free car park
-) Access, parking and safety issues for residents, visitors, trades and potentially service vehicles, ambulances, etc
-) Reversing out of driveways a particular problem
-) Vision obstructed by vehicles up and down the street
-) Cars parked opposite driveways
-) Town's rangers are familiar with the problem
-) Provided Cr Tucak with a wish list about our parking issues, would greatly appreciate some support

Daniel Correia – Item 11.1

-) Thanked Councillors for taking time to discuss the matter and meeting him on site
-) Existing verge constructed by previous owners of 11 Margaret Street

-) Verge comprised of retaining the western edge of the verge along footpath to allow verge to be level with the road as opposed to sloping to the footpath
-) Planting two trees for privacy and a third tree that has subsequently started to drop
-) Alterations were not approved by Council, does not match verge alignments along Margaret Street
-) Application for construction of a new crossover has been lodged has three objections
-) Returning the verge to the correct rate matches streetscape along Margaret Street
-) Allow for the alignment of the crossover to the driveway through to garage
-) Allow for a mature tree to be planted
-) Application seeks to remove the retaining wall, it's already started to crack for second time since I've been here
-) Remove the existing vegetation
-) Grade the verge on the footpath to the road
-) Plant mature Melaleuca central to the verge
-) Reticulate and grass the balance the verge, all at my cost
-) Also acknowledge the additional requirement of the proposed motion to supply additional trees and cost of planting and watering those trees will be borne by myself
-) If the motion is approved this will result in an appropriate streetscape, allow for increased canopy over time and immediately when combined with the additional trees being planted as part of the reconstruction of Margaret Street
-) Will add to safer pedestrian and vehicle access
-) Been a Cottesloe resident for five years and passionate about seeking the best outcome for Margaret Street and Cottesloe

Ms Boulter – 3 Millers Court, Cottesloe – Item 10.2.5 FPIC Minutes

-) Cottesloe beach has just been voted the Guardian Readers' best beach in Australia, as it was
-) Opposing choices about foreshore renewal have led successive Councils to multiple costly foreshore plan forays
-) On the Community side: In 2012, Council adopted the Linley Luton Urbanix foreshore plan.
-) Plan built on the Hames Sharley foreshore masterplan, came from the most comprehensive community and state government, engagement and consultation ever undertaken in Cottesloe, 2008 Enquiry By Design

-
-) EBD workshop participants' most commonly stated foreshore attributes were low key, village like, serene, casual and good human scale
 -) On the Redevelopment side: I thought the Cardno Foreshore Plan was supposed implement the Lutton Plan but didn't.
 -) It was rejected. Now we have the Visual Summary- which shows development of significant public space reserves
 -) Also faced with the Harvey Field, SeaPines, Wearne and South Cottesloe bushland development
 -) To get back on track:
 - o Council MUST update its Design Advisory Panel Policy
 - o Council MUST urgently implement the State Government Architect's Design Advisory Panel guidelines, and wind up the Foreshore Precinct Implementation Committee
 - o Council MUST amend LPS3 to include the State Government Architect's 10 Design Principles which says ... *The beachfront precinct is a delicately balanced combination of coastal care, sound urban planning and sensitive development to ensure that the natural, social, physical and economic health of the beachfront is sustainably managed*
 - o The CEO has not dedicated sufficient employee time to foreshore cleaning and maintenance, it's unsafe, looks so filthy and unkempt – less parking tickets, more cleaning needed
 - o Council MUST develop a well resourced Foreshore Maintenance Policy
 - o This does not need another Foreshore Plan at \$100,000+
 - o Councillors need to SERVE your community, and not the land development industry, so please turn back to the Lutton plan and please listen to the State Government Architect

Anthony Kane 53 Dalgety Street, Cottesloe – Item 10.1.2

-) Confirmed the owners of house numbers 2,4, 6 and 8 Dalgety Street are in support of suggested change to R35/60 to our block
-) Moved to our house in Delgety Street in 1995, been there 24 years
-) We love our street and house and see a future for us there
-) This will help us in the long term to stay there, with walking access to the bus, rail and shops
-) R35/60 zoning will give us opportunity to downsize in the future on our own property and stay here
-) My request is that these lots be all zoned to R35/60
-) The changes to our properties are shown light and dark blue on the map passed around in the Chamber

-) Our properties are the dark blue in colour
-) It's good planning, request is well proportioned for existing zone in the area
-) Block separated on all sides by roads so there's a natural partition
-) Close proximity to Cottesloe Shopping area
-) Provided a copy of what the resolution for Council would look like
-) Noted that it appears Lot 2, Strata Plan 35383, numbers 507 and 509 Stirling Highway has been missed on the original before Council

Barb Dobson

-) Objected strongly to the Mayor's proposed Councillor Motion 11.2
-) I don't believe that the number of questions asked by an Elected Member should be restricted in any way
-) The more questions asked by our EM's and the more answers received and published on the Council record, the greater the transparency
-) These questions make up for the lack of information in officer reports and the lack of circulation of the "Cottesloe News" as per Council policy and the secrecy of the administration.
-) How else can we as ratepayers keep the Council accountable?
-) Asking questions and receiving answers is part of the democratic process and without this channel we are being denied our rights to be informed
-) The Town of Cottesloe needs to be more accountable to its ratepayers, not less accountable.
-) There is an urgent need for greater transparency in all Council decision-making processes
-) I believe that the Standing Order 8 questions and the Q and A component of the Agenda forum is particularly important to this end
-) Why is it that only 1-2 councillors ask questions?
-) Why do not the other Councillors ask similarly pertinent questions on behalf of their constituents?
-) If they did, this would lighten the load of the current EM question-askers
-) If more questions were/are asked of those in authority there would be fewer blunders and so-called oversights, especially with environmental and indigenous issues at Cottesloe
-) As the Town increasingly outsources work to consultants and numerous Contractors information such as that contained in these reports is becoming more and more restricted to us ratepayers.

-) Why was the preliminary feasibility report on the ocean pool at Cottesloe carried out by Advisian deemed confidential and restricted and not able to be accessed by ratepayers?
-) Why are Councillors and the community being denied access to these and other reports being compiled by consultants and the briefs that elicited their reports? We are paying for them. I see this as highly problematic.
-) The Town officers and a majority of Councillors accepted the conclusion of the Advisian report and yet the ratepayers were never allowed to see what these conclusions (accepted on our behalf) actually were
-) Why all the secrecy?
-) What is in the report that is not for our ratepayers' eyes?
-) We believe there should be more open discussion and transparency on many such issues so that we are better informed and can participate in an “informed” manner by contributing our input to council decision-making before it is a fait accompli
-) Questions are the only way we can achieve this goal
-) We believe that the asking of salient questions PRIOR to a proposed development or Council decision is not only a cost-saving prudent practice but should be part of the Council’s due diligence to its ratepayer base.

6 ATTENDANCE

Elected Members

Mayor Philip Angers
 Cr Mark Rodda
 Cr Michael Tucak
 Cr Helen Sadler
 Cr Lorraine Young
 Cr Rob Thomas
 Cr Sally Pyvis
 Cr Melissa Harkins

Officers

Ms Freya Ayliffe	Manager of Compliance and Regulatory Services
Mr Garry Bird	Deputy Chief Executive Officer
Mr Mat Humfrey	Chief Executive Officer
Mr Shaun Kan	Manager Engineering Services
Mr Ed Drewett	Coordinator Statutory Planning
Ms Jana Joubert	Coordinator Strategic Planning
Ms Mary-Ann Winnett	Governance Coordinator

6.1 APOLOGIES

Nil

Officers Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE**COUNCIL RESOLUTION**

Moved Cr Rodda Seconded Cr Young

Cr Sadler - April 2019 Agenda Forum and Ordinary Council meeting.

Mayor Angers - July 2019.

Carried 8/0

6.3 APPLICATIONS FOR LEAVE OF ABSENCE**7 DECLARATION OF INTERESTS**

Cr Pyvis declared an IMPARTIALITY INTEREST in item 10.1.13

Cr Pyvis declared an IMPARTIALITY INTEREST in item 10.1.14

Cr Pyvis declared an IMPARTIALITY INTEREST in item 11.1

Cr Young declared a PROXIMITY INTEREST in item 10.1.15 (point 2)

Cr Young declared an IMPARTIALITY INTEREST in item 10.1.15 (point 1)

Cr Young declared an IMPARTIALITY INTEREST in item 10.2.1

Cr Rodda declared a PROXIMITY INTEREST in item 10.1.1

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.13

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.15

The CEO declared an interest in item 10.1.6

8 CONFIRMATION OF MINUTES

Moved Cr Rodda

Seconded Cr Harkins

That the Minutes of the Ordinary Meeting of Council held on Tuesday 27 November 2018 be confirmed as a true and accurate record.

Carried 7/1

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

Against: Cr Pyvis

Moved Cr Rodda

Seconded Cr Sadler

That the Minutes of the Ordinary Meeting of Council held on Tuesday 11 December 2018 be confirmed as a true and accurate record.

Carried 7/1

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

Against: Cr Pyvis

Moved Cr Rodda

Seconded Cr Thomas

That the Minutes of the Special Meeting of Council held on Tuesday 5 February 2019 be confirmed as a true and accurate record.

Carried 6/2

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

Against: Crs Pyvis and Tucak

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 all items would be dealt with as they appeared in the agenda.

10 REPORTS**10.1 REPORTS OF OFFICERS****PLANNING****10.1.1 PROPOSED SCHEME AMENDMENT 8 TO LOCAL PLANNING SCHEME NO. 3 (STIRLING HIGHWAY)****File Ref:** SUB/2798**Attachments:** 10.1.1(a) Proposed Amendment No 8 to Local Planning Scheme No.3 - Stirling HWY Final [under separate cover]

10.1.1(b) Proposed Amendment No 8 to Local Planning Scheme No.3 - Extent of New Zones [under separate cover]

Responsible Officer: Mat Humfrey, Chief Executive Officer**Author:** Jana Joubert, Coordinator Strategic Planning**Author Disclosure of Interest:** Nil

Cr Rodda declared a **PROXIMITY INTEREST** in item 10.1.1 due to his wife being the registered proprietor of a property at 99 Napier Street.

Cr Rodda left the Chambers at 6:41pm.

SUMMARY

In June 2017 the Western Australian Planning Commission (WAPC) gazetted an amendment to the Metropolitan Region Scheme (MRS) that resulted in the properties adjacent to Stirling Highway from Grant Street to Jarrad Street being rezoned from Primary Regional Road to Urban Zone.

Consequently the Town is required to initiate a local planning scheme amendment to reflect the amendment to the reservation over Stirling Highway from Grant Street to Jarrad Street.

In accordance with Council's decision on 25 July 2017, the scheme amendment proposal has been pre-advertised and has undergone additional consultation in the form of a community workshop. A subsequent Council decision sought to appoint an independent strategic planning consultant to prepare the necessary scheme amendment documentation.

The Scheme Amendment No. 8 report (**attached at Appendix (a)**), which includes details of and the justification for the proposal, is now being returned to Council for initiation and permission to advertise in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

BACKGROUND

For several decades, the MRS contained an extensive Primary Regional Road reservation for Stirling Highway, affecting the vast majority of abutting properties with possible future road widening. Regional reservations are incorporated into a local planning scheme and as such prevail.

A 2017 MRS amendment proposed to rationalise the extent of the existing Primary Regional Road reservation over Stirling Highway by removing a portion of the reservation and rezoning it to Urban Zone, consistent with adjacent land. The amendment also proposed a slight increase to the Primary Regional Road reservation south of Jarrad Street in order to accommodate possible future physical improvements associated with pedestrian, cyclist and public transport infrastructure or safe turning lanes necessary for an effective and functional regional road network.

After extensive public consultation and detailed investigations, the WAPC completed the abovementioned MRS amendment to substantially reduce the Primary Regional Road reservation for the highway north of Jarrad Street, and to increase the Primary Regional Road reservation south of Jarrad Street. Notice of the finalised amendment was published in the Government Gazette on 9 June 2017 as effective.

The MRS amendment and its implications for landowners along Stirling Highway were presented to Council in July 2017, after which it was resolved:

That Council:

1. *Note this preliminary report on the need for and approach to amending Local Planning Scheme No. 3 in response to Metropolitan Region Scheme Amendment 1210/41 Rationalisation of Stirling Highway Reservation.*
2. *Determine that a Standard level local scheme amendment would be appropriate for this purpose.*
3. *Request that the Administration prepares a draft single amendment to Local Planning Scheme No.3, which:*
 - a. *extends the adjoining local zones, reserves and residential density codings to cover land released from the Metropolitan Region Scheme Primary Regional Road reservation for Stirling Highway;*
 - b. *includes the Metropolitan Region Scheme Primary Regional Road reservation for Stirling Highway imposed on land south of Jarrad Street; and*
 - c. *makes minor changes for technical or practical reasons as may be identified by detailed analysis;*
 - d. *has due regard to the aims and objectives of LPS3, and in particular but not limited to clause 5.3.4 of LPS3;*
 - e. *has due regard to the local planning framework of the Town of Cottesloe Local Planning Strategy and in particular at page 38 where in the LPS under "Opportunities for Residential Development" at page 38, which provides "Opportunities for higher densities of R60 also exist along Stirling Highway, should access be arranged from side streets";*
4. *Authorise the Chief Executive Officer to advertise the Council's intention to prepare an amendment as outlined in point 3, and seek any preliminary comment on the proposal. The advertising is to include local newspapers, the Town's website and letters to affected property owners advising of the changes under the Metropolitan Region Scheme and the requirement for Local Planning Scheme No. 3 to include appropriate zonings.*

5. *Require the TOC administration to hold a Cottesloe community workshop after the close of the pre-advertising submission period to provide a further opportunity for community feedback on the scheme amendment.*

The amendment proposal was pre-advertised for community comment prior to a community workshop being held in December 2017, facilitated by the then Manager Development Services. The workshop was attended by approximately 12 owners/residents as well as Crs Thomas and Boulter. The workshop outcomes were reported to Council during the February Ordinary Council Meeting of 2018 during which it was resolved:

That Council:

1. *Resolves to refer the proposed amendment to Local Planning Scheme No. 3 along Stirling Highway to an independent qualified and experienced Strategic Planning Consultant to undertake the following:*
 - a. *Prepare a standard amendment to Local Planning Scheme No. 3 for review by Elected Members extending the adjoining local zones, reserves and residential density codings to cover land released from the Metropolitan Region Scheme Primary Regional Road reservation for Stirling Highway;*
 - b. *Include the Metropolitan Region Scheme Primary Regional Road reservation for Stirling Highway imposed on land south of Jarrad Street;*
 - c. *Makes minor changes for technical or practical reasons as may be identified by detailed analysis;*
 - d. *Have due regard to the aims and objectives of LPS3, and in particular but not limited to clause 5.3.4 of LPS3;*
 - e. *Have due regard to the local planning framework of the Town of Cottesloe Local Planning Strategy and in particular at page 38 where in the LPS under 'Opportunities for Residential Development' at page 38, which provides 'Opportunities for higher densities of R60 also exist along Stirling Highway, should access be arranged from side streets'.*

CLE Town Planning and Design was subsequently appointed to prepare the scheme amendment documentation/report (**attached** at Appendix (a)), which is now being returned to Council for initiation and permission to advertise in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

STRATEGIC IMPLICATIONS

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

Priority Area 4: Managing Development

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Metropolitan Region Scheme (as amended)

Local Planning Scheme No. 3

FINANCIAL IMPLICATIONS

There are no perceived financial implications arising from the officer's recommendation, other than the costs associated with the statutory advertising of the proposal.

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

Consultation measures have included:

-)] Pre-advertising of the MRS amendment proposal for community comment late 2017; and
-)] Workshop held on 9 December 2017 at the Civic Centre (including Cr Thomas and Cr Boulter), administration officers and 12 members of the public in attendance.

OFFICER COMMENT

The proposed scheme amendment is classified as a standard amendment under the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- a) It relates to zones and reserves that are consistent with the objectives identified in the Scheme for those zones and reserves;
- b) It is consistent with the Town of Cottesloe Local Planning Strategy;
- c) It ensures consistency with the Metropolitan Region Scheme;
- d) It has minimal impact on land in the Scheme area that is not the subject of the amendment;
- e) It does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area; and
- f) It is not a basic or complex amendment.

The lots the subject of this amendment are located adjacent Stirling Highway between Grant Street in the north and Jarrad Street in the south.

The gazetted MRS amendment has created certainty for the owners of these lots along Stirling Highway as to what extent properties are reserved for Primary Regional Road by removing or reducing that constraint on properties.

With the balance of the Primary Regional Road reservation now zoned to 'Urban' under the MRS, local governments are required to provide detailed plans (in the form of local zones,

reserves and density codes) for their region, consistent with the underlying MRS zones. The MRS defines the 'Urban Zone' as being:

... areas in which a range of activities are undertaken including residential, commercial, recreational and light industry.

In accordance with the State Government's Central Sub-Regional Planning Framework March 2018, opportunities for infill development should be pursued along urban corridors in close proximity to activity centres and with increased access to public transport. The Town's Local Planning Strategy identifies a similar need for investigating the possibility of higher densities in areas in close proximity to public transit and main transport corridors, as well as opportunities for densities of R60 along Stirling Highway, should access be arranged from side streets.

The methodology for applying zones and densities to properties therefore included extending the existing adjacent zone (the majority of which are 'Residential Zone') with corresponding lower density code and by applying a dual code with an upper density of R60.

There currently also exist specific requirements in LPS3 that need to be satisfied prior to being able to develop to the higher R-Code standard. In accordance with cl 5.3.4 of LPS3:

... Residential Development in the areas coded R30/60 on the Scheme Map abutting Stirling Highway shall be in accordance with the R30 development standard unless the Residential Development –

(a) has no direct vehicular access to and from Stirling Highway; and

(b) is a comprehensive redevelopment of more than one lot abutting Stirling Highway, in which case the local government may permit development in accordance with the R60 development standards.

As part of the amendment proposal, to be able to encompass the proposed additional dual residential density codes along Stirling Highway and thereby ensuring comprehensive redevelopment of the area, clause 5.3.4 of LPS3 will therefore be amended to read:

... residential development in areas with a dual density code on the scheme map abutting Stirling Highway shall be in accordance with the development standards of the lower R-Code unless the residential development–

(a) has no direct vehicular access to and from Stirling Highway; and

(b) is a comprehensive redevelopment of more than one lot abutting Stirling Highway, in which case the local government may permit development in accordance with the development standards of the higher R-Code.

The increased densities along the extent of Stirling Highway also reflect the residential densities directly across the road within the Towns of Claremont and Peppermint Grove, thereby facilitating densities that would ultimately contribute to a homogenous and balanced streetscape.

Conclusion

It is considered that the resultant Primary Regional Road reservation and new proposed zones will better inform long term land use and urban design planning, including appropriate setbacks.

By facilitating higher density development along the length of Stirling Highway in Cottesloe, the Town is satisfying the Local Planning Strategy's identified need to seek opportunities for higher density residential development where appropriate, consistent with the State's Central Sub-regional Planning Framework.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS

Submitted by Cr Pyvis – Emailed 18 February 2019

Q1. Can a copy of the pre-submissions and the minutes of 9 December 2018 workshop be circulated to Councillors and included in the Council agenda?

A1. The submissions have been made available to Council.

