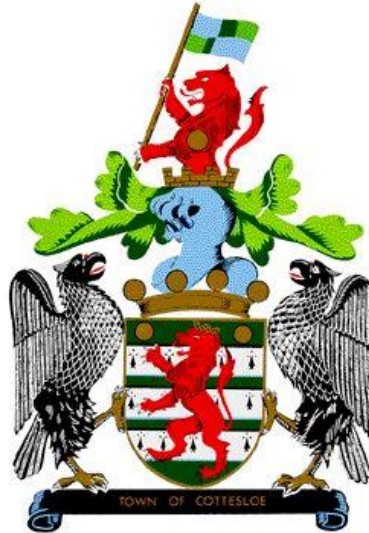


# TOWN OF COTTESLOE



# UNCONFIRMED MINUTES ORDINARY COUNCIL MEETING

HELD IN THE

Council Chambers, Cottesloe Civic Centre

109 Broome Street, Cottesloe

6.00 PM, Tuesday 26 June 2018

**MAT HUMFREY**  
Chief Executive Officer

10 July 2018

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

The Deputy Mayor Mark Rodda declared the meeting open at 6:00pm.

**2 DISCLAIMER**

The Deputy Mayor drew attention to the Town's Disclaimer and announced the Meeting will be recorded.

**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION****4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****QUESTIONS TAKEN ON NOTICE 24 APRIL 2018 ORDINARY COUNCIL MEETING**

Nil

**4.2 PUBLIC QUESTIONS**

Mr Jack Walsh, 35 Grant Street, Cottesloe WA 6011 – 10.2 Reports of Committees

Q1. Regarding the Beach Pool Feasibility:

- What is the cost of building and running a beach pool?
- Will the Council get the administration to check the costs of the construction of a pool and the annual running costs (with other councils who have these types of pools – suggest Claremont, Cambridge, Stirling and Victoria Park)?
- Where will the necessary funds come from?
- Will any study be given serious consideration to the effects of rising sea levels and the dramatic beach erosion?

Q2. Regarding the Bike Planning Committee:

- Why was the grant application done without any community consultation, particularly with residents who would be affected?
- Has the grant application been withdrawn?
- Why is the Town administration unable to conduct feasibility study surveys etc. – do we have a serious expertise deficiency with our staff?

Q3. You might like to correct the Financial Statements for December 17 and May 18 that no staffing, strategic or sustainability implications are arising from the officer recommendations.

Questions were answered by the Town of Cottesloe's CEO Mr Mat Humfrey:

With regards to costs/running costs of an ocean pool:

- that is a part of the feasibility study, consultants will be provided with the Council's brief to cover these.

- It is important to note before we commit to undertaking any designs, the site etc. for an ocean pool that funds haven't been determined yet. Council would need to look at funding before it proceeds any further.
- In regards to rising sea levels – yes the CHR map has been used to identify coastal risks, and is a major consideration in the feasibility study itself.

With regards to the Bike Planning Committee:

- The recommendation from October last year was that the consultation process begin
- The grant application was never formally submitted.

With regards to Feasibility Studies:

- The Town only has 44 full time equivalent staff,
- There are times when we need to bring in external consultants and expertise that the Town doesn't have the potential to employ
- That's seen as efficient because as is with the pool feasibility study, we don't have the work normally to keep a Marine Engineer on board full time; so it is seen as the prudent thing to do – to bring that expertise in when we need it.

## 5 PUBLIC STATEMENT TIME

Mrs Rose Walsh, 35 Grant Street, Cottesloe WA 6011 – Committees and Consultants

- Concerned about the alarming increase of consultants and unelected people (committee members) influencing Council decision making
- Consultants reports related to the Foreshore were dismissed by Council despite having support of the community
- 7000 residents not appropriately been consulted about skate parks in Cottesloe
- \$70,000 for yet another consultant has been asked for by the Parks Committee, this followed some consultation but is without a summary of submissions and,
  - That committee recommends the proposed consultants brief is to be endorsed by the committee prior to tender and prefers the catchment for consultation be within a 400m radius of the playground
  - The brief should be endorsed by the elected Council – not by this sub committee and not before consultation that includes every resident that uses opens space in Cottesloe
- Replacement of transparent Council committees by Forums and sub committees has eroded Council accountability
- Rather than being think tanks for discussion, sub-committees entitle unelected people to vote thereby influencing Council decision-making".

- Concerned about Committee Charter that specifies members are not bound to declare impartiality interests
- Concerned about the number of unelected members on several committees
- Urge the Council to remove the right to vote from anyone who was not elected by the residents of Cottesloe
- Additionally, consultants are not locals and have little understanding of Cottesloe and are directed to make change by the minority
- The majority of residents don't want to be revitalised or micro managed
- Residents expect that the Council will maintain and preserve local character and lifestyle without significant change
- Council should deliver a survey to all Cottesloe residents to demonstrate a commitment to the majority, rather than small pressure groups.
- Cottesloe deserves open and accountable governance by elected members.

## 6 ATTENDANCE

Cr Mark Rodda	Deputy Mayor and Presiding Member
Cr Melissa Harkins	
Cr Sally Pyvis	
Cr Rob Thomas	
Cr Michael Tucak	
Cr Lorraine Young	
Cr Sandra Boulter	
Cr Helen Sadler	

### OFFICERS PRESENT

Mr Mat Humfrey	Chief