Q2. Can a table of the submission comments be included in the Council agenda?

A2. Yes – if Council wishes.

Q3. Can a map be made of where the submitters live and can it be included in the Council agenda?

A3. No – submitters were not made aware of the production of such a map at the time they were asked for their submission.

Q4. Where are the current infill opportunities under LPS3?

A4. There are a number of higher zonings available in LPS3 – however that is not the purpose of this report.

Q5. Will the immediate neighbours of each of the amended zoning blocks of land be notified directly in the next consultation phase? If not, why not?

A5. That is a standard part of the statutory advertising process.

OFFICER RECOMMENDATION

Moved Cr Sadler

Seconded Cr Young

THAT Council:

1. In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolve to initiate standard Scheme Amendment No. 8 to LPS3 by:

1.1. Zoning a portion of Lot 14 Albion Street, Lot 18-20 Boreham Street, Lot 2 Burt Street, Lot 3 Congdon Street, Lots 52-55 and 61 Dalgety Street, Lot 63 Edward Street, Lots 10 and 26 Eric Street; and Lots 70 and 71 Napier Street, Cottesloe 'Residential Zone' with a density code of R20;

1.2. Zoning Lot 21 Gordon Street; Lots 3 (No. 2A) and 4 Dalgety Street; Lots 1, 2 and 4 Boreham Street; Lot 1 Burt Street; Lot 22 and 64 Edward Street; Lot 2 Foulkes Lane; Lot 69 Napier Street; Lots 1 (No. 471, 473 and 483), 2 (No. 475 and 483), 3-6, 51, 57, 59, 67, 68, 100, 101 and 800 Stirling Highway; and a portion of Lot 9 Eric Street, Cottesloe 'Residential Zone' with a density code of R20/60;

-
- 1.3. Zoning Lot 64 Burt Street, Lot 2 Napier Street, Lot 1 (No. 493) Stirling Highway, Cottesloe and a portion of Lot 4 Napier Street and Lot 12 Rockett Lane, Cottesloe 'Residential Zone' with a density code of R30/60;
 - 1.4. Zoning Lot 91 and portions of Lots 1, 16 and 88 Albion Street, and Lots 89 and 90 Vera Street, Cottesloe 'Residential Zone' with a density coding of R35;
 - 1.5. Zoning a portion of Lot 2 Forrest Street 'Residential Zone' with a density code of R40;
 - 1.6. Zoning portions of Lots 1, 2 and 4 Napier Street and Lots 64 and 100 Rocket Lane, Cottesloe 'Residential Zone' with a density code of R30/60;
 - 1.7. Zoning Lots 1, 2 and 20 Albion Street, Cottesloe 'Residential Zone' with a density code of R35/60;
 - 1.8. Zoning Lot 3 Forrest Street and Lot 100 Stirling Highway, Cottesloe 'Residential Office Zone' with a density code of R40/60;
 - 1.9. Zoning Lots 11, 12 and a portion of reserve 335 Grant Street, Claremont; Lot 1 and a portion of reserve 332 Stirling Highway, Claremont; Lot 1, 8 and portions of Lots 5 (No. 451 and No. 453) Stirling Highway; and Lots 4 and 9 McNamara Way, Cottesloe 'Residential Zone' with a density code of R60;
 - 1.10. Zoning Lots 1 (No. 533), 12, 13, 50 (No. 541 and 543), 500 and portions of Lots 5 and 101 Stirling Highway; Reserve 10998 and portions of Lots 2 and 3 Station Street; Lot 49 and portions of Lots 5, 8, 17-19, 25 and 27 Napoleon Street; portions of Lots 5-7 Jarrad Street; and Lots 1 and 40 Forrest Street, Cottesloe 'Town Centre Zone' with a density code of R100;
 - 1.11. Reserving the balance of Lot 2 Congdon St, Claremont for 'Public Purposes: Fire Station';
 - 1.12. Reserving the balance of Lot 4 Congdon St, Cottesloe for 'Public Purposes: Telecommunication';
 - 1.13. Reserving the balance of Lot 401 Vera Street, Lot 3 Forrest Street 'Local Road Reserve';
 - 1.14. Reserving the balance of public access ways and/or local roads as 'Local Road Reserve';
 - 1.15. Extending Additional Use No. 7 over the balance of Lot 1 (No. 441) Stirling Highway, Claremont;
- in accordance with the scheme amendment map(s), and
- 1.16 Replacing Clause 5.3.4: Development in areas with a dual residential density code abutting Stirling Highway with the following:

'Despite anything contained in the Residential Design Codes to the contrary, residential development in areas with a dual density code on the scheme map abutting Stirling Highway shall be in accordance with the development standards of the lower R-Code unless the residential development—

 - (a) has no direct vehicular access to and from Stirling Highway; and
-

(b) is a comprehensive redevelopment of more than one lot abutting Stirling Highway,

in which case the local government may permit development in accordance with the development standards of the higher R-Code.'

2. Resolve that the amendment is standard as it is consistent with a region planning scheme that applies to the scheme area (consistent with attached Form 2A).
3. Refer a copy of the proposed Scheme Amendment 8 documentation to the Environmental Protection Authority, and any other relevant public authority, for consideration and comment.
4. Subject to formal assessment not being required by the Environmental Protection Authority and no objection received from the Western Australian Planning Commission, proceed to advertise proposed Scheme Amendment 8 for public comment with a submission period of not less than 42 days in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
5. Further consider the scheme amendment proposal together with any public submissions lodged with the Town of Cottesloe following the conclusion of the statutory public advertising period.

COUNCILLOR AMENDMENT

Moved Cr Pyvis

Seconded Cr Young

6. **Text of the proposed scheme amendment will be included in all advertisements including on the Town of Cottesloe website.**
7. **Report to Council will include all submissions and note whether or not the submissions are from Town of Cottesloe residents or ratepayers or other.**
8. **Submissions without a residential address will not be accepted.**

Carried 7/0

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

Against: Nil

COUNCILLOR AMENDMENT

Moved Cr Young

Seconded Cr Sadler

9. **Subject to confirmation from the Administration that all lots affected by the recent change in the MRS have been included.**

Carried 6/1

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

Against: Cr Pyvis

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**THAT Council:**

1. In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolve to initiate standard Scheme Amendment No. 8 to LPS3 by:
 - 1.1. Zoning a portion of Lot 14 Albion Street, Lot 18-20 Boreham Street, Lot 2 Burt Street, Lot 3 Congdon Street, Lots 52-55 and 61 Dalgety Street, Lot 63 Edward Street, Lots 10 and 26 Eric Street; and Lots 70 and 71 Napier Street, Cottesloe 'Residential Zone' with a density code of R20;
 - 1.2. Zoning Lot 21 Gordon Street; Lots 3 (No. 2A) and 4 Dalgety Street; Lots 1, 2 and 4 Boreham Street; Lot 1 Burt Street; Lot 22 and 64 Edward Street; Lot 2 Foulkes Lane; Lot 69 Napier Street; Lots 1 (No. 471, 473 and 483), 2 (No. 475 and 483), 3-6, 51, 57, 59, 67, 68, 100, 101 and 800 Stirling Highway; and a portion of Lot 9 Eric Street, Cottesloe 'Residential Zone' with a density code of R20/60;
 - 1.3. Zoning Lot 64 Burt Street, Lot 2 Napier Street, Lot 1 (No. 493) Stirling Highway, Cottesloe and a portion of Lot 4 Napier Street and Lot 12 Rockett Lane, Cottesloe 'Residential Zone' with a density code of R30/60;
 - 1.4. Zoning Lot 91 and portions of Lots 1, 16 and 88 Albion Street, and Lots 89 and 90 Vera Street, Cottesloe 'Residential Zone' with a density coding of R35;
 - 1.5. Zoning a portion of Lot 2 Forrest Street 'Residential Zone' with a density code of R40;
 - 1.6. Zoning portions of Lots 1, 2 and 4 Napier Street and Lots 64 and 100 Rocket Lane, Cottesloe 'Residential Zone' with a density code of R30/60;
 - 1.7. Zoning Lots 1, 2 and 20 Albion Street, Cottesloe 'Residential Zone' with a density code of R35/60;
 - 1.8. Zoning Lot 3 Forrest Street and Lot 100 Stirling Highway, Cottesloe 'Residential Office Zone' with a density code of R40/60;
 - 1.9. Zoning Lots 11, 12 and a portion of reserve 335 Grant Street, Claremont; Lot 1 and a portion of reserve 332 Stirling Highway, Claremont; Lot 1, 8 and portions of Lots 5 (No. 451 and No. 453) Stirling Highway; and Lots 4 and 9 McNamara Way, Cottesloe 'Residential Zone' with a density code of R60;
 - 1.10. Zoning Lots 1 (No. 533), 12, 13, 50 (No. 541 and 543), 500 and portions of Lots 5 and 101 Stirling Highway; Reserve 10998 and portions of Lots 2 and 3 Station Street; Lot 49 and portions of Lots 5, 8, 17-19, 25 and 27 Napoleon Street; portions of Lots 5-7 Jarrad Street; and Lots 1 and 40 Forrest Street, Cottesloe 'Town Centre Zone' with a density code of R100;
 - 1.11. Reserving the balance of Lot 2 Congdon St, Claremont for 'Public Purposes: Fire Station';
 - 1.12. Reserving the balance of Lot 4 Congdon St, Cottesloe for 'Public Purposes: Telecommunication';
 - 1.13. Reserving the balance of Lot 401 Vera Street, Lot 3 Forrest Street 'Local Road Reserve';

1.14. Reserving the balance of public access ways and/or local roads as 'Local Road Reserve';

1.15. Extending Additional Use No. 7 over the balance of Lot 1 (No. 441) Stirling Highway, Claremont;

in accordance with the scheme amendment map(s), and

1.16 Replacing Clause 5.3.4: Development in areas with a dual residential density code abutting Stirling Highway with the following:

'Despite anything contained in the Residential Design Codes to the contrary, residential development in areas with a dual density code on the scheme map abutting Stirling Highway shall be in accordance with the development standards of the lower R-Code unless the residential development—

(a) has no direct vehicular access to and from Stirling Highway; and

(b) is a comprehensive redevelopment of more than one lot abutting Stirling Highway,

in which case the local government may permit development in accordance with the development standards of the higher R-Code.'

2. Resolve that the amendment is standard as it is consistent with a region planning scheme that applies to the scheme area (consistent with attached Form 2A).
3. Refer a copy of the proposed Scheme Amendment 8 documentation to the Environmental Protection Authority, and any other relevant public authority, for consideration and comment.
4. Subject to formal assessment not being required by the Environmental Protection Authority and no objection received from the Western Australian Planning Commission, proceed to advertise proposed Scheme Amendment 8 for public comment with a submission period of not less than 42 days in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
5. Further consider the scheme amendment proposal together with any public submissions lodged with the Town of Cottesloe following the conclusion of the statutory public advertising period.
6. Text of the proposed scheme amendment will be included in all advertisements including on the Town of Cottesloe website.
7. Report to Council will include all submissions and note whether or not the submissions are from Town of Cottesloe residents or ratepayers or other.
8. Submissions without a residential address will not be accepted.
9. Subject to confirmation from the Administration that all lots affected by the recent change in the MRS have been included.

Carried 6/1

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

Against: Cr Pyvis

10.1.2 PROPOSED SCHEME AMENDMENT 7 TO LOCAL PLANNING SCHEME NO. 3 (ERIC STREET LOCAL CENTRE)

File Ref: SUB/2798
Attachments: 10.1.2(a) Proposed Amendment 7 to Local Planning Scheme No.3 - Eric Street Local Centre Additional Use [under separate cover]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Jana Joubert, Coordinator Strategic Planning
Author Disclosure of Interest: Nil

Cr Rodda returned to Chambers at 6:55pm.

SUMMARY

An application has been received from Allerding and Associates on behalf of Harmanis Holdings Pty Ltd requesting an amendment to Local Planning Scheme No. 3 (LPS3), to allow for the use of 'Medical Centre' on Lot 50 Eric Street, Cottesloe (Eric Street Local Centre) as an additional use.

The purpose of the amendment is to facilitate the diversification of the existing medical consulting facility in order to accommodate two additional medical practitioners.

The proposed Scheme Amendment No. 7 report (**attached** at Appendix (a)), which includes details of and the justification for the proposal, is now being presented to Council for initiation and permission to advertise in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

BACKGROUND

After the extensive refurbishment of the Eric Street Local Centre in 2012 and due to changes in market trends including online shopping, the owner of the centre has established a need to diversify with potential new uses with a focus on entertainment, health and medical services, and gourmet food. In addition, the existing medical consulting service, operated by M.Clinica, which currently has permission to operate with up to two consultants, has expressed its desire to operate with up to four practitioners to accommodate a growing demand for specialist GP services in the area.

Subsequently, in July 2018, the proponents engaged Town staff in preliminary discussions with regard to the possibility of allowing for the uses of 'Liquor Store Small', 'Market', and 'Medical Centre' at the Eric Street Local Centre by way of a scheme amendment.

The proponents were advised of the following:

-)] 'Liquor Store' can be considered under the use class 'Shop', which is a permitted use within the Local Centre Zone and therefore does not require an amendment to the Scheme;
-)] 'Market' is a prohibited use in the Local Centre Zone, is not consistent with the objectives (a) and (b) of clause 4.2.5 of LPS3 and is therefore not compatible with the Local Centre Zone; and

J) That 'Medical Centre', currently a prohibited use in the Local Centre Zone, is considered to be an anomaly as the use classes of both 'Consulting Room' as well as 'Hospital' are both discretionary uses within the Local Centre Zone. Medical Centre is also considered to be compatible with the Local Centre Zone, as is evident from the number of surrounding councils that currently allow for medical centres within their local centre zones.

The proponents consequently opted to proceed with an amendment to LPS3 to allow for an additional use of 'Medical Centre' at the Eric Street Local Centre. In September 2018, the proponents presented to Council their intention to lodge a formal scheme amendment request to rezone Lot 50 Eric Street, Cottesloe, to accommodate an additional use of 'Medical Centre'.

M. Clinica subsequently engaged in consultation with tenants and other local businesses operating from the local centre. It is understood that the proposal for an additional two medical practitioners has received support, in particular from the pharmacy and Allied Health Professionals, who will benefit from the complementary activities associated with the proposed additional services.

The proponents are now requesting that Council initiate and approve for advertising the scheme amendment proposal as attached in accordance with the Regulations.

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

Priority Area 4: Managing Development

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Local Planning Scheme No. 3

ToC Design Guidelines for Eric Street Local Centre

FINANCIAL IMPLICATIONS

There are no perceived financial implications arising from the officer's recommendation, other than the costs associated with the statutory advertising of the proposal.

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

Consultation measures have included:

-)] Private consultation conducted by M.Clinica with exiting tenants and business owners of the Eric Street Local Centre early December 2018.

OFFICER COMMENT

The proposed scheme amendment is classified as a standard amendment under the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

-)] The amendment is consistent with the Local Centre Zone to which it relates;
-)] The amendment would not result in any significant impact on land in the scheme area that is not the subject of the amendment;
-)] The amendment would not result in any significant environmental, social, economic or governance impacts on land in the scheme area, and
-)] The amendment is not a basic or complex amendment.

The established Eric Street centre, located on the corner of Eric and Chamberlain Streets, is a comprehensive local centre, including a supermarket, several shops and a fitness centre, on two levels above car parking and service areas.

The subject site is zoned Local Centre with a density of R50.

The Local Centre Zone presently allows for both 'Consulting Rooms' as well as 'Hospital' as discretionary uses, however does not allow for 'Medical Centre'. The Scheme defines 'Consulting Rooms' as-

... premises used by no more than two health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care.

'Medical Centre' differs from a 'Consulting Rooms' use in that it allows for 'one or more' health consultants. The proposal therefore requires a scheme amendment to allow for up to four medical practitioners to operate from any one premises.

The Eric Street Local Centre is in single ownership, is effectively a single building and has been extensively renovated and refurbished in 2012 by Myer Shirecore Architects. Consequently, its form is unlikely to undergo any significant change in the foreseeable future. It has also been established that the existing medical tenancy is able to accommodate two additional medical practitioners (see attachment 1 to proposed Scheme Amendment No. 7 report).

In order to safeguard the existing mix of land uses and ensure ongoing diversity of use, a condition has been added to the 'Conditions' column of Schedule 2 - Additional Uses at Additional Use No. 10 that restricts the use of 'Medical Centre' to a maximum net lettable area of 300m².

Any additional parking and design requirements (if any) will be determined and addressed at the time of the submission of a change of use application once the proposed scheme amendment has received Ministerial approval and has been gazetted.

Conclusion

An additional use of a 'Medical Centre' with conditions would allow the owners of the Eric Street Local Centre to diversify their operations whilst maintaining local amenity and continuing to provide a mix of small-scale facilities that are in keeping with the objectives of the Local Centre Zone.

The existing building is able to easily accommodate an additional two medical practitioners without exceeding 300m², and any additional design requirements such as parking will be addressed at development application stage.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS**Submitted by Cr Sadler – Emailed 18 February 2019**

Q1. How many square metres do the medical rooms currently occupy?

A1. 170sqm of ground floor area.

COUNCILLOR QUESTIONS**Submitted by Cr Pyvis – Emailed 18 February 2019**

Q1. What will be the legislative consequence of initiating this amendment without asking the community first? Please include in your response who currently has the power to refuse the scheme amendment and who will have the power to refuse the amendment once it is initiated?

A1. Once the scheme amendment process is initiated, the final decision is made by the Minister upon receiving a recommendation from the WAPC.

There is a misconception that a local government can simply refuse a request for a Scheme Amendment, however, the Minister (s76 of the Planning and Development Act) has the ability to require a local government to initiate the scheme amendment process if they unreasonably refuse to do so. So in that sense, only the Minister has the absolute right of refusal for a request for a scheme amendment.

Q2. Has the TOC or the applicant undertaken a parking and traffic impact study of this proposal? If not, why not?

A2. No. That would be undertaken at the Development Approval stage, if it could be shown that that a particular proposal would affect traffic or parking.

OFFICER RECOMMENDATION

Moved Cr Young

Seconded Cr Rodda

THAT Council:

1. In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolve to initiate standard Scheme Amendment No. 8 to LPS3 by:

a. Amending Schedule 2 – Additional Uses as follows:

No.	Description of Land	Additional Use	Conditions
A.U.10	Lot 50 (No.36) Eric Street, Cottesloe.	Medical Centre	(a) Use and/or development of the site for additional uses shall be subject to planning approval. (b) The sum total of 'Medical Centre' use shall be restricted to 300m ² Net Lettable Area (NLA).

- b. Modifying the scheme map by designating Additional Use No. 10 over Lot 50 Eric Street, Cottesloe, in accordance with the scheme amendment map.
2. Resolve that the amendment is standard as the proposed use is consistent with the objectives of the zone to which it relates, in accordance with attached Form 2A.
 3. Refer a copy of the proposed Scheme Amendment No 7 documentation to the Environmental Protection Authority, and any other relevant public authority, for consideration and comment.
 4. Subject to formal assessment not being required by the Environmental Protection Authority and no objection received from the Western Australian Planning Commission, proceed to advertise proposed Scheme Amendment No 7 for public comment with a submission period of not less than 42 days in accordance with the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 5. Further consider the scheme amendment proposal together with any public submissions lodged with the Town of Cottesloe following the conclusion of the statutory public advertising period.

COUNCILLOR AMENDMENT

Moved Cr Sadler

Seconded Cr Thomas

6. That the Administration explore the possibility of limiting the total amount of lettable area for medical uses during the advertising process.

Carried 7/1

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

Against: Cr Pyvis

COUNCILLOR AMENDMENT

Moved Cr Pyvis

Seconded Cr Young

7. Text of the proposed scheme amendment will be included in all advertisements including on the Town of Cottesloe website.
8. Report to Council will include all submissions and note whether or not the submissions are from Town of Cottesloe residents or ratepayers or other.
9. Submissions without a residential address will not be accepted.

Carried 8/0

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

THAT Council:

1. In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolve to initiate standard Scheme Amendment No. 8 to LPS3 by:

a. Amending Schedule 2 – Additional Uses as follows:

No.	Description of Land	Additional Use	Conditions
A.U.10	Lot 50 (No.36) Eric Street, Cottesloe.	Medical Centre	(a) Use and/or development of the site for additional uses shall be subject to planning approval. (b) The sum total of 'Medical Centre' use shall be restricted to 300m ² Net Lettable Area (NLA).

- b. Modifying the scheme map by designating Additional Use No. 10 over Lot 50 Eric Street, Cottesloe, in accordance with the scheme amendment map.
2. Resolve that the amendment is standard as the proposed use is consistent with the objectives of the zone to which it relates, in accordance with attached Form 2A.
3. Refer a copy of the proposed Scheme Amendment No 7 documentation to the Environmental Protection Authority, and any other relevant public authority, for consideration and comment.
4. Subject to formal assessment not being required by the Environmental Protection Authority and no objection received from the Western Australian Planning Commission, proceed to advertise proposed Scheme Amendment No 7 for public comment with a submission period of not less than 42 days in accordance with the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.
5. Further consider the scheme amendment proposal together with any public submissions lodged with the Town of Cottesloe following the conclusion of the statutory public advertising period.
6. That the Administration explore the possibility of limiting the total amount of lettable area for medical uses during the advertising process.
7. Text of the proposed scheme amendment will be included in all advertisements including on the Town of Cottesloe website.
8. Report to Council will include all submissions and note whether or not the submissions are from Town of Cottesloe residents or ratepayers or other.
9. Submissions without a residential address will not be accepted.

Carried 7/1

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

10.1.3 PLANNING APPLICATIONS DETERMINED UNDER DELEGATION

File Ref: SUB/2798
Applicant(s) Proponents: Nil
Attachments: 10.1.3(a) Current Planning application - not determined
[under separate cover]
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 months of December 2018 and January 2019.

BACKGROUND

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

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

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STAFFING IMPLICATIONS

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

CONSULTATION

Nil

OFFICER COMMENT

During December 2018 and January 2019 the following planning applications were determined under delegation:

Address	Owner	Applicant	Description	Delegation Notice	Date Determined
3 Elizabeth Street	Mr C Werner	Owner	Front fence, partial enclosure of rear verandah & outbuilding	7/11/2018	27/11/2018
30 Salvado Street	Mr & Ms Whitaker	Owners	Replacement front fence	7/11/2018	3/12/2018
30 Ozone Street	Mr G J Bandy	Distinctive Homes WA	Two-storey dwelling	29/11/2018	7/12/2018
194 Marine Parade	Mr A Boyd	Urban Projects	Conversion of upper floor front balcony to a bedroom addition, extension to front deck, modifications to rear terraces	29/11/2018	14/12/2018
74 Broome Street	Ms M K Clarke	Tim Wright Architect	Two-storey dwelling (part single-storey)	29/11/2018	17/12/2018
278 Marmion Street	Mr & Ms Andel	Kalmar Factory Direct	Single carport	29/11/2018	24/12/2018
37 Grant Street	W Husen	Architectual Studio 63	Two, two-storey grouped dwellings	29/11/2018	24/12/2018
319 Marmion Street	Mr M Carrick	Beilby Design	Ground & first floor additions with front carport	29/11/2018	24/12/2018
1/5 Princes Street	Ms S Galvin	Mr M Nelson	Temporary site office & storage container	24/12/2018	2/01/2019
WAPC Approval					
2 Jarrad Street	Crown (Vested to Town of Cottesloe)	Sculpture by the Sea Inc	Temporary Marquee for Sculpture by the Sea Exhibition	24/12/2018	21/01/2019

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS**Submitted by Cr Pyvis – Emailed 18 February 2019**

Q1. Where is the table of development applications received as per Council resolution?

A1. The resolution required the table to be included with the report to Council, which it will be.

OFFICER RECOMMENDATION

Moved Cr Rodda

Seconded Cr Young

THAT Council receive this report on the planning applications determined under delegation for the months of December 2018 and January 2019.

COUNCILLOR AMENDMENT

Moved Cr Pyvis

Seconded Cr Tucak

Add a point 2

2. That the agenda is to include the outstanding Development Applications in the body of the report as resolved by Council.

Lost 1/7

For: Cr Pyvis

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

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

THAT Council receive this report on the planning applications determined under delegation for the months of December 2018 and January 2019.

Carried 7/1

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

Against: Cr Pyvis

10.1.4 PLANNING INSTITUTE OF AUSTRALIA 2019 NATIONAL CONGRESS

File Ref: SUB/2798
Applicant(s) Proponents: N/A
Attachments: Nil
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Ed Drewett, Coordinator Statutory Planning
Author Disclosure of Interest: Author is nominee to attend congress

SUMMARY

Every year a major national congress is arranged by the Planning Institute of Australia. For the 2019 congress, delegates will hear from national and international leaders talking about innovative solutions to the challenges facing planners and planning. The congress will be held on the Gold Coast from 15-17 May 2019.

The report recommends Council endorsement for the Coordinator Statutory Planning to attend.

BACKGROUND

The Planning Institute of Australia is recognised nationally and internationally as the peak professional body representing town planners in Australia.

This congress is the major annual local government planners' event and attracts a variety of overseas representatives and speakers.

The programme, over three days, is comprehensive and includes topics such as:

-)] Community engagement
-)] Delivering housing in the suburbs
-)] Incorporating active and living principles into statutory planning
-)] Developing effective strategic urban design frameworks for centres
-)] Planning's role in sustainability
-)] Planning for renewables
-)] Adaptable housing
-)] Planning for Pop-ups.

The Gold Coast has experienced significant growth and faced challenges accommodating the 2018 Commonwealth Games and revitalising areas by introducing light rail, streetscape improvements, co-worker spaces, live music venues and parklands.

STRATEGIC IMPLICATIONS

Fosters strategic planning knowledge and skills, and keeping up-to-date with planning issues, trends, topics and practices.

POLICY IMPLICATIONS

Council's Conference Policy applies.

STATUTORY ENVIRONMENT

Relates to the global town planning system.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation for staff training. The estimated cost of registration, accommodation, meals and travel for the congress is \$3,000.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the officer's recommendation. Carbon offset for flights can be included.

CONSULTATION

N/A

OFFICER COMMENT

Attending the national congress is one of the most important sources of current information and training for experienced local government planners, particularly if delivered by high quality, practicing experts working in the industry.

An advantage for Cottesloe is that development areas and projects in the district will be assisted by broader exposure to industry knowledge and this will assist in the assessment of development applications including complex mixed-use developments, multiple dwellings, and foreshore redevelopment proposals. Attendance at the congress will also contribute towards the officer's continued professional development which is required to be completed as a requirement of his membership to the Planning Institute of Australia.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Sadler

Seconded Cr Rodda

THAT Council APPROVE the attendance of the Coordinator Statutory Planning at the Planning Institute of Australia 2019 National Congress from 15-17 May 2019.

COUNCILLOR AMENDMENT

Moved Cr Pyvis

Seconded Cr Thomas

The officer recommendation becomes point 1 and add a point 2

2. Congratulate Mr Drewet for his defence of LPS3 at the JDAP and his professional approach to the RAR and his understanding of the scheme.

Equality 4/4

For: Crs Tucak, Thomas, Pyvis and Harkins

Against: Mayor Angers, Crs Rodda, Sadler and Young

Mayor Angers exercised the casting vote against

Lost 4/5

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

THAT Council APPROVE the attendance of the Coordinator Statutory Planning at the Planning Institute of Australia 2019 National Congress from 15-17 May 2019.

Carried 8/0

ADMINISTRATION**10.1.5 2018 COMPLIANCE AUDIT RETURN**

File Ref: SUB/2798
Attachments: 10.1.5(a) 2018 Compliance Audit Return [under separate cover]
Responsible Officer: Garry Bird, Deputy Chief Executive Officer
Author: Elizabeth Nicholls, Senior Administration Officer
Author Disclosure of Interest: Nil

SUMMARY

A recommendation is made to adopt the Compliance Audit Return for 2018 and authorise the Mayor and Chief Executive Officer to certify the Return so that it may be submitted to the Department of Local Government by the due date of 31 March 2019.

BACKGROUND

Each year the Department of Local Government issues a Compliance Audit Return that covers a sample of legislative provisions required under the provisions of the *Local Government Act 1995*, which is required to be completed by staff and endorsed by Council prior to submission.

At the Audit Committee meeting held on 22 January 2019, it was resolved:

That the Audit Committee recommends;

That Council:

1. *ADOPT the 2018 Compliance Audit Return, subject to the following changes:*
 - a. *Delegation of Power/Duty questions 1, 2, 3 and 5 to be changed to 'not applicable' and the comment 'no delegations in place to Committees' to be inserted for question 1.*
 - b. *Delegation of Power/Duty question 12, with the date to be changed to '14 November 2017'.*
 - c. *Disclosure of Interest question 4, to be changed to 'not applicable'.*
 - d. *Finance question 15, to be changed to 'no'.*
 - e. *Finance question 16, to be changed to 'yes', and the comment '2019 Financial Management Review and Risk Management Review to be undertaken' to be inserted.*
 - f. *Compliance Audit Return Respondent to be changed to 'Garry Bird, Deputy Chief Executive Officer'*
 2. *NOTE the areas of non compliance listed in the Compliance Audit Return report.*
 3. *AUTHORISE the Mayor and Chief Executive Officer to certify the Return so that it may be returned to the Department of Local Government and Communities by the due date of 31 March 2018.*
-

The changes recommended by the Committee have been made to the 2018 Compliance Audit Return attached for Elected Members 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

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 7.13 of the *Local Government Act 1995* provides the following in relation to the Audits.

7.13 Regulations as to Audits

- (1) (i) *requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are –*
 - (i) *of a financial nature or not; or*
 - (ii) *under this Act or another written law.*
- (2) *Regulations may also make any provision about audit committees that may be made under section 5.25 in relation to committees.*

Sections 14 and 15 of the *Local Government (Audit) Regulations 1996* provide the following in relation to the Audits.

14. Compliance audits by local governments

- (1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
- (2) *After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
- (3A) *The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*
- (3) *After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be –*
 - (a) *presented to the council at a meeting of the council; and*
 - (b) *adopted by the council; and*
 - (c) *recorded in the minutes of the meeting at which it is adopted.*

15. Compliance audit return, certified copy of etc. to be given to Executive Director

- (1) *After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with –*
- (a) *a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*
 - (b) *any additional information explaining or qualifying the compliance audit, is to be submitted to the Executive Director by 31 March next following the period to which the return relates.*
- (2) *In this regulation –*
- Certified in relation to a compliance audit return means signed by –*
- (a) *the mayor or president; and*
 - (b) *the CEO.*

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

Senior staff

Audit Committee

OFFICER COMMENT

The Compliance Audit Return for 2018 has been completed and it is recommended that the Committee recommend to Council its adoption and further, authorise the Mayor and Chief Executive Officer to certify the Return so that it can be forwarded to the Department of Local Government and Communities.

The 2018 Compliance Audit Return has identified the following areas of non compliance by the Town of Cottesloe:

-)] S5.76(1) Admin Reg 23 Form 3 – Cr Sandra Boulter submitted an annual return after 31 August 2018.
-)] S5.76(1) Admin Reg 23 Form 3 – Ms Elena Bull, the Principal Building Surveyor submitted an annual return after 31 August 2018.

-)) S5.77 – Two primary returns for acting staff positions were not given written acknowledgement by the Chief Executive Officer.

In regards to the annual and primary returns, the completion of the 2018 Compliance Audit Return has noted some deficiencies in our internal systems, particularly around the recruitment of new permanent and acting staff. A procedure is being developed by staff to ensure these deficiencies are rectified prior to the completion of the 2018/19 Return.

Additional Staff Comment

Following consideration of the Return by the Audit Committee and discussions with the Chief Executive Officer on his return from annual leave, Question 12 of the Delegation of Power/Duty section of the Return needs to be amended to show that the Delegated Authority Register was adopted by Council at the April 28 2018 Ordinary Meeting.

This was missed by staff when preparing the Return.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS

Submitted by Cr Pyvis – Emailed 18 February 2019

- Q1. Which specific section of which Act and/or Regulation was the TOC administration found to be non-compliant with?
- A1.** Please refer to the officer report.
- Q2. What specifically are the findings of non-compliance?
- A2.** One Elected Member (Cr Boulter) failed to submit their Annual Return on time, one staff member (Elena Bull) failed to submit their annual return on time and two letters acknowledging the receipt of Annual Returns were not signed – as covered in the officer's report.
- Q3. Under the heading of Policy implications what changes to internal policies have been made in response to the auditor's non-compliance findings and as a result of the mis-reporting of the review of the Delegation Register in the Audit Return Report?
- A3.** There was no such finding. The Delegated Authority Register was considered by Council in April 2018 in accordance with the Act. Please refer to the Officer's report for details.
- Q4. Which TOC officer signed of/finalised the Audit Return Report?
- A4.** The Compliance Audit Return will be signed by the Chief Executive Officer before it is sent.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Cr Harkins

That Council, noting the correction to Question 12 Delegation of Power/Duty to show that the Delegated Authority Register was reviewed during the 2017/18 financial year;

1. **ADOPT** the 2018 Compliance Audit Return
2. **NOTE** the areas of non compliance listed in the Compliance Audit Return report.
3. **AUTHORISE** the Mayor and Chief Executive Officer to certify the Return so that it may be returned to the Department of Local Government and Communities by the due date of 31 March 2018.

Carried 7/1

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

Against: Cr Pyvis

10.1.6 PERTH MELANOMA MARCH 2019

File Ref: SUB/2798
Attachments: 10.1.6(a) Event application and site plan [under separate cover]
Responsible Officer: Garry Bird, Deputy Chief Executive Officer
Author: Gabrielle Hall, Events Officer
Author Disclosure of Interest: The CEO will be disclosing an interest in this item

The CEO declared an interest in this item.

The CEO left the Chambers at 7.19 pm.

SUMMARY

MelanomaWA is seeking approval for the Perth Melanoma March to be held at Cottesloe Beach along Marine Parade on Sunday, 31 March 2019 between 6:00am until 12:30pm as part of a national campaign.

BACKGROUND

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

The Perth Melanoma March is an annual melanoma awareness event that forms part of a national campaign, with Perth being one of a series of three marches in Western Australia. The event was held in Cottesloe last year and was well run by melanomaWA. The 2019 event involves a five kilometre walk, and will not include a ten kilometre run which has been included in previous years. Free skin cancer screening consultations will also not be provided at the 2019 event.

STRATEGIC IMPLICATIONS

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

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

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

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

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

Major Strategy 1.4: Continue to improve community engagement.

POLICY IMPLICATIONS**Beach Policy**

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

Event and Facility Classification Policy

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

STATUTORY ENVIRONMENT

Local Government Act 1995

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

FINANCIAL IMPLICATIONS

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 required to pay a \$200 bond.

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*.

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

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

melanomaWA

OFFICER COMMENT

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

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

There will be no children's entertainment or food vendors included in the event this year.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr Harkins

THAT Council APPROVE the application to hold the Perth Melanoma March at Cottesloe Beach along Marine Parade on Sunday, 31 March 2019 between 6:00am until 12:30pm, subject to the following conditions:

1. Class this event as a 'Charitable' event and the hire charges be waived, and a bond of \$200, to be paid prior to the event commencing subject to evidence of melanomaWA's Deductible Gift Recipient status and, Australian Charities and Not-for-Profit Commissions Charity Register Summary being provided prior to the event.
1. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event.
2. 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.
3. Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required.
4. All signage to be approved by the Chief Executive Officer one month prior to the event.
5. The event complies with all noise management conditions imposed on the event by the Town of Cottesloe.
6. Compliance with the Town's *Beaches and Beach Reserves Local Law 2012*.
7. Compliance with relevant sections of the Town's *Beach Policy*.
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.

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 Pyvis

No Seconder

At the end of point 3 add “, that is available on the Town of Cottesloe website and on request at the front counter.”

Lapsed

COUNCILLOR AMENDMENT

Moved Cr Pyvis

Seconded Cr Young

Under ADVICE NOTE, add an underlined heading above each paragraph as follows:

No Balloons

Single Use Plastics Medical Exemption

Fish Habitat Protection Area (FHPA)

Equality 4/4

For: Crs Tucak, Young, Thomas and Pyvis

Against: Mayor Angers, Crs Rodda, Sadler and Harkins

Mayor Angers exercised the casting vote

Carried 5/4

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

THAT Council APPROVE the application to hold the Perth Melanoma March at Cottesloe Beach along Marine Parade on Sunday, 31 March 2019 between 6:00am until 12:30pm, subject to the following conditions:

1. Class this event as a 'Charitable' event and the hire charges be waived, and a bond of \$200, to be paid prior to the event commencing subject to evidence of melanomaWA's Deductible Gift Recipient status and, Australian Charities and Not-for-Profit Commissions Charity Register Summary being provided prior to the event.
1. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event.
2. 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.
3. Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required.
4. All signage to be approved by the Chief Executive Officer one month prior to the event.
5. The event complies with all noise management conditions imposed on the event by the Town of Cottesloe.
6. Compliance with the Town's *Beaches and Beach Reserves Local Law 2012*.
7. Compliance with relevant sections of the Town's *Beach Policy*.
8. The event complies with all requirements of the:
 - Ñ1 Health (Public Buildings) Regulations 1992
 - Ñ1 Food Act 2008
 - Ñ1 Town's Health Local Law 1997
 - Ñ1 Town's Liquor (Licensed Premises) Policy
 - Ñ1 Health (Miscellaneous Provisions) Act 1911
 - Ñ1 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.

ADVICE NOTE

No Balloons

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

Single Use Plastics Medical Exemption

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

Fish Habitat Protection Area (FHPA)

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 8/0

10.1.7 FREEDOM OF INFORMATION - INFORMATION STATEMENT

File Ref: SUB/2798
Attachments: 10.1.7(a) Freedom of Information - Information Statement [under separate cover]
10.1.7(b) Freedom of Information Requests Received [under separate cover]
Responsible Officer: Garry Bird, Deputy Chief Executive Officer
Author: Elizabeth Nicholls, Senior Administration Officer
Author Disclosure of Interest: Nil

The CEO returned to Chambers at 7:23pm.

SUMMARY

The Town is required to publish an Information Statement under section 96 of the *Freedom of Information Act 1992*.

BACKGROUND

The *Freedom of Information Act 1992* provides public access to documents, and to enable the public to ensure that personal information in documents is accurate, complete, up to date and not misleading.

Section 94 of the *Freedom of Information Act 1992* provides what is to be included in the Information Statement including:

- ⌋ A statement of the structure and functions of the Town.
 - ⌋ A description of the ways in which the functions of the Town affect members of the public.
 - ⌋ A description of any arrangements that exist to enable members of the public to participate in the formulation of the Town's policy and the performance of the Town's functions.
 - ⌋ A description of the kinds of documents that are usually held by the Town including:
 - ☑ Which kinds of documents can be inspected at the Town under written law other than the *Freedom of Information Act 1992* (for example, the *Local Government Act 1995*).
 - ☑ Which kinds of documents can be purchased.
 - ☑ Which kinds of documents can be obtained free of charge.
 - ⌋ A description of the Town's arrangements for giving members of the public access to documents including details of library facilities of the Town that are available for use by members of the public.
 - ⌋ A description of the Town's procedures for giving members of the public access to documents including:
-

- ☑ The designation of the Officer(s) to whom initial inquiries as to access to documents can be made.
- ☑ The address at which access applications can be lodged.
-)) A description of the procedures for amending person information in the documents of the Town.

The current Information Statement was endorsed by Council in December 2012. Since that time, there have been changes in external legislation, Local Laws, policies and the organisation structure. An Information Statement has been drafted reflecting these changes and the Town's current processes and procedures.

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Freedom of Information Act 1992

Freedom of Information Regulations 1993

FINANCIAL IMPLICATIONS

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

Fees received from Freedom of Information applications are in accordance with the *Freedom of Information Regulations 1993*, with costs to applicants being negligible.

Section 4 of the *Freedom of Information Act 1992* provides that it is the Town's duty to provide documents '*at the lowest reasonable cost*'. In the interest of this duty and in addition to demonstrating openness, accountability and good governance, fees for officer time and printing are generally waived.

Staffing costs are significant and far exceed any fees payable by the applicant. Fees applicable for officer time, as specified in the *Freedom of Information Regulations 1993*, can only be charged for certain tasks and are charged only occasionally.

There is also a substantial cost for printing the documents. Printing costs are generally waived by staff, as permissible under the legislation. Where possible, applicants are provided a choice of receiving the documents electronically with the fees waived, or having the documents printed with full fees charged in accordance with the *Freedom of Information Regulations 1993*.

The attached table provides an overview of applications received. The estimate of officer time only provides for the Freedom of Information Officers time, not for other staff in the organisation associated with requests.

STAFFING IMPLICATIONS

The number of Freedom of Information requests received by the Town has increased, as has the complexity of the requests, consequently, there has been an increase in the time spent by Officers responding to requests.

The completion of the statutory requirements for applications removes Officer's from other important functions of the Town.

The below table lists the number of applications received per year since the last Information Statement was presented to Council for consideration.

2019 (to date)	2 applications received
2018	14 applications received
2017	Ten applications received
2016	12 applications received
2015	Four applications received
2014	Five applications received
2013	Three applications received

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Town of Cottesloe Freedom of Information Principal

Town of Cottesloe Freedom of Information Coordinator

Other Local Government Authorities

OFFICER COMMENT

Since the last Information Statement was adopted, there has been a significant increase in the number of Freedom of Information applications with approximately one being received per month. Additionally, staff are of the opinion that recent Freedom of Information applications have a larger scope, require more time and at times, relate to relatively controversial or legal issues creating more complex applications.

To ensure the document is comparable to the standard of other local governments, Information Statements used by the City of Perth, City of Joondalup and Shire of Toodyay have been used as a reference point.

The updated Information Statement will be available on the Town's website and will provide applicants advice regarding how documents can be accessed, reflecting good governance.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS**Submitted by Cr Pyvis – Emailed 18 February 2019**

- Q1. Can Elected Members be provided a hard copy of the current FOI statement?
- A1.** Can be provided on request.
- Q2. Where is TOC required to publish the statement and where on the TOC website is it published?
- A2.** The Statement has to be available for inspection, but typically it is placed on the website and copies are available at the administration centre.
- Q3. What are the material differences between the new FOI statement and the current FOI Statement?
- A3.** It is an update of the previous version (please refer to the officer's report).
- Q4. What is the approach of the TOC administration to FOI requests? Is there an internal administration FOI policy guideline?
- A4.** The procedure for deciding FOI applications is controlled by the FOI Act.
- Q5. Under what circumstance does the TOC administration require an FOI request and a fee for documents that clearly on the public record such as audio recordings and minutes of public committee meetings?
- A5.** If the documents are available under other legislation (ie Local Government Act) they are not subject to the provisions of the FOI Act and are dealt with separately.
- Q6. Is there a Council policy about FOI requests? If not, why not?
- A6.** No – Freedom of Information is Governed by State Legislation. It is not open to local governments to apply their policy position to this legislation.
- Q7. How many request for internal review of FOI decisions has the TOC received between 2013- 2019, with each year itemised?
- A7.** This information doesn't relate to the report at hand. A separate report can be prepared should Council wish to do so.
- Q8. How many requests for internal review elicited more documents than were given on the initial application?
- A8.** This will require further, detailed research to provide the exact number, but it would be an extremely small percentage as the Town provides thorough searches when undertaking FOI searches.
- Q9. How many requests for external review have elicited more documents than were given on the initial application?
- A9.** One in 2012 and one in 2016.

Q10. Who is the current and who was/were the former TOC Freedom of Information Principal/s for the last 4 years?

A10. The Chief Executive Officer is the FOI Principal.

Q11. Who is the current and who was/were the former is the TOC Freedom of Information Coordinator/s for the last 4 years?

A11. There has been more than one officer. The current officer is the Senior Administration Officer.

Q12. Who are the other local government authorities referred to under the Consultation header and what did they say?

A12. We referred to the other local government's FOI Statements to gauge current trends in such documents.

Q13. Why isn't the FOI information statement classified as a policy of Council that would require advertisement?

A13. As the Statement is required by the Freedom of Information Act and only provides information on how we comply with that Act, it is not considered a policy of the Council.

Q14. Could the FOI information statement be classified as a policy of Council that would require advertisement? If not, why not?

A14. No – please refer to the answer above.

Q15. What does the TOC Consultation Policy say about this document?

A15. It doesn't provide any specific guidance.

Q16. Is this Town of Cottesloe Policy Development as per Table One and Two of the Cottesloe Consultation Policy which has specific consultation requirements about policy development?

A16. Yes – but the subject at hand is not a policy as outlined above.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Young

Seconded Cr Rodda

That Council ENDORSE the attached Freedom of Information – Information Statement.

Carried 7/1

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

Against: Cr Pyvis

10.1.8 ELECTED MEMBER APPOINTMENT TO COMMITTEES

File Ref: SUB/2798
Attachments: Nil
Responsible Officer: Garry Bird, Deputy Chief Executive Officer
Author: Elizabeth Nicholls, Senior Administration Officer
Author Disclosure of Interest: Nil

SUMMARY

Cr Boulter resigned from the Town of Cottesloe Council effective 6 February 2019. It is necessary to appoint replacement members to various advisory committees, delegates to other Local Government bodies and community organisations.

BACKGROUND

Elected Members have previously been appointed to various committees following the Local Government Ordinary Election or the formation of committees.

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.

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

Priority Area 6: Providing open and accountable local governance.

Major Strategy 6.1: Ongoing implementation of Council's community consultation policy.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Audit) Regulation 1996

Planning and Development Act 2005

Section 5.10, 5.11A, 5.11 and 5.127 of the *Local Government Act 1995* provides the following in relation to the committees.

5.10. Committee members, appointment of

(1) A committee is to have as its members —

(a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and

(b) persons who are appointed to be members of the committee under subsection (4) or (5).

** Absolute majority required.*

(2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.

(3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.

(4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

(5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —

(a) to be a member of the committee; or

(b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

5.11A. Deputy committee members

(1) The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.

** Absolute majority required.*

(2) A person who is appointed as a deputy of a member of a committee is to be —

(a) if the member of the committee is a council member — a council member; or

(b) if the member of the committee is an employee — an employee; or

(c) if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or

(d) if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.

(3) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.

- (4) *A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.*

5.11. Committee membership, tenure of

- (2) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*
 - (b) *the person resigns from membership of the committee; or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day,*
- whichever happens first.*

5.12. Presiding members and deputies, election of

- (1) *The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —*
- (a) *to "office" were references to "office of presiding member"; and*
 - (b) *to "council" were references to "committee"; and*
 - (c) *to "councillors" were references to "committee members".*
- (2) *The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —*
- (a) *to "office" were references to "office of deputy presiding member"; and*
 - (b) *to "council" were references to "committee"; and*
 - (c) *to "councillors" were references to "committee members"; and*
 - (d) *to "mayor or president" were references to "presiding member".*

Section 7.1 of the *Local Government Act 1995* provides the following in relation to the Audit Committee.

- (1) *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) *The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*
** Absolute majority required.*
- (3) *A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.*
- (4) *An employee is not to be a member of an audit committee.*

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

Nil

OFFICER COMMENT

The resignation of Cr Boulter from Council requiring an Elected Member be appointed to the following advisory committees, other Local Government bodies and community organisations in various capacities as outlined.

Some committees have previously had Deputy Members/Delegates appointed to them. It has been considered appropriate to include the appointed Deputy as a permanent member of the relevant Committee in the officer's recommendation; however, this may be dependant on availability and ultimately is the decision of Council.

Audit Committee

Cr Boulter was previously appointed to the Audit Committee.

The Audit Committee is responsible for the reviewing and making recommendations to Council regarding financial management, risk management, internal controls, legislative compliance, internal and external audit planning and reporting.

Elected Members currently appointed to the Audit Committee are:

)) Cr Mark Rodda, Presiding Member

)) Cr Lorraine Young

Mayor Philip Angers is the Deputy Member of the Audit Committee.

Beach Access Paths Committee

Cr Boulter was previously appointed to the Beach Access Paths Committee.

The Beach Access Path Committee assists Council in decisions to upgrade the beach access paths.

Elected Members currently appointed to the Beach Access Path Committee are:

)) Cr Sally Pyvis, Presiding Member

)) Cr Michael Tucak

Mayor Philip Angers is the Deputy Member of the Beach Access Paths Committee.

North Cottesloe Primary School Traffic Safety Committee

Cr Boulter was previously appointed to the North Cottesloe Primary School Traffic Safety Committee.

The North Cottesloe Primary School Traffic Safety Committee oversees improvements to deal with traffic and safety issues at North Cottesloe Primary School.

Elected Members currently appointed to the North Cottesloe Primary School Traffic Safety Committee are:

)) Cr Mark Rodda, Presiding Member

)) Cr Melissa Harkins

)) Cr Helen Sadler

)) Cr Michael Tucak

There is currently no Deputy Member appointed to the North Cottesloe Primary School Traffic Safety Committee.

Reserves, Parks and Playgrounds Committee

Cr Boulter was previously appointed as the Presiding Member of the Reserves, Parks and Playgrounds Committee.

The Reserves, Parks and Playgrounds Committee is responsible for identifying the relevant places applicable to Council deliberations, setting a program for the renewal and rejuvenation of tree planting in Cottesloe and the feasibility of a skatepark in the Town.

Elected Members currently appointed to the Reserves, Parks and Playgrounds Committee are:

)) Cr Melissa Harkins

)) Cr Rob Thomas

Cr Helen Sadler is the Deputy Member of the Reserves, Parks and Playgrounds Committee.

As Cr Boulter was appointed Presiding Member to the Reserves, Parks and Playgrounds Committee, at the next committee meeting to be held, *'the members of a committee are to elect a presiding member from amongst themselves'* in accordance with section 5.12 of the *Local Government Act 1995*.

Cottesloe Coastcare Association Inc.

Cr Boulter was previously appointed as the Deputy Delegate to the Cottesloe Coastcare Association Inc.

Cottesloe Coastcare Association Inc. is a group of local volunteers who joined together in 1995 to achieve a more robust and diverse ecosystem for the Cottesloe foreshore. Its constitution provides for a nominee of Council.

Cr Rob Thomas is currently appointed as Delegate to the Cottesloe Coastcare Association Inc.

Development Assessment Panel

Cr Boulter was previously appointed as a Member to the Development Assessment Panel.

The *Planning and Development (Development Assessment Panels) Regulations 2011* requires that the four Elected Members be nominated to sit on the Development Assessment Panel, two Members and two Deputy Members. The Minister will appoint the local government representatives in accordance with the local government's nomination.

Should the local government fail to nominate four representatives, the Minister has the power to appoint two alternative community representatives to ensure local representation is always present on a panel. The Regulations require that these alternate representatives are residents of the local area and have relevant knowledge or experience that, in the opinion of the Minister, will enable them to represent the interests of their local community.

Cr Sally Pyvis is currently appointed as a Member to the Development Assessment Panel. Mayor Philip Angers and Cr Lorraine Young are currently appointed as Deputy Members.

ProCott Inc.

Cr Boulter was previously appointed as the Primary Delegate of ProCott Inc.

ProCott Inc. is an incorporated body promoting the interests of the Cottesloe business community in the town centre using differential rates income provided by the Town of Cottesloe.

Under the agreement between ProCott Inc. and the Town of Cottesloe, ProCott Inc. is required to give the Town of Cottesloe reasonable notice in writing of all proposed meetings of its directors and permit two Elected Members of the Town of Cottesloe to attend and participate in the discussions at all meetings of its directors.

Cr Lorraine Young is currently appointed as Primary Delegate to ProCott Inc. Cr Sadler is currently appointed as Deputy Delegate.

Western Australian Local Government Association Central Metropolitan Regional Zone

Cr Boulter was previously appointed as one of the two Delegates of the Western Australian Local Government Association (WALGA) Central Metropolitan Regional Zone.

Zones are groups of geographically aligned Member Councils who are responsible for direct elections of State Councillors, providing input into policy formulation and providing advice on various matters. The following Local Government Authorities are members of the WALGA Central Metropolitan Zone:

-)] Town of Cambridge
-)] Town of Cottesloe
-)] Town of Claremont
-)] Town of Mosman Park
-)] City of Nedlands
-)] Shire of Peppermint Grove
-)] City of Perth
-)] City of Subiaco
-)] Town of Vincent

Mayor Philip Angers is currently appointed as Delegate to WALGA Central Metropolitan Regional Zone. Cr Helen Sadler is currently appointed as Deputy Delegate.

Western Suburbs District Planning Committee

Cr Boulter was previously appointed as a Member of the Western Suburbs District Planning Committee.

The Western Suburbs District Planning Committee is established under the *Planning and Development Act 2005*. It is resourced and coordinated by the Department of Planning and focuses on regional planning issues.

Cr Lorraine Young is currently appointed as Deputy Member of the Western Suburbs District Planning Committee.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That Council:

1. APPOINT _____ to the Audit Committee.
2. APPOINT Cr _____ as Deputy Member of the Audit Committee.
3. APPOINT Mayor Philip Angers to the Beach Access Paths Committee.
4. APPOINT Cr _____ as Deputy Member of the Beach Access Paths Committee.
5. APPOINT Cr _____ to the North Cottesloe Primary School Traffic Safety Committee.
6. APPOINT Cr _____ as Deputy Member to the North Cottesloe Primary School Traffic Safety Committee.
7. APPOINT Cr Helen Sadler to the Reserves, Parks and Playgrounds Committee.
8. APPOINT Cr _____ as Deputy Member to the Reserves, Parks and Playgrounds Committee.
9. APPOINT Cr _____ as Deputy Delegate to the Cottesloe Coastcare Association Inc.
10. APPOINT Cr _____ (Mayor Philip Angers or Cr Lorraine Young) as Primary Delegate to the Development Assessment Panel.
11. APPOINT Cr _____ as Deputy Delegate to the Development Assessment Panel.
12. NOTIFY the Department of Planning that Cr _____ has been appointed as a Member and Cr _____ has been appointed Deputy Member to the Development Assessment Panel.
13. APPOINT Cr Helen Sadler as Delegate to ProCott Inc.
14. APPOINT Cr _____ as Deputy Delegate to ProCott Inc.

15. APPOINT Cr Helen Sadler as Delegate to the WALGA Central Metropolitan Regional Zone.
16. APPOINT Cr _____ as Deputy Delegate to the WALGA Central Metropolitan Regional Zone.
17. APPOINT Cr Lorraine Young as Member of the Western Suburbs District Planning Committee.
18. APPOINT Cr _____ as Deputy Member of the Western Suburbs District Planning Committee.

Cr Young nominated Cr Tucak to the Audit Committee.

Cr Tucak did not accept the nomination.

Mayor Angers called for a volunteer. Cr Sadler agreed to volunteer up until the next Local Government Elections.

COUNCILLOR MOTION AND COUNCIL RESOLUTION

Moved Cr Young Seconded Cr Thomas

That Council APPOINT Cr Helen Sadler to the Audit Committee.

Carried by Absolute Majority 8/0

COUNCILLOR MOTION AND COUNCIL RESOLUTION

Moved Cr Young Seconded Cr Thomas

That Council:

1. APPOINT Mayor Philip Angers to the Beach Access Paths Committee.
2. APPOINT Cr Melissa Harkins as Deputy Member of the Beach Access Paths Committee.

Carried by Absolute Majority 8/0

COUNCILLOR MOTION AND COUNCIL RESOLUTION

Moved Cr Young Seconded Cr Harkins

That Council makes no further appointments to the North Cottesloe Primary School Traffic Safety Committee at this stage.

Carried by Absolute Majority 7/1

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

COUNCILLOR MOTION

Moved Cr Rodda Seconded Cr Thomas

That Council:

1. APPOINT Cr Helen Sadler to the Reserves, Parks and Playgrounds Committee.
2. DOES NOT APPOINT a Deputy Member to the Reserves, Parks and Playgrounds

Committee.

Following discussion Cr Young amended the motion to appoint Cr Sadler as member and Cr Tucak as Deputy Member to the Reserves, Parks and Playgrounds Committee.

COUNCILLOR AMENDMENT

Moved Cr Young

Seconded Cr Sadler

1. **APPOINT Cr Helen Sadler to the Reserves, Parks and Playgrounds Committee.**
2. **APPOINT Cr Michael Tucak as Deputy Member to the Reserves, Parks and Playgrounds Committee.**

Carried by Absolute Majority 8/0

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

That Council:

1. **APPOINT Cr Helen Sadler to the Reserves, Parks and Playgrounds Committee.**
2. **APPOINT Cr Michael Tucak as Deputy Member to the Reserves, Parks and Playgrounds Committee.**

Carried by Absolute Majority 8/0

COUNCILLOR MOTION AND COUNCIL RESOLUTION

That Council:

Moved Cr Young

Seconded Cr Thomas

That Council **APPOINT Cr Melissa Harkins as Deputy Delegate to the Cottesloe Coastcare Association Inc.**

Carried by Absolute Majority 8/0

COUNCILLOR MOTION AND COUNCIL RESOLUTION

Moved Cr Harkins

Seconded Mayor Angers

That Council **APPOINT Cr Lorraine Young as Primary Delegate to the Development Assessment Panel.**

Carried by Absolute Majority 7/1

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

COUNCILLOR MOTION AND COUNCIL RESOLUTION

Moved Cr Young

Seconded Cr Harkins

That Council **APPOINT Cr Michael Tucak as Deputy Delegate to the Development Assessment Panel.**

Carried by Absolute Majority 8/0

COUNCILLOR MOTION AND COUNCIL RESOLUTION

Moved Cr Rodda Seconded Cr Harkins

That Council NOTIFY the Department of Planning that Cr Lorraine Young has been appointed as a Member and Cr Michael Tucak has been appointed Deputy Member to the Development Assessment Panel.

Carried by Absolute Majority 8/0

COUNCILLOR MOTION AND COUNCIL RESOLUTION

Moved Cr Young Seconded Cr Rodda

That Council APPOINT Cr Helen Sadler as Delegate to ProCott Inc.

Carried by Absolute Majority 8/0

COUNCILLOR MOTION AND COUNCIL RESOLUTION

Moved Cr Young Seconded Cr Rodda

That Council APPOINT Cr Rob Thomas as Deputy Delegate to ProCott Inc.

Carried by Absolute Majority 8/0

COUNCILLOR MOTION AND COUNCIL RESOLUTION

Moved Cr Young Seconded Cr Thomas

That Council APPOINT Cr Helen Sadler as Delegate to the WALGA Central Metropolitan Regional Zone.

Carried by Absolute Majority 8/0

COUNCILLOR MOTION AND COUNCIL RESOLUTION

Moved Mayor Angers Seconded Cr Sadler

That Council APPOINT Cr Lorraine Young as Deputy Delegate to the WALGA Central Metropolitan Regional Zone.

Carried by Absolute Majority 8/0

COUNCILLOR MOTION AND COUNCIL RESOLUTION

Moved Cr Young Seconded Mayor Angers

That Council:

1. APPOINT Cr Helen Sadler as Member of the Western Suburbs District Planning Committee.
2. APPOINT Cr Lorraine Young as Deputy Member of the Western Suburbs District Planning Committee.

Carried by Absolute Majority 8/0

COUNCILLOR AMENDMENT AND COUNCIL RESOLUTION

Moved Cr Tucak

Seconded Cr Rodda

That Council APPOINT Cr Michael Tucak as deputy to the Foreshore Precinct Implementation Committee.

Carried by Absolute Majority 8/0

COUNCILLOR AMENDMENT AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Cr Sadler

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

Carried by Absolute Majority 7/1

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

Against: Cr Pyvis

10.1.9 CR BOULTER RESIGNATION - REQUIREMENT FOR EXTRAORDINARY ELECTION.

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

SUMMARY

Cr Sandra Boulter resigned from Council effective 6 February 2019.

An extraordinary election is now required to be held unless Council otherwise determines to delay filling this vacancy until the October 2019 general elections.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Election) Regulations 1996

4.8. Extraordinary elections

- (1) *If the office of a councillor or of an elector mayor or president becomes vacant under section 2.32 an election to fill the office is to be held.*
- (2) *An election is also to be held under this section if section 4.57 or 4.58 so requires.*
- (3) *An election under this section is called an **extraordinary election**.*

4.9. Election day for extraordinary election

- (1) *Any poll needed for an extraordinary election is to be held on a day decided on and fixed —*
 - (a) *by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or*
 - (b) *by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).*

-
- (2) *The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.*
- (3) *If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —*
- (a) fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and*
 - (b) advise the CEO of the day fixed.*

4.17. Cases in which vacant offices can remain unfilled

- (1) *If a member's office becomes vacant under section 2.32 on or after the third Saturday in July in the election year in which the term of the office would have ended under the Table to section 2.28, the vacancy is to remain unfilled and the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*
- (2) *If a member's office becomes vacant under section 2.32 —*
- (a) after the third Saturday in January in the election year in which the term of the office would have ended under the Table to section 2.28; but*
 - (b) before the third Saturday in July in that election year, the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*

4.20. CEO to be returning officer unless other arrangements made

- (1) *Subject to this section the CEO is the returning officer of a local government for each election.*
- (2) *A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint* a person other than the CEO to be the returning officer of the local government for —*
- (a) an election; or*
 - (b) all elections held while the appointment of the person subsists.*
- * Absolute majority required.*
- (3) *An appointment under subsection (2) —*
- (a) is to specify the term of the person's appointment; and*
 - (b) has no effect if it is made after the 80th day before an election day.*
- (4) *A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*
- * Absolute majority required.*

(5) *A declaration under subsection (4) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.*

(6) *A declaration made under subsection (4) on or before the 80th day before election day cannot be rescinded after that 80th day.*

As Cr Boulter has resigned after the third Saturday in January in an election year (in which her term is due to expire) the Town would be able to ask the Electoral Commissioner for approval for the vacant position to remain unfilled until the October 2019 election.

If Council was to determine to conduct an extraordinary vacancy, it is recommended that the WA Electoral Commissioner be appointed to conduct the election as has occurred in previous years.

FINANCIAL IMPLICATIONS

If Council was to conduct an extraordinary election to fill the vacancy and determined to appoint the Western Australian Electoral Commissioner to act as the Returning Officer for the election, the estimated cost is \$15,000 including advertising costs.

Staffing costs for the polling booth on election day are estimated to be \$2,000.

STAFFING IMPLICATIONS

If Council was to determine to hold an extraordinary election to fill the vacancy, staff would be required to advertise for nominations and prepare an electoral roll. Council staff also receives voting packages from early electors in the lead up to poll day and staff the polling booth on the day of the election itself.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Western Australian Electoral Commission

OFFICER COMMENT

Given the proximity of the October 2019 ordinary elections and that this was when Cr Boulter's term was due to expire, it is recommended that the vacancy remain unfilled until October 2019 to:

1. Save potential candidates the time and expense of running a campaign for what would be a term of only several months, depending on an election date determined by Council.
2. Save the Town the costs of running an extraordinary election (estimated saving (15,000)).

This action is relatively common in local government when an Elected Member resigns so close to the expiry date of their term.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Sadler

Seconded Cr Rodda

That Council, in accordance with Section 4.17 (2) of the *Local Government Act 1995*, WRITES to the Electoral Commissioner to seek approval for the vacancy created by the resignation of Cr Boulter to remain unfilled until the October 2019 ordinary election, when Cr Boulter's term was due to expire.

COUNCILLOR AMENDMENT

Moved Cr Pyvis

Seconded Cr Tucak

Add a point 2 as follows:

2. Thanks Cr Boulter for her continuous representation of the community and her dedication and hard work on Council.

Lost 2/6

For: Crs Tucak and Pyvis

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

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

That Council, in accordance with Section 4.17 (2) of the *Local Government Act 1995*, WRITES to the Electoral Commissioner to seek approval for the vacancy created by the resignation of Cr Boulter to remain unfilled until the October 2019 ordinary election, when Cr Boulter's term was due to expire.

Carried 8/0

10.1.10 ORDINARY ELECTION - APPOINTMENT OF ELECTORAL COMMISSIONER

File Ref: SUB/2798
Attachments: 10.1.10(a) Letter - Local Government Ordinary Election 2019 [under separate cover]
Responsible Officer: Garry Bird, Deputy Chief Executive Officer
Author: Elizabeth Nicholls, Senior Administration Officer
Author Disclosure of Interest: Nil

SUMMARY

That in accordance with section 4.20(4) of the *Local Government Act 1995*, the Western Australian Electoral Commissioner be responsible for the conduct of the 2019 Town of Cottesloe ordinary election together with any other elections or polls which may also be required.

That in accordance with Section 4.61(2) of the *Local Government Act 1995*, the method of conducting the election be a postal election.

BACKGROUND

To assist in budget preparations the Western Australian Electoral Commission has provided Council with an estimate for the next scheduled ordinary elections, planned for 19 October 2019.

The current procedure required by the *Local Government Act 1995* is that the Western Australia Electoral Commissioner's written agreement is to be obtained before the vote is taken.

To facilitate the process, the letter received by the Town from the Western Australia Electoral Commissioner can be taken as agreement to be responsible for the conduct of the 2019 Town of Cottesloe ordinary elections, together with any other elections or polls that may also be required.

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

4.20. CEO to be returning officer unless other arrangements made

- (1) *Subject to this section the CEO is the returning officer of a local government for each election.*
- (2) *A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint* a person other than the CEO to be the returning officer of the local government for —*
 - (a) *an election; or*
 - (b) *all elections held while the appointment of the person subsists.*** Absolute majority required.*
- (3) *An appointment under subsection (2) —*
 - (a) *is to specify the term of the person's appointment; and*
 - (b) *has no effect if it is made after the 80th day before an election day.*
- (4) *A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*
** Absolute majority required.*
- (5) *A declaration under subsection (4) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.*
- (6) *A declaration made under subsection (4) on or before the 80th day before election day cannot be rescinded after that 80th day.*

4.61. Choice of methods of conducting election

- (1) *The election can be conducted as a —*
postal election *which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or*
voting in person election *which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.*
- (2) *The local government may decide* to conduct the election as a postal election.*
** Absolute majority required.*
- (3) *A decision under subsection (2) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.*
- (4) *A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.*
- (5) *A decision made under subsection (2) on or before the 80th day before election day cannot be rescinded after that 80th day.*

- (6) *For the purposes of this Act, the poll for an election is to be regarded as having been held on election day even though the election is conducted as a postal election.*
- (7) *Unless a resolution under subsection (2) has effect, the election*

FINANCIAL IMPLICATIONS

The estimated cost for the Western Australian Electoral Commission to conduct the 2019 election is \$35,000 including GST, which has been based on the following assumptions:

- ⌋ 6,000 electors
- ⌋ Response rate of approximately 50%
- ⌋ Four vacancies
- ⌋ Count to be conducted at the premises of the Town of Cottesloe
- ⌋ Appointment of a local Returning Officer
- ⌋ Regular Australia Post delivery service to apply

Costs not incorporated in the estimate include:

- ⌋ Non-statutory advertising (for example, additional advertisements in community newspapers and promotional advertising)
- ⌋ Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns
- ⌋ Local government staff members to work in the polling place on election day
- ⌋ Any additional postage rate increase by Australia Post

STAFFING IMPLICATIONS

Council staff are required to assist the Western Australia Electoral Commission on the day of the count and other preliminary matters. These costs are funded from existing salary allocations.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Western Australian Electoral Commission

OFFICER COMMENT

Given that Council's previous elections have been held as postal elections and conducted by the Western Australian Electoral Commission, the same arrangements are recommended for the 2019 ordinary election.

VOTING REQUIREMENT

Absolute Majority

COUNCILLOR QUESTIONS**Submitted by Cr Pyvis – Emailed 18 February 2019**

- Q1. What was the outcome of the ward review recommendations?
- A1.** This is not a part of the report at hand, but the Town has been notified that its report and recommendation have been noted, with no further action required (this information has been made available to Elected Members previously).
- Q2. Have final responses been received from the Department of Local Government and relevant applicable authorities?
- A2.** Please refer to answer 1.
- Q3. If the ward review is not settled, should Council be writing to the Electoral Commissioner?
- A3.** Please refer to answer 1.
- Q4. If the method of election is a postal election can votes still be recorded in person on final polling day?
- A4.** Yes.

OFFICER RECOMMENDATION

Moved Cr Harkins

Seconded Cr Sadler

That Council by absolute majority ,

1. **DECLARE**, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2019 Town of Cottesloe ordinary election together with any other elections or polls which may also be required.
2. **DECIDE**, in accordance with Section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election be as a postal election.

COUNCILLOR AMENDMENT

Moved Cr Pyvis

No Seconder

3. That the Town publishes on its PostCott page and Town website the outcomes of the Ward Review.

Lapsed

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

That Council by absolute majority,

1. **DECLARE**, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2019 Town of Cottesloe ordinary election together with any other elections or polls which may also be required.
2. **DECIDE**, in accordance with Section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election be as a postal election.

Carried by Absolute Majority 8/0

10.1.11 BEACHES AND BEACH RESERVE LOCAL LAW 2012 AMENDMENT - SHARK FISHING

File Ref:	SUB/2798
Attachments:	10.1.11(a) Draft Beaches and Beach Reserves Amendment Local Law 2019 [under separate cover]
	10.1.11(b) Suggested Purpose and Effect for Draft Amendment Local Law [under separate cover]
	10.1.11(c) Advice on Draft Amendment Local Law [under separate cover]
Responsible Officer:	Garry Bird, Deputy Chief Executive Officer
Author:	Elizabeth Nicholls, Senior Administration Officer
Author Disclosure of Interest:	Nil

SUMMARY

To consider amendments to the Town of Cottesloe Beaches and Beach Reserve Local Law 2012 to ban the use of wire trace when fishing on local beaches (a common method used in shark fishing).

BACKGROUND

A Briefing Forum item was presented to Elected Members for consideration in June 2018 following a request from Cr Boulter.

A Request for Quote was drafted seeking to appoint a suitably qualified and experienced legal consultant to:

-)] Draft an amendment to the Local Law for consideration of Council
-)] Provide comment on impact of proposed amendment and likelihood of being approved by the State Government.

LSV Borello were awarded the contract to prepare the necessary amendments and provide advice. The draft local law is attached for the consideration of Elected Members.

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Town of Cottesloe Beaches and Beach Reserve Local Law 2001

Fisheries Resource Management Act 1994 - Fish Habitat Protection Area

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

3.12. Procedure for making local laws

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

and
 - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

FINANCIAL IMPLICATIONS

The cost to advertise, adopt and submit the proposed amendment is estimated to be approximately \$10,000.

STAFFING IMPLICATIONS

Rangers will ensure compliance with the amendments if adopted by Council.

Shark fishing is generally undertaken outside of regular patrol hours, with infrequent patrols schedule out of hours at peak times to monitor the activity. Regular additional hours to patrol outside of normal rostered hours would necessitate additional funding from Council.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Department of Fisheries

LSV Borello

OFFICER COMMENT

The Town of Cottesloe *Beaches and Beach Reserve Local Law 2012* currently prohibits shark fishing from Cottesloe beaches however enforcing this has proven problematic for the Town's Rangers for a number of reasons including;

-)] The catching of sharks can often be an unintended consequence of other recreational fishing which is considered to be an adequate defence.
-)] Those fisherpersons who choose to target sharks generally do so in the late hours of the evening/morning when the beaches are not regularly patrolled.
-)] Shark fishing is generally a seasonal activity when large numbers of tailor, salmon and other species are prevalent.

The proposed amendment will improve the ability of Rangers to enforce the prohibition on shark fishing by effectively banning the use of wire trace which is used commonly by those targeting sharks.

There may be some adverse impact on other fisherpersons who use wire trace to target other species such as mackerel and large tailor. This would be regrettable however given the importance of Cottesloe and North Cottesloe beaches to local residents and the wider public from a tourism perspective, this impact is considered acceptable.

It is acknowledged that the vast majority of those who choose to fish in Cottesloe do so lawfully and with regard for the local environment. It is a small number who choose to actively target sharks and who do so with little regard to beach goers and the local environment.

As per the provisions of the *Local Government Act 1995*, the presiding person is required to read aloud the following statement of purpose and effect of the proposed amendments:

Purpose

The Purpose of this local law is to prohibit fishing with a line containing metal within the beach and beach reserves.

Effect

The Effect of this local law is to amend the Town of Cottesloe *Beaches and Beach Reserves Local Law 2012* and prohibit fishing with a line containing metal within the beach and beach reserves.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS**Submitted by Cr Pyvis – Emailed 18 February 2019**

Q1. Can the officer report record all the work undertaken by Cr Boulter to bring this local law reform to this point?

A1. The officer's report is complete.

OFFICER RECOMMENDATION**Moved Cr Thomas****Seconded Cr Pyvis**

THAT Council :

1. ADVERTISE the proposed Amendment Local Law (as attached) for a period of not less than 42 days and invite public submissions in regards to the proposed Local Law.
2. CONSIDER all submissions received at a Meeting of Council after the nominated closing date.

COUNCILLOR AMENDMENT

Moved Cr Pyvis

Seconded Cr Sadler

In point 1, insert the name of the local law (Town of Cottesloe *Beaches and Beach Reserve Local Law 2012*) after the word Amendment.

Add the following points:

3. The text of the proposed local law will be included in all advertisements and on the Town of Cottesloe website.
4. Report to Council will include all submissions and report whether submissions are from Town of Cottesloe residents or ratepayers or others.
5. Submissions without a residential address will not be accepted.

Cr Young requested that the new paragraph 3 be dealt with separately.

The Presiding Member agreed to deal with point 3 after the other parts of the amendment had been dealt with.

COUNCILLOR AMENDMENT**Moved Cr Pyvis****Seconded Cr Sadler**

In point 1, insert the name of the local law (Town of Cottesloe *Beaches and Beach Reserve Local Law 2012*) after the word Amendment.

Add the following points:

4. Report to Council will include all submissions and report whether submissions are from Town of Cottesloe residents or ratepayers or others.
5. Submissions without a residential address will not be accepted.

PROCEDURAL MOTION**Moved Cr Rodda****Seconded Cr Young****Put it to the vote.****Carried 8/0**

COUNCILLOR AMENDMENT

Moved Cr Pyvis

Seconded Cr Sadler

In point 1, insert the name of the local law (Town of Cottesloe *Beaches and Beach Reserve Local Law 2012*) after the word Amendment.

Add the following points:

4. Report to Council will include all submissions and report whether submissions are from Town of Cottesloe residents or ratepayers or others.
5. Submissions without a residential address will not be accepted.

Carried 8/0

COUNCILLOR AMENDMENT

Moved Cr Pyvis

No Seconder

That the text of the proposed local law will be included in all advertisements and on the Town of Cottesloe website.

Lapsed

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**THAT Council:**

1. **ADVERTISE** the proposed Amendment Town of Cottesloe *Beaches and Beach Reserve Local Law 2012* (as attached) for a period of not less than 42 days and invite public submissions in regards to the proposed Local Law.
2. **CONSIDER** all submissions received at a Meeting of Council after the nominated closing date.
3. Report to Council will include all submissions and report whether submissions are from Town of Cottesloe residents or ratepayers or others.
4. Submissions without a residential address will not be accepted.

Carried 8/0

10.1.12 BY THE C 2019 - ZACCARIA CONCERTS AND TOURING PTY LTD - CHANGE OF DATE

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

SUMMARY

Zaccaria Concerts and Touring Pty Ltd have requested the start time of By the C 2019 be changed from 1.00pm to 12.00pm to cater for the increased number of artists booked to appear at the event.

BACKGROUND

At the Ordinary Council Meeting held 28 August 2018, approval was given to Zaccaria Concerts and Touring Pty Ltd to stage a major concert event, By the C 2019 as per the following resolution:

THAT Council APPROVE the application to hold the By the C concert at Cottesloe Beach on Sunday, 7 April 2019, from 1.00pm and 9.00pm, subject to the following conditions:

- 1. Class this event as a 'Commercial' event and \$25,000 be charged for the hire fees. A bond of \$10,000 to be paid prior to the event commencing;*
- 2. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, 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: Ñ 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. Organisers will use their best endeavours to avoid the use of an other form of single use plastic;
15. That the event is a non-smoking event;
16. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event;
17. 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; and
18. Provision of a Disability Access and Inclusion Plan including to minimise wherever practicable the disruption to the disabled access to the beach and around the area.

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.

STRATEGIC IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

The policy implications do not differ to what was outlined in the previous report presented to Council at the August 2018 Ordinary Council Meeting.

STATUTORY ENVIRONMENT

The statutory environment does not differ to what was outlined in the previous report presented to Council at the August 2018 Ordinary Council Meeting.

FINANCIAL IMPLICATIONS

The financial implications do not differ to what was outlined in the previous report presented to Council at the August 2018 Ordinary Council Meeting.

STAFFING IMPLICATIONS

The staffing implications do not differ to what was outlined in the previous report presented to Council at the August 2018 Ordinary Council Meeting.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The sustainability implications do not differ to what was outlined in the previous report presented to Council at the August 2018 Ordinary Council Meeting.

CONSULTATION

Zaccaria Concerts and Touring Pty Ltd

OFFICER COMMENT

For the 2019 event, Zaccaria have scheduled an extended list of artists to perform throughout the day. To cater for this increased line-up an extension of the performance times has been requested.

This is not expected to create any significant impact on beach goers who will always be able to move outside the concert area when the gates are closed if they wish to remain at the beach.

As such the request is supported by staff.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS**Submitted by Cr Pyvis – Emailed 18 February 2019**

Q1. Who are the artists for this event?

A1. The featured artists for the 2019 event are John Farnham, Jon Stevens, Vanessa Amorosi, The Black Sorrows and Ross Wilson.

Q2. Does the TOC administration and/or Mayor Angers know who all or some of the artists proposed for this event are?

A2. Please refer to answer 1.

Q3. What informal or formal complaints were received by the TOC administration pertaining to this event last year?

A3. There were two negative comments received about the 2018 event.

Q4. Will the prototype shade structures have to be removed for this event?

A4. No – they will be removed prior to the event.

Q5. What further reports to Council will have to be made before this event take place?

A5. Unless there is a further change to the approval requested or required, nil.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Cr Harkins

That Council SUPPORT the change of start time from 1.00pm to 12.00pm for the in-principle approval given to for Zaccaria Concerts and Touring beach concert to be held on 7 April 2019, subject to satisfying the conditions of approval listed resolved at the 28 August 2018 Ordinary Council Meeting.

Carried 7/1

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

Against: Cr Pyvis

ENGINEERING**10.1.13 WENTWORTH STREET YELLOW LINE EXTENSION**

File Ref:	SUB/2798
Attachments:	10.1.13(a) Objection Letter from Resident [under separate cover]
	10.1.13(b) Proposed Yellow Line Markings [under separate cover]
	10.1.13(c) Wentworth Street Parking Restrictions Feedback Table [under separate cover]
Responsible Officer:	Mat Humfrey, Chief Executive Officer
Author:	Shaun Kan, Manager, Engineering Services
Author Disclosure of Interest:	Nil

Cr Pyvis declared an **IMPARTIALITY INTEREST** in item 10.1.13 due to knowing one of the submitters in Wentworth Street.

Cr Tucak declared an **IMPARTIALITY INTEREST** in item 10.1.13 due to knowing the residents involved.

SUMMARY

That Council consider the request for no stopping lines on Wentworth Street, along with the feedback received from residents of the street.

BACKGROUND

The Town has received complaints of near miss collisions at this location between vehicles turning right from Railway Street and traffic approaching the intersection along Wentworth Street. Parking along both sides of Wentworth Street close to Railway Street intersection reduces road width and line of sight. The Town's Ranger Services have installed statutory no stopping lines at the intersection.

At the September 2018 Briefing Forum, the Administration was tasked to consult with the 32 residents along Wentworth Street on the preference between a five and 13 metre No Stopping yellow line extension.

A second round of consultation was undertaken in November 2018 to engage on a new option for a 13 metre yellow line extension on the northern side only. Ten of the 16 submissions were in support of the 13 metre extension on both sides of the street. One property owner was supportive of the new option.

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 1.1: Develop an 'integrated transport strategy' that includes cycling, park and ride, Cott Cat, public transport and parking management strategies to meet the needs of pedestrians, cyclists and other non-vehicular traffic.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Parking and Parking Facilities Local Law 2009

FINANCIAL IMPLICATIONS

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

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Town of Cottesloe Staff

Elected Members

Edge Transport

A letter was sent to Wentworth Street residents on 5 November 2018. Responses were requested by 13 November 2018. The closing date for submissions was 16 November 2018. A total of 16 submissions were received.

A summary of the submissions received is attached. A copy of all the submissions received has been provided to Elected Members separate to the agenda to protect privacy details of the respondents.

OFFICER COMMENT

The majority of the respondents are in support of a 13 metre yellow line extension on both sides of Wentworth Street.

The Administration, in consultation with the Town's Traffic Engineering Consultant, Edge Transport, has found that the 5.5 metre width of Wentworth Street is sufficient for two passing vehicles at the intersection, especially with low traffic volumes on this residential street.

Therefore, the officer's recommendation is to not extend the no stopping area at this time.

Street parking promotes traffic calming and maintains a low speed environment. There is no other street within the vicinity that has this No Parking supported by the residents and any extension to these lines may set a precedent for parking restrictions in the area.

If Council accepts the recommendation to not install the no stopping area, officers will continue to monitor the area and investigate (with Main Roads Western Australia) if there are other treatment options that could improve safety.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS**Submitted by Cr Pyvis – Emailed 18 February 2019**

Q1. Why are the submissions confidential?

A1. A feedback table is in the report.

Q2. Why doesn't the header to the officer refer to the fact that the submissions have been circulated to Elected Members in a confidential attachment? Can the report be amended to show this?

A2. The officer report refers to the summary table provided.

Q3. What are the specific grounds for making the submissions confidential?

A3. They're not – a submission table has been provided.

Q4. Why isn't the option three of one yellow line recommended by officers?

A4. Please refer to the officer's report.

Q5. Most respondents believe two lines are necessary for safety and so presumably their back up would be one line?

A5. We can't make that presumption as the one line option was presented as a part of the submission process.

Q6. Isn't the survey flawed because the TOC letter did not ask for a selection in order of preference?

A6. No – it is normal to ask for respondents to provide their preference where such a limited number of options exist.

Q7. Can a map of relevant sight lines having regard to all the concerns expressed be included in the report to Council?

A7. Yes.

Q8. What was the specific brief to Edge Transport? What were they asked?

A8. To confirm that there is sufficient road width at the intersection for 2 vehicles to safely pass.

Q9. What was the specific advice from Edge Transport?

A9. 5.5m road width at the intersection is sufficient for 2 vehicles to pass safely. Parked vehicles also provide a traffic calming effect. No yellow lines are required.

Q10. Can the advice from Edge Transport be included in the officer report?

A10. It is.

Q11. Are there any legal repercussions if Council authorised a yellow line extension on one side or both sides? That is are there any appeal processes against such a decision?

A11. There is no appeal process available under the Parking and Parking Facilities Local Law.

Q12. When will the TOC administration bring a report to Council that implements the Community Strategic Plan Priority 1.1 adopted in 2013 to *Develop an 'integrated transport strategy' that includes cycling, park and ride, Cott Cat, public transport and parking management strategies to meet the needs of pedestrians, cyclists and other non-vehicular traffic*, so as to avoid the need to bring such minor issues to Council?

A12. Such a plan would not set aside the provisions of the Local Law, which requires all such decisions to be made by Council.

OFFICER RECOMMENDATION

Moved Cr Sadler

Seconded Cr Thomas

That Council:

1. NOT APPROVE a 13 metre extension of the No Stopping yellow lines on both sides of Wentworth Street;
2. ENDORSE for the current situation to be monitored and reported back to council at the May 2019 Ordinary Council Meeting on any further improvements required.

COUNCILLOR AMENDMENT

Moved Cr Pyvis

Seconded Cr Tucak

2. That the word 'Endorse' be changed to 'Request' the Town of Cottesloe Administration monitor and report back to Council.

Lost 2/6

For: Crs Tucak and Pyvis

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

COUNCILLOR AMENDMENT

Moved Cr Young

Seconded Cr Sadler

Change 'May 2019' to 'June 2019' in point 2.

Carried 8/0

COUNCILLOR AMENDMENT

Moved Cr Tucak

Seconded Cr Pyvis

The following words at the end of point 2:

including for signage warning vehicles turning right off Railway St that vehicles exit Wentworth St, or a median marker or similar on Railway St to ensure vehicles turning right have a clear sight of vehicles exiting Wentworth St before commencing to turn, or any signage to address pedestrian safety crossing Wentworth St on Railway St.

Lost 1/7

For: Cr Tucak

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

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

That Council:

- 1. NOT APPROVE a 13 metre extension of the No Stopping yellow lines on both sides of Wentworth Street;**
- 2. ENDORSE for the current situation to be monitored and reported back to council at the June 2019 Ordinary Council Meeting on any further improvements required.**

Carried 7/1

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

Against: Cr Pyvis

10.1.14 REVISED STREET TREE POLICY

File Ref: SUB/2798
Attachments: 10.1.14(a) Draft Street Tree Policy - February Ordinary Meeting Attachment [under separate cover]
10.1.14(b) Street Trees Policy - Community Feedback - February Ordinary Meeting Attachment [under separate cover]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Shaun Kan, Manager, Engineering Services
Author Disclosure of Interest: Nil

Cr Pyvis declared an **IMPARTIALITY INTEREST** in item 10.1.14 due to being a Committee member of West Tree Canopy.

SUMMARY

That Council adopt the attached Street Tree Policy following public consultation in December 2018.

BACKGROUND

At the October 2018 Ordinary Council Meeting, Council resolved:

COUNCIL RESOLUTION

1. *That Council adopts the draft Tree Policy for the purpose of advertising the Tree Policy to the Town of Cottesloe residents and ratepayers for a 4 week submission period, and that the advertisement contains the information that submissions will only be accepted if they have the name and address of the submitter.*
2. *That the TOC administration report back to Council about the outcome of the submissions at its earliest convenience.*

A total of 27 submissions were received prior to 11 December 2018, the closing date of the four week advertising period.

STRATEGIC IMPLICATIONS

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

Priority Area 5: Providing sustainable infrastructure and community amenities

Major Strategy 1.6: Implement policies that protect existing trees and that actively seek to increase the tree canopy in Cottesloe.

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

Priority Area 5: Providing sustainable infrastructure and community amenities.

Major Strategy 1.6: Implement policies that protect existing trees and that actively seek to increase the tree canopy in Cottesloe.

POLICY IMPLICATIONS

The officer's recommendation is to replace the current Street Tree Policy with the attached, reviewed draft Street Tree Policy.

STATUTORY ENVIRONMENT

Local Government Act 1995

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

Town of Cottesloe Staff

Elected Members

Town of Cottesloe Residents

The draft Street Tree Policy was advertised for a period of four weeks from 13 November 2018 to 11 December 2018 in accordance with the Council resolution. The Town received 27 submissions following the advertising of the draft Street Tree Policy. A summary of the submissions received is attached.

A copy of all the submissions received has been provided to Elected Members separate to the agenda to protect privacy details of the respondents.

OFFICER COMMENT

During the submission period, several comments were received stating that existing trees should be replaced with trees within the Street Tree Master Plan. Council should note that in general, following the adoption of this Policy, Council will be asked to decide on any request for changes to existing street tree species. Otherwise, existing trees will remain till the end of life and will be replaced with the new species at that point.

Some submissions received in relation to the Street Tree Policy, included queries relating to operational matters. Where applicable, an officer comment has been provided in the summary of submissions. Requests for general tree maintenance will continue to be included as part of the Town's daily operations.

Several submissions made reference to the need for a Green Infrastructure Management Plan. Such a document would be more appropriate for the administration of public open spaces and reserves rather than road reserves. Similarly, comments relating to increase in

canopy coverage would be more effectively addressed in an Urban Forest Strategy. Both documents will be developed following the adoption of the new Policy.

Policies guide the Town with decision making, rather than being operationally focused. They allow for consistency in decision making and provide guidance to residents on what the likely Council decision would be in a given set of circumstances.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS

Submitted by Cr Pyvis – Emailed 18 February 2019

Q1. What are the current outstanding requests for street tree removal?

A1. There are 3 current requests.

Q2. Which of these requests will be resolved by this policy and in what way?

A2. The policy would provide a response for all requests.

Q3. At the street tree workshop, Council informed the TOC administration that it wished to have a tree policy similar to the Subiaco Tree policy? In what material ways if this policy different from the Subiaco Tree Policy?

A3. The Subiaco Policy was used as a basis for the workshop process with Council.

Q4. What is Council's requirements for policy changes reflected in Council's Consultation Policy?

A4. The proposed policy changes be advertised as this policy was.

Q5. Will this policy cover planting the railway reserves and Cottlesloe reserves along the railway line as have all other local governments along the railway line?

A5. It would for the portion of the area that is a road reserve. The Railway Reserve is under the control of the Public Transport Authority, and a local government policy would have no affect.

Q6. Which Act, Local Law, LPS3 provision and/or regulation prohibits a resident from planting a tree on a reserve or verge and what are the exact terms of this law of regulation?

A6. Local Government (Uniform Local Provisions) Regulations provide a local government with the ability to control road reserves.

Q7. Which Act, Local Law, LPS3 provision and/or regulation prohibits a resident from planting a tree on a reserve or verge that is inconsistent with the TOC Street Tree Master Plan?

A7. None specifically – as stated above, the local government is authorised to regulate activities on road reserves (see answer 6).

Q8. Which Act, Local Law, LPS3 provision and/or regulation makes a tree removal an unauthorised tree removal for the purpose of implementing cl4.5 this policy?

A8. See answer 6.

Q9. Which Act, Local Law, LPS3 provision and/or regulation authorises the TOC to recover all related costs for the purpose of implementing cl4.5 of this policy?

A9. See answer 6.

Q10. Which Act, Local Law, LPS3 provision and/or regulation makes a tree planting an unauthorised planting for the purpose of implementing this policy?

A10. See answer 6.

Q11. What is the 2017 and 2018 and 2019 and 2020 TOC street tree planting program? Where can they be found on the TOC website?

A11. Allocations for tree planting are contained with the Town's Budget, set by Council each year. Please note that Council is not being asked to consider these amounts as a result of this report.

Q12. On what basis – what value assessment method - will the TOC assess the value of the bond referred to in cl4.6 of the Policy?

A12. An industry recognised tree amenity value calculation method plus the cost of planting and maintaining the same tree back to the size of the existing tree.

Q13. On what basis – what value assessment method - will the TOC assess the value of the compensation referred to in cl4.7 of the Policy?

A13. As per answer to Q12.

Q14. What are the internal TOC administration guidelines to staff about tree planting method and timing, watering street trees new and established?

A14. It varies according to the species of trees, location and when they are planted. The Manager of Engineering Services, in consultation with the Works Manager, makes this assessment.

Q15. Is the Tree Pruning section consistent with the Australian Standard for Tree Pruning? If not, what are the material differences?

A15. Where possible – yes. If it is emergency pruning or in response to unauthorised works, pruning may vary from the standards.

Q16. Who authorised the removal of the 2 trees from the Railway verge opposite the North Cottesloe Primary School this week and was the removal consistent with this draft policy?

A16. The Town did not authorise or undertake those works – the matter is still being investigated.

Q17. When will the TOC administration bring a report to Council that implements that Community Strategic Plan priority 1.6 adopted in 2013 to, *Implement policies that protect existing trees* and that actively seek to increase the tree canopy in Cottesloe?

A17. The policy is before Council now for consideration. Each year the Council makes an allocation for tree planting.

Q18. When will the TOC administration bring a report to Council that implements Community Strategic Priority 1.6 through the Notice of Motion moved by then Cr

Boulter that was unanimously (that included Cr Pyvis, Cr Boulter, Mayor - then Cr Angers, Cr Rodda, and Cr Thomas) resolved by Council in 26 April 2016 as follows:

1. *2. Subject to the Town of Cottesloe recommending to Council against the inclusion of a tree canopy strategy in the Town of Cottesloe Strategic Community Plan as a result of received public submissions that the Town of Cottesloe administration produce a report and comprehensive draft "Town of Cottesloe Planning and Development Policy: Tree Preservation, Protection and Planting," to Council directed to protecting trees on private property and reserves in the Town of Cottesloe, and fostering Cottesloe tree canopies in public spaces, and in particular over foot and cycle paths, by the July 2016 Briefing Session, having regard to:*
 -) the "WALGA Street Tree Guidance Report"; and*
 -) the WAPC Urban Forest Strategy statistics; and including*
 -) establishing a draft set of development conditions pertaining to tree preservation and planting to be adopted by the Town of Cottesloe in its standard development approval conditions; and recommendations for a scheme amendment to LPS 3 to protect trees on private property in Cottesloe, for Council's consideration.*
2. *3. That an amount of \$100,000 be set aside in the Town of Cottesloe Budget for the purpose of developing, commencing and implementing the "Town of Cottesloe Planning and Development Policy: Tree Preservation, Protection and Planting," once it is adopted by Council?*

A18. The notion of having a Planning Policy (under the Planning and Development Act) was presented to the required Briefing Session.

Q19. What amendments are required to be made to LPS3 to protect existing significant trees on public and private property?

A19. With regards to private property, the Town would need to amend LPS3 to give Council the power to consider trees on private land. With regards to public land, not all public land is subject to the Local Planning Scheme and certain works are exempt from the requirement for a planning approval. In such cases, no amendment can be made to LPS3 that would require those State agencies (or utilities) to require an approval.

At 8:36pm, the Presiding Member adjourned the meeting for five minutes.

At 8:42pm, the Presiding Member resumed the meeting.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Thomas

Seconded Cr Sadler

That Council ADOPT the attached draft Street Tree Policy.

Carried 7/1

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

Against: Cr Pyvis

10.1.15 GRANT STREET (CONGDON STREET TO PARRY STREET) PARKING RESTRICTIONS

File Ref: SUB/2798
Attachments: 10.1.15(a) Grant Street Proposed Parking Restrictions Summary Submissions [under separate cover]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Shaun Kan, Manager, Engineering Services
Author Disclosure of Interest: Nil

Cr Young declared a **PROXIMITY INTEREST** in item 10.1.15 (point 2) due to living in the section of the street that point 2 relates to.

Cr Young declared an **IMPARTIALITY INTEREST** in item 10.1.15 (point 1) due to living near where the parking restrictions are proposed.

Cr Tucak declared an **IMPARTIALITY INTEREST** in item 10.1.15 due to due to knowing the residents involved.

SUMMARY

Council is asked to consider:

-)] Approving a two hour parking restriction along Grant Street between Congdon Street and Parry Street
-)] Authorise the Administration to monitor and implement a two hour parking restriction on the remaining sections of Grant Street between Congdon Street and Railway Street

BACKGROUND

There is currently no parking restriction along Grant Street between Railway Street and Parry Street.

Year 12 students from both Christ Church Grammar School and MLC Claremont are parking between Congdon Street and Parry Street since the introduction of parking time restrictions by the Town of Claremont. These changes have created a shortage of parking and traffic safety related issues for residents within this section of Grant Street.

Responses received from residents indicate support for the implementation of two hour parking restrictions to address concerns.

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 1.1: Develop an 'integrated transport strategy' that includes cycling, park and ride, Cott Cat, public transport and parking management strategies to meet the needs of pedestrians, cyclists and other non-vehicular traffic.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Parking and Parking Facilities Local Law 2009

FINANCIAL IMPLICATIONS

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

STAFFING IMPLICATIONS

Rangers would have to patrol Grant Street for compliance.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Town of Cottesloe Staff

Grant Street Residents

A letter was sent to Grant Street residents between Congdon Street and Parry Street on 27 November 2018. Responses were requested by 14 December 2018. Six of the seven submissions received from residents between Congdon Street and Parry Street were supportive of the two hour time restriction. A summary of the submissions received is attached.

A copy of all the submissions received has been provided to Elected Members separate to the agenda to protect privacy details of the respondents.

OFFICER COMMENT

It would be prudent to note that the implementation of this parking limit would potentially result in a parking shift to the section of Grant Street between Railway Street and Congdon Street. The Administration would need to monitor this unrestricted sectioned and if required, carry out consultation and implement similar measures if supported by residents.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS**Submitted by Cr Pyvis – Emailed 18 February 2019**

Q1. Has a traffic expert – Edge Transport - been consulted about this strategy and the likely flow on effects?

A1. No.

Q2. When will the TOC administration bring a report to Council that implements the Community Strategic Plan Priority 1.1 adopted in 2013 to *Develop an 'integrated transport strategy' that includes cycling, park and ride, Cott Cat, public transport and parking management strategies to meet the needs of pedestrians, cyclists and other non-vehicular traffic*, so as to avoid the need to bring such minor issues to Council?

A2. The current local law requires these determinations to be made by Council.

OFFICER RECOMMENDATION

THAT Council:

1. APPROVE a two hour parking restriction along Grant Street between Congdon Street and Parry Street with resident permits exempted from the limitation;
2. AUTHORISE the Administration to implement a two hour parking restriction to the adjacent section of Grant Street between Railway Street and Congdon Street should Point 1 result in similar problems in the section mentioned in Point 2, subjected to consultation with directly affected residents.

Cr Young requested that the two points of the recommendation be dealt with separately as she had an impartiality interest in point 1 and a proximity interest in point 2.

The Presiding Member agreed to this.

OFFICER RECOMMENDATION (POINT 1)

Moved Cr Tucak

Seconded Cr Thomas

THAT Council:

1. APPROVE a two hour parking restriction along Grant Street between Congdon Street and Parry Street with resident permits exempted from the limitation.

COUNCILLOR AMENDMENT

Moved Cr Harkins

Seconded Cr Tucak

Insert the words 'between the hours of 8:00am to 4:00pm Monday to Friday' after 'parking restriction' in point one.

Carried 8/0

COUNCILLOR AMENDMENT

Moved Cr Pyvis

Seconded Cr Tucak

3. Report the outcomes back to Council along with a report from Edge Transport on the effectiveness of the change to the November 2019 Ordinary Council Meeting.

Lost 1/7

For: Cr Pyvis

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

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION (Point 1 only)

THAT Council:

1. APPROVE a two hour parking restriction between the hours of 8:00am to 4:00pm Monday to Friday along Grant Street between Congdon Street and Parry Street with resident permits exempted from the limitation.

Lost 2/6

For: Crs Tucak and Pyvis

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

At 9:01pm Cr Young left the Chambers.

PROCEDURAL MOTION

Moved Cr Sadler

Seconded Cr Harkins

That paragraph two lay on the table.

Carried 5/2

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

Against: Crs Tucak and Pyvis

At 9:02pm Cr Young returned to Chambers.

FINANCE**10.1.16 FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2018 TO 31 DECEMBER 2018**

File Ref: SUB/2798
Attachments: 10.1.16(a) Financial Statements for the period 1 July 2018 to 31 December 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

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

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

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Senior staff

OFFICER COMMENT

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

-)] The net current funding position as at 31 December 2018 was \$5,843,693 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 December 2018 stood at \$2,249,987 as shown on pages 2 and 25 of the attached Financial Statements.
-)] Operating revenue is more than year to date budget by \$351,779 with a more detailed explanation of material variances provided on page 21 of the attached Financial Statements. Operating expenditure is \$391,945 less than year to date budget with a more detailed analysis of material variances provided on page 21.
-)] The Capital Works Program is approximately 35% complete as at 31 December 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 December 2018 Employee Costs were \$1,276 less than the budgeted year to date amount.
-)] The balance of cash backed reserves was \$11,626,193 as at 31 December 2018 as shown in note 7 on page 27 of the monthly financial statements.

List of Accounts for December 2018

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

-)] \$60,359.61 to Solo Resource Recovery T/A Solo Waste for the collection and disposal of waste.
-)] \$512,790.38 to the Department of Fire and Emergency Services for an instalment of emergency services levies.
-)] \$32,944.76 to Surf Life Saving Western Australia for the monthly provision of surf life saving service.
-)] \$47,829.73 to Managed IT for IT hardware and IT services.
-)] \$366,782.64 to Environmental Industries Pty Ltd for works on the foreshore and beach access paths.
-)] \$115,562.31 & \$116,929.19 to the Town of Cottesloe staff for fortnightly payroll.
-)] \$150,000.00 to the Town of Cottesloe Investment account held with National Australia Bank.

Investments and Loans

Cash and investments are shown in note 4 on page 23 of the attached Financial Statements. Council has approximately 32% of funds invested with National Australia Bank, 31% with Bankwest, 27% with Commonwealth Bank of Australia and 10% with Westpac Banking Corporation. Council had a balance of \$11,626,193 in reserve funds as at 31 December 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 \$3,985,059 as at 31 December 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 \$2,249,987 as compared to \$2,498,282 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 52% or \$59,452 is older than 90 days. Infringement debtors are shown on note 6(a) and stood at \$489,329 as at 31 December 2018.

Budget Amendments

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

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS

Submitted by Cr Sadler – Emailed 18 February 2019

Q1. page 37 Payment Reference 1466.390.01 page 37 NCSLSC payment for Centenary event \$11,000. Can you please clarify whether should be for \$10,000 or \$11,000?

A1. The amount of \$11,000 is correct. This represents the \$10,000 donation approved by Council plus \$1,000 GST.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Cr Thomas

That Council RECEIVE the Financial Statements for the period 1 July 2018 to 31 December 2018 as submitted to the 26 February 2019 meeting of Council.

Carried 7/1

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

Against: Cr Pyvis

10.1.17 FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2018 TO 31 JANUARY 2019

File Ref: SUB/2798
Attachments: 10.1.17(a) Financial Statements for the Period 1 July 2018 to 31 January 2019 [under separate cover]
Responsible Officer: Mat Humfrey, 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

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

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

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Senior staff

OFFICER COMMENT

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

-)] The net current funding position as at 31 January 2019 was \$5,044,683 and is in line with previous financial years as shown on pages 2 and 23 of the attached Financial Statements.
-)] Rates and emergency services levies receivables at 31 January 2019 stood at \$1,618,372 as shown on pages 2 and 26 of the attached Financial Statements.
-)] Operating revenue is more than year to date budget by \$445,731 with a more detailed explanation of material variances provided on pages 21 and 22 of the attached Financial Statements. Operating expenditure is \$220,150 less than year to date budget with a more detailed analysis of material variances provided on pages 21 and 22.
-)] The Capital Works Program is approximately 35% complete as at 31 January 2019 and a full capital works program listing is shown on pages 34 to 36.
-)] Whilst Salaries and Wages are not reported specifically, they do represent the majority proportion of Employee Costs which are listed on the Statement of Financial Activity (By Nature and Type) on page 7 of the attached Statements. As at 31 January 2019 Employee Costs were \$6,599 less than the budgeted year to date amount.
-)] The balance of cash backed reserves was \$11,643,262 as at 31 January 2019 as shown in note 7 on page 28 of the monthly financial statements.

List of Accounts for January 2019

The List of Accounts paid during January 2019 is shown on pages 37 to 45 of the attached Financial Statements. The following significant payments are brought to Council's attention;-

-)] \$25,080.88 to Superchoice Services Pty Ltd for superannuation contributions.
-)] \$32,944.70 to Surf Life Saving Western Australia for the monthly provision of surf life saving service.

-)] \$49,879.50 to the Office of the Auditor General audit services.
-)] \$52,332.61 & \$55,334.38 to Solo Resource Recovery t/as Solo Waste for waste collection and disposal services.
-)] \$39,752.85 to West Tip Waste Control Pty Ltd for a bulk waste collection.
-)] \$36,054.16 to Western Metropolitan Regional Council for waste disposal services.
-)] \$43,543.25 to Shine Community Services being the Town's bi-annual contribution towards the service.
-)] \$59,047.16 & \$178,833.54 to Environmental Industries Pty Ltd for beach access path upgrades and foreshore works.
-)] \$116,784.35 & \$117,898.30 to the Town of Cottesloe staff for fortnightly payroll.
-)] \$150,000.00 & \$750,000.00 to the Town of Cottesloe Investment account held with National Australia Bank.

Investments and Loans

Cash and investments are shown in note 4 on page 24 of the attached Financial Statements. Council has approximately 34% of funds invested with National Australia Bank, 32% with Bankwest, 24% with Commonwealth Bank of Australia and 10% with Westpac Banking Corporation. Council had a balance of \$11,643,263 in reserve funds as at 31 January 2019.

Information on borrowings is shown in note 10 on page 31 of the attached Financial Statements and shows Council had total principal outstanding of \$3,985,059 as at 31 January 2019.

Rates, Sundry Debtors and Other Receivables

Rates revenue information is shown in note 9 on page 30 of the attached Financial Statements. Rates outstanding are shown on note 6 on page 26 and show a balance of \$1,618,372 as compared to \$1,733,107 this time last year.

Sundry debtors are shown on note 6, pages 26 and 27 of the attached Financial Statements. The sundry debtors show that 32% or \$44,730 is older than 90 days. Infringement debtors are shown on note 6(a) and stood at \$514,232 as at 31 January 2019.

Budget Amendments

The budget amendments are listed on pages 12, 13 and 25 of the Financial Statements

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Cr Harkins

THAT Council RECEIVE the Financial Statements for the period 1 July 2018 to 31 January 2019 as submitted to the 26 February 2019 meeting of Council.

Carried 7/1

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

Against: Cr Pyvis

10.1.18 MID YEAR BUDGET REVIEW - YEAR ENDING 30 JUNE 2019

File Ref: SUB/2798
Attachments: 10.1.18(a) Mid Year Budget Review - Year Ending 30 June 2019 [under separate cover]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Garry Bird, Deputy Chief Executive Officer
Author Disclosure of Interest: Nil

SUMMARY

In accordance with statutory requirements, Council is presented with the mid-year budget review for the year ending 30 June 2019 for its consideration.

BACKGROUND

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

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

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Regulation 33A. Review of budget

- (1) *Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
 - (2A) *The review of an annual budget for a financial year must —*
-

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

FINANCIAL IMPLICATIONS

Amendments proposed to the 2018/2019 Budget arising from this review are detailed on pages 24 to 27 of the Budget Review document. In summary and assuming Council adopts the various amendments proposed, there will be no surplus or deficit to carry forward into the 2019/2020 financial year.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Senior staff

OFFICER COMMENT

There are four components to the budget review (detailed on pages 24 to 27 of the review) as follows:

Part One

The variance between the 30 June 2018 estimated carried forward position and the actual position as finalised in the 2017/2018 Annual Report and audit process.

The Budget Review document highlights a significant difference in the estimated and actual carried forward position of an additional \$900,122 which is attributable to a variety of factors including:-

-)) \$75,064 extra lease and venue hire income

-)] \$39,918 additional parking infringement revenue
-)] \$163,000 reduced waste control expenditure
-)] \$60,000 reduced expenditure on implementation of Customer Relationship Management system (carried forward to 2018/19)
-)] \$42,000 reduced expenditure on carpark and footpath construction
-)] \$33,000 reduced expenditure on CCTV installation/upgrades
-)] \$25,293 in extra fees associated with planning applications.
-)] \$28,745 in extra revenue including rates penalty interest.
-)] Approximately \$400,000 savings in operating expenditure associated with reduced labour contractors, various studies carried forward into 2018-19 and legal fees associated with the Indiana lease.

Part Two

New projects endorsed by Council since the adoption of the 2018/2019 Budget. These are noted with the council resolution reference.

Part Three

Significant new projects identified since the adoption of the 2018/2019 Budget and not yet endorsed or otherwise by Council including:-

-)] \$2,200 contribution for improved external lighting at Cottesloe Surf Life Saving Club.
-)] \$2,700 to north Cottesloe Surf life saving Club for launch of the ‘Take 3 for the Sea’ initiative.
-)] \$5,000 for Grove Library Asset Management Plan.
-)] \$30,000 for Organisational Culture Review
-)] \$25,000 for Strategic Information Technology Review
-)] \$5,000 for Emergency Management planning contribution.
-)] \$29,000 for Playgrounds study
-)] \$486,871 for Roads to Recovery funded road construction projects (\$43,707 net cost to Council after grant funds received)
-)] \$60,000 for tree planting associated with Principal Shared Path works (grant funded by MRWA)
-)] \$284,400 to create a new Information Technology Reserve funded from savings on 2018-19 projects and 17-18 surplus to fund future upgrade of smartparking system and core IT software
-)] \$21,500 to create a new Recreation Precinct Reserve funded from football oval dugout project no longer required
-)] \$28,000 transferred to library reserve funded from library expenditure savings

Part Four

Adjustments to existing budget allocations to reflect savings and or additional costs.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS**Submitted by Cr Sadler – Emailed 18 February 2019**

- Q1. Part Three page 196. When did the NCSLSC “Take 3 for the Sea” launch occur?
- A1.** Sunday 17 February 2019
- Q2. What is the total cost of the external lighting at the Cottesloe Surf Life Saving Club?
- A2.** \$2,200
- Q3. How does providing payments outside the grants cycle for community groups fit within the Town of Cottesloe’s grants policy?
- A3.** The policy does not preclude donations being granted by Council outside of the annual grants process.
- Q4. What are the new road construction projects that will now be funded from the \$486,871 Roads to Recovery fund?
- A4.** Marina Parade \$371,346 and Jarrad Street \$115,525
- Q5. How were these chosen?
- A5.** As recommended by the Manager Engineering Services. This was based on need, project eligibility for funding and the ability to meet the completion deadline of 30 June 2019.
- Q6. Is it possible for Council to provide input into the prioritising of these?
- A6.** Yes
- Q7. Is it possible for the Roads to Recovery money to be spent on Active Transport Infrastructure?
- A7.** Generally eligible projects have to relate to roadworks. If this necessitates footpath works, i.e. realignment of a road then the footpath works could also be claimed. Footpaths etc. that might be considered as ‘active transport’ are not eligible projects.
- Q8. If so can a portion of this be directed to the Active Transport Reserve Fund to be spent on the Bike Routes Plan once developed?
- A8.** See above.

COUNCILLOR QUESTIONS**Submitted by Cr Pyvis – Emailed 18 February 2019**

- Q1. How much of the sale of the Nailsworth depot funds remain and in which reserves are they kept?
- A1.** The Depot Funds Reserve currently has a balance of \$7,512,272.

- Q2. What are the new projects endorsed by Council since the budget was adopted and what was the cost of each of these projects?
- A2.** Please refer to the officer's report.
- Q3. Has the Cottesloe Surf Life Saving Club been invited to participate in the "Take Three for the Sea" initiative? If not, why not? If yes, what was there response?
- A3.** The Cottesloe Surf life Saving Club were informed of the funding request from the North Cottesloe Surf life Saving Club for a contribution to the launch event. The Cottesloe Surf Life Saving Club are interested but have other projects consuming their limited volunteer resources at this point in time.
- Q4. Is the "Take Three for the Sea" initiative an action requested by the Beach Access Path Committee? And if so, when was this action requested?
- A4.** It was discussed by the Committee, but the current initiative is one of the North Cottesloe Surf Life Saving Club.
- Q5. What are the results of the Organisational Culture review and when will the results be circulated to Councillors and the Community?
- A5.** The results will be circulated to elected members when they are received. It will be a Council decision as to what actions are then made public.
- Q6. Have consultants been appointed for the Playgrounds Study and, if not, where is this process at within the Reserves Parks and Playgrounds Committee?
- A6.** Please refer to the committee minutes.
- Q7. What is the \$496,871 from Roads to Recovery to be spent on? Is there a road works program that identifies which roads where and when the money will be spent on? Can that program be circulated to Councillors?
- A7.** Please refer to the officer's report.
- Q8. What and where is the tree planting program that the \$60,000 from Main Roads will be spent on? Can Elected Members be provided with a copy?
- A8.** A reference group is being established to provide a recommendation to Council.
- Q9. Where does the \$284,400 for Technology Reserve Fund come from and why can't it be expended on much needed infrastructure such as playgrounds and trees?
- A9.** Ultimately the decision to allocate funds is Council's, however, with the likely updates and replacements required to maintain the Town's IT systems, it is recommended that the funds be set aside.
- Q10. Why are the funds no longer needed for the Football oval dugouts?
- A10.** The Town is looking at the entire precinct.
- Q11. Why aren't the savings from the library reserve being spent on the library?
- A11.** The library is a joint initiative between three local governments – any increases in funding by the library are usually considered by all 3.
- Q12. Why hasn't a workshop been organised with Councillors to discuss the midyear budget review?

A12. It hasn't been requested.

Q13. Why hasn't the community been asked about expenditure requests from the midyear budget review? Will the community be asked about this?

A13. No previous mid-year review has been subject to community consultation.

Q14. Please explain what the officer means by "materiality levels" and what level the OAG prefers?

A14. The OAG don't provide such advice, the current materiality levels are in keeping with long held standards for the Town.

OFFICER RECOMMENDATION

Moved Cr Young

Seconded Cr Harkins

That Council

1. RECEIVE the 2018-19 Budget Review Financial Statements for the period ending 31 December 2018;
2. ADOPT the budget amendments contained within the attached Budget Review document; and
3. MAINTAIN the materiality levels of 15% or \$25,000 for the monthly reporting of significant variances of income and expenditure in the Statement of Financial Activity.

COUNCILLOR AMENDMENT

Moved Cr Thomas

Seconded Cr Young

That the words 'subject to;

- (a) adding an additional expenditure item, that being a \$5,000 contingency for an upgrade to the lighting on the Barchetta Café that services the adjoining beach area, such expenditure to be funded by a \$5,000 increase in parking infringement revenue, subject to confirmation by the Town's administration that the light is the responsibility of the Town as the lessor of this facility.'

be added to the end of point 2.

Carried 6/2

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

Against: Crs Tucak and Pyvis

COUNCILLOR AMENDMENT

Moved Cr Sadler

Seconded Cr Young

In point 2, after the word 'document', insert the words excluding the \$2,700 to North Cottesloe Surf Lifesaving Club for the launch of "Take 3 for the Sea" initiative.

Insert point 3 as follows:

3. Thank the North Cottesloe Surf Lifesaving Club for the "Take 3 for the Sea" initiative and invite them to apply for a prospective grant in the 2019 funding cycle for assessment against all other applications.

Carried 6/2

For: Crs Rodda, Tucak, Sadler, Young, Thomas and Pyvis

Against: Mayor Angers and Crs Harkins

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

That Council

1. Receive the 2018-2019 Budget Review Financial Statements for the period ending 31 December 2018;
2. Adopt the budget amendments contained within the attached Budget Review document excluding the \$2,700 to North Cottesloe Surf Lifesaving Club for the launch of "Take 3 for the Sea" initiative subject to;
 - (a) adding an additional expenditure item, that being a \$5,000 contingency for an upgrade to the lighting on the Barchetta Café that services the adjoining beach area, such expenditure to be funded by a \$5,000 increase in parking infringement revenue, subject to confirmation by the Town's administration that the light is the responsibility of the Town as the lessor of this facility.
3. Thank the North Cottesloe Surf Lifesaving Club for the "Take 3 for the Sea" initiative and invite them to apply for a prospective grant in the 2019 funding cycle for assessment against all other applications.
4. Maintain the materiality levels of 15% for \$25,000 for the monthly reporting of significant variances of income and expenditure in the Statement of Financial Activity.

Carried 6/2

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

Against: Crs Tucak and Pyvis

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

Attachments:	10.2.1(a) Confirmed Minutes With Attachments - 4 December 2018 [under separate cover]
	10.2.1(b) Art Advisory Panel - Public Art Strategy (Revision 5) - 13 February 2019 [under separate cover]
	10.2.1(c) Unconfirmed Minutes - Art Advisory Panel Meeting - 12 February 2019 [under separate cover]
	10.2.1(d) Unconfirmed Minutes - Audit Committee - 22 January 2019 [under separate cover]
	10.2.1(e) Unconfirmed Minutes - Beach Access Paths Committee - 19 February 2019 [under separate cover]
	10.2.1(f) Unconfirmed Minutes - Foreshore Precinct Implementation Committee Meeting 12 February 2019 [under separate cover]
	10.2.1(g) Unconfirmed Minutes - North Cottesloe Primary School Traffic Safety Committee Meeting 6 February 2019 [under separate cover]
	10.2.1(h) Unconfirmed Minutes - Reserves Parks and Playgrounds Committee 7 February 2019 [under separate cover]
	10.2.1(i) Unconfirmed Minutes - SHINE Community Services Combined Council - 6 February 2019 [under separate cover]

COUNCILLOR QUESTIONS**Submitted by Cr Pyvis – Emailed 18 February 2019**

- Q1. Why weren't the committee minutes loaded onto the TOC website as an agenda attachment when the agenda forum agenda was uploaded?
- A1.** As per the request from Councillors, the Minutes are uploaded to the Committee section of the website.
- Q2. Why are draft and not finalised committee minutes presented to Council?
- A2.** As explained previously, not all committees meet on a monthly basis – so Council is provided with the draft Minutes to consider.
- Q3. Which of the draft committee resolutions could be adopted at the February 2019 Council meeting?
- A3.** All but one. One committee has made a recommendation that does contain potentially defamatory material which is being considered separately at present.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Harkins

Seconded Cr Sadler

THAT Council note the attached draft Minutes of the Committee Meetings.

Carried 7/1

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

Against: Cr Pyvis

COUNCILLOR MOTION

Moved Cr Rodda

Seconded Cr Young

That the Committee recommendations be passed en bloc.

Carried 7/1

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

Against: Cr Pyvis

10.2.2. ART ADVISORY PANEL COMMITTEE

Meeting held 4 December 2018

4.1 Development of Public Art Strategy

COMMITTEE RECOMMENDATION

Moved Cr Rodda

Seconded Cr Young

The Art Advisory Panel recommends;

That the Council ADOPT the Public Art Strategy as attached.

Carried 7/1

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

Against: Cr Pyvis

5.1 Decommissioning of Water Feature at Grove Library

COMMITTEE RECOMMENDATION

Moved Cr Rodda

Seconded Cr Young

The Art Advisory Panel recommends;

That the River to Sea Public Art Concept be discussed at the next available Briefing Forum.

Carried 7/1

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

Against: Cr Pyvis

Meeting held 12 February 2019

3. Confirmation of Minutes

COMMITTEE RECOMMENDATION

Moved Cr Rodda

Seconded Cr Young

The Art Advisory Panel recommends to Council that;

1. The Committee as a standing item is required to authorise the audio recording of each meeting, and;
2. Audio recordings are made available in the same manner as the OCM minutes.

Carried 7/1

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

Against: Cr Pyvis

4.1 Public Art Strategy Objectives

COMMITTEE RECOMMENDATION

Moved Cr Rodda Seconded Cr Young

The Art Advisory Panel recommends;

That the railway sculpture 'Untitled' by Jean-Pierre Rives, on the corner of Marine Parade and Grant Street, be removed from the current site, stored and relocated to a site to be determined along the new PSP bike path, subject to proper consideration of the artist's moral rights.

Carried 7/1

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

Against: Cr Pyvis

4.2 Foreshore Universal Access – Art Commission

COMMITTEE RECOMMENDATION

Moved Cr Rodda Seconded Cr Young

The Art Advisory Panel recommends;

The Panel recommends the Foreshore Precinct Implementation Committee, in conjunction with the Art Advisory Panel, investigate and consider the potential for a permanent or non-permanent pavement surface artwork on the black asphalt on the new road surface at Cottesloe Beach.

Carried 7/1

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

Against: Cr Pyvis

10.2.3. AUDIT COMMITTEE

Meeting held 22 January 2019

10.2.4. BEACH ACCESS PATHS COMMITTEE

Meeting held 19 February 2019

No recommendations for Council to consider.

10.2.5. FORESHORE PRECINCT IMPLEMENTATION COMMITTEE

Meeting held 12 February 2019.

COUNCILLOR QUESTIONS**Submitted by Cr Pyvis – Emailed 18 February 2019**

- Q1. Why did the CEO withdraw the FPIC Charter from the committee's consideration?
- A1.** It has been deferred several times and now requires updating.
- Q2. On what date did Council adopt the Lynley Lutton Plan implementing the Enquiry By Design outcomes as Council's Foreshore Plan?
- A2.** It was adopted as a framework in February 2012.
- Q3. On what date did Council reject the Lynley Lutton Foreshore Plan?
- A3.** Council engaged Cardno (appointed following a tender process) to develop a detailed design for the foreshore area. This was resolved by Council in February 2017.
- Q4. Who briefed Aspect Studio about their consultation plan? Did the brief include reference to Council's Communication and Consultation policies which the plan would have to comply with unless a departure is authorised by Council? Can a copy of that brief be circulated to Elected Members?
- A4.** The Tender Specifications (previously circulated) outlined the required consultation.
- Q5. How much did the Aspect Studio consultation plan cost?
- A5.** It was developed as a part of the approved Tender.
- Q6. Who authorised the expenditure on the Aspect Studio consultation plan and did this comply with Council's Procurement Policy?
- A6.** It was approved by Council following a formal tender process. (OCM November 2018)
- Q7. Has the FPIC committee rejected, deferred consideration of or decided what about Aspect Studio consultation plan?
- A7.** FPIC have provided feedback to the consultants at this stage.
- Q8. What is the next report expected from Aspect Studio?
- A8.** Prior to the next FPIC meeting.
- Q9. Why wasn't the Visual Summary that Aspect Studio is basing their new foreshore plan on, advertised to the community? Did this decision comply with Council's Communication and Consultation policies?
- A9.** The Visual Summary was available on the Town's website. Its purpose was to guide the development of submissions rather than provide a final position – hence yes the policy has been complied with.

Q10. On what date did the FPIC committee authorise the concept plan and the technical drawings for the current works at Main Beach?

A10. The current works were approved by Council when it accepted to the Tender from Environmental Industries. The Tender specifications and detailed drawings were made available to Elected Members prior to the tender being accepted.

8.3 Items for Consideration in Future Stages

COMMITTEE RECOMMENDATION

Moved Cr Rodda Seconded Cr Young

The Foreshore Implementation Committee agrees with the Art Advisory Panel and supports their recommendation.

Carried 7/1

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

Against: Cr Pyvis

10.2.6. NORTH COTTESLOE PRIMARY SCHOOL TRAFFIC SAFETY COMMITTEE

Cr Young declared an **IMPARTIALITY INTEREST** in item 10.2.6 due to being an ex-member of the North Cottesloe Primary School community.

Meeting held 6 February 2019.

COUNCILLOR QUESTIONS

Submitted by Cr Pyvis – Emailed 18 February 2019

Q1. What is the rationale for changing the officer recommendation as this is required to be included in the minutes?

A1. The recommendation from the committee is effectively a deferral (refer to point 3 of the recommendation) and hence the rationale is not required.

Q2. Has the TOC approved expert – Edge Transport - provided advice to the Town about this concept plan? If yes, what is the advice and can it be circulated to Elected Members? If not, why not?

A2. The advice was provided at the committee meeting and can be circulated.

Q3. Who, that is which person and what company, undertook the revised concept plan work and who authorised this work?

A3. The revised concept plan was provided by a community member, who happens to be a qualified engineer.

Q4. What funds are available and under which line item in the TOC budget for advertising and updating the revised concept plan?

A4. There are operational budgets that allow for the formulation of concepts, including consulting fees and advertising. If the project proceeds, a capital budget would be required for the construction costs.

Q5. What % of the cost of this project would the TOC be expected to provide?

- A5.** No determination has yet been made by Council regarding external funding.
- Q6. What funding is confirmed for this project?
- A6.** No funding has yet been applied for.
- Q7. Why isn't the revised concept plan provided to the community in the online agenda for their consideration?
- A7.** The committee recommendation provides for formal consultation shortly (subject to Council approval).
- Q8. What were the number of submission and outcomes of the June 2018 consultation?
- A8.** The 2018 consultation was on time restrictions on the current carpark, which is a separate program. This will be reported on in the near future.
- Q9. Has the TOC's Crime and Safety committee considered this revised concept plan? If not, why not?
- A9.** No formal referral has been made – this will be done during the formal consultation process.
- Q10. How much have Move Consultants been paid for their report and who paid for the report?
- A10.** \$2,200 by the Town.
- Q11. Who briefed Move Consultants and can a copy of the brief be circulated to Elected Members?
- A11.** The Manager of Engineering Services and yes.
- Q12. Did the TOC Procurement Policy apply to the Move Consultants procurement? If yes, was it complied with and documented?
- A12.** Yes and yes.
- Q13. What trees have been removed already to progress this revised concept plan?
- A13.** None.
- Q14. Which trees exactly will have to be removed to implement this concept plan?
- A14.** The concept plan hasn't been formally adopted. If it is, a map showing the affected trees will be published for the community's consideration.
- Q15. What plans are there for the Eric St car park if this plan is implemented?
- A15.** This project doesn't impact Eric Street.
- Q16. What plans are there to widen Eric St outside the School if the revised concept plan is implemented?
- A16.** This project doesn't contemplate works on Eric Street.
- Q17. Was changing the arrangement of the "kiss and drop" in Eric Street considered by Move Consultants and were they asked to consider this as an option?

A17. Yes.

Q18. What consideration has been given to the impending safe access under the Eric St bridge on the PSP in the Move Consultant report?

A18. The PSP is separate to this project.

Q19. What other safety and easier access arrangements have been considered by the school such as bike storage site, reducing road speeds on Eric and Railway, and integrating Bike Planning and the new PSP before settling this revised plan?

A19. That question needs to be asked of the school.

4.1 North Cottesloe Primary School Traffic Safety Committee – Project Delivery Plan

COMMITTEE RECOMMENDATION

Moved Cr Rodda Seconded Cr Young

That the North Cottesloe Primary School Traffic Safety Committee resolves:

- 1. The revised concept plan design be amended to include the following:**
 - a. The possibility of including an extended lower speed zone to Grant Street;**
 - b. Adding an additional Stage 2 to the Project with consideration of traffic calming to Grant Street;**
 - c. Aligning the footpath on the Western Side to ensure the best environmental and designing out crime outcomes; and,**
 - d. Connection of the footpath on the Western Side from Eric to Grant Street.**
- 2. The Project Delivery Plan be updated to include funding opportunities and an a revised timetable**
- 3. The committee reconvene in 3 weeks on 26 February 2019to review the updated revised concept plan and other documentation (updated MOVE report and Tree Assessment report) to be provided for public consultation and, as if appropriate, approve the following:**
 - a. Advertisement of the revised concept design for public consultation;**
 - b. Progress of the revised concept to preliminary design; and**
 - c. Subject to point 3(a) and (b), incorporate community feedback to finalise the design for Council approval and tender.**

Carried 7/1

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

Against: Cr Pyvis

10.2.7. RESERVES, PARKS AND PLAYGROUNDS COMMITTEE

Meeting held 7 February 2019

7.1 Reserves, Parks and Playgrounds Committee – Meeting Schedule 2019

COMMITTEE RECOMMENDATION

Moved Cr Rodda Seconded Cr Young

That the Reserves Parks and Playgrounds Committee ADOPT the proposed meeting schedule as attached for the 2019 meeting calendar, with meetings starting at 4:30pm; and advertise the dates on the Town of Cottesloe website.

The Committee recommends;

THAT Council ENDORSE the Reserves, Parks and Playgrounds Committee 2019 meeting schedule as attached.

Carried 7/1

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

Against: Cr Pyvis

10.2.8. SHINE COMMUNITY SERVICES COMBINED COUNCILS COMMITTEE

Meeting held 6 February 2019

5.1 Draft Key Performance Indicators

COMMITTEE RECOMMENDATION

Moved Cr Rodda Seconded Cr Young

That the SHINE Community Services Combined Councils Committee recommends;

That Council ratify the existing Key Performance Indicators, subject to information being provided quarterly.

Carried 7/1

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

Against: Cr Pyvis

10.3 REPORTS OF COMMITTEES

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 COUNCILLOR MOTION - REMOVAL OF VERGE TREES - 11 MARGARET STREET, COTTESLOE**

Cr Pyvis declared an **IMPARTIALITY INTEREST** in item 11.1 due to Elected Members Notice of Motion regarding tree removal.

The following motion has been proposed by Cr Thomas.

COUNCILLOR MOTION**Moved Cr Thomas****Seconded Cr Harkins**

THAT Council approve the removal of 3 Trees from the verge at number 11 Margaret St, Cottesloe, subject to the owner entering into a written agreement with the Town to:

1. Replace the trees within 1 month of practical completion of the development works presently being carried out at the property (or such other time period as determined by the Town to ensure that planting takes place at the optimal time of year) with a single mature Melaleuca Lanceolata (or a suitable replacement from the Cottesloe Street Tree Masterplan if the Melaleuca is not available) provided at the owner's cost from a Tree Nursery nominated by the Town. The replacement tree shall be 200l-400l at the Town's discretion.
2. Install and maintain reticulation on the verge of the property to provide adequate water to the newly planted tree and to provide additional hand watering as may be required over the first 2 years for the tree to thrive, in accordance with a watering schedule to be determined (and amended as required) by the Town over the 2 year period.
3. Pay the Town, prior to removal of the trees, for the cost of planting in a location selected by the Town 2 additional mature Trees of a species nominated by the Town plus the cost to the Town of adequate watering (as determined by the Town) said Trees for a period of 2 years, which is the period of time it takes for the Trees to establish a suitable root system. The two trees shall be 200l-400l at the Town's discretion.
4. Landscape the verge, including any required retaining works, to the satisfaction of the Town.

COUNCILLOR AMENDMENT**Moved Cr Young****Seconded Cr Harkins**

That points two to four be renumbered to a to c and a point two be added as follows:

That Council notes the reasons for departing from the Town's Street Tree Policy, as adopted on 26 February 2019, are as stated in the Councillor Rationale.

Carried 7/1**For: Mayor Angers, Crs Rodda, Tucak, Sadler, Young, Thomas and Harkins****Against: Cr Pyvis**

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

THAT Council approve the removal of 3 Trees from the verge at number 11 Margaret St, Cottesloe, subject to the owner entering into a written agreement with the Town to:

- 1. Replace the trees within 1 month of practical completion of the development works presently being carried out at the property (or such other time period as determined by the Town to ensure that planting takes place at the optimal time of year) with a single mature Melaleuca Lanceolata (or a suitable replacement from the Cottesloe Street Tree Masterplan if the Melaleuca is not available) provided at the owner's cost from a Tree Nursery nominated by the Town. The replacement tree shall be 200l-400l at the Town's discretion.**
 - a. Install and maintain reticulation on the verge of the property to provide adequate water to the newly planted tree and to provide additional hand watering as may be required over the first 2 years for the tree to thrive, in accordance with a watering schedule to be determined (and amended as required) by the Town over the 2 year period.**
 - b. Pay the Town, prior to removal of the trees, for the cost of planting in a location selected by the Town 2 additional mature Trees of a species nominated by the Town plus the cost to the Town of adequate watering (as determined by the Town) said Trees for a period of 2 years, which is the period of time it takes for the Trees to establish a suitable root system. The two trees shall be 200l-400l at the Town's discretion.**
 - c. Landscape the verge, including any required retaining works, to the satisfaction of the Town.**
- 2. That Council notes the reasons for departing from the Town's Street Tree Policy, adopted on 26 February 2019, are as stated in the Councillor Rationale.**

Carried 6/2

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

Against: Crs Tucak and Pyvis

COUNCILLOR RATIONALE

The trees on the verge of the property are young, small trees planted very close together on a relatively small retained verge set 550mm above the footpath and crossover and retaining up to a height of approximately 800mm. The existing trees are highly likely to undermine the retaining wall around the verge and present a danger to the public, such that future works will inevitably be required to remove at least one of the trees planted too close to the retaining wall. Construction of a retaining wall around the southern tree in order to provide access to the garaging is likely to jeopardise the health of the tree due to differentials in levels of the verge and crossover, so that it is a strong possibility that the tree may be lost in any event.

As part of the works being undertaken at the property the owner proposes to landscape the verge to provide retaining and reticulation and a mature tree of the species required by the Street Tree Masterplan. The revised landscaping and replacement tree, together with the

provision of 2 mature Trees to be planted elsewhere in Cottesloe will compensate for the loss of canopy (present and future) from the verge at number 11 and will result in a significantly superior and more durable and safer verge arrangement.

In addition, the owner intends to plant up to 6 (natives) Tuckeroo trees along the western boundary of the property and at least one deciduous tree in the front garden, which will result in a very significant increase in canopy cover on the property as compared with the pre-development position.

OFFICER COMMENT

NA

11.2 COUNCILLOR MOTION - CHANGES TO THE TOWN OF COTTESLOE STANDING ORDERS LOCAL LAW

The following motion has been proposed by Mayor Angers.

COUNCILLOR MOTION

Moved Mayor Angers

Seconded Cr Harkins

That Council request the administration prepare a report for the March 2019 Ordinary Council Meeting that considers the following changes to the Town of Cottesloe Standing Orders Local Law;

1. Introducing a limit of 3 questions per elected member per meeting; and;
2. Reduces the limit of Councillor Motions from 3 to 1.
3. Any other changes which may increase the efficiency and effectiveness of Council's business.

Following the taking the vote on this item Cr Tucak raised a point of order that he thought Council had voted on an amendment rather than the whole motion, as the display on screen had displayed an amendment, and he stated that he had been waiting for an opportunity to speak on the motion.

Mayor Angers agreed to withdraw the vote to allow Cr Tucak to speak to the motion and the vote would then be taken again.

The Mayor put the motion to the vote again.

Carried 5/3

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

COUNCILLOR RATIONALE

In recent times, including this meeting, there has been a large amount of officer time and Council resources diverted to answering, in writing in the Agenda, questions provided by 1 or 2 elected members. This takes resources away from the rest of Council in assisting Councillors in their decision making.

If an elected member believes there is a serious issue to be addressed, then they should put the matter before Council to allow all Councillors to decide if the matter requires the allocation of resources, which I believe was the purpose of these two sections in the first instance.

OFFICER COMMENT

NA

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:

12.1 ELECTED MEMBERS

12.2 OFFICERS

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

14 MEETING CLOSURE

The Mayor announced the closure of the meeting at 9:44pm.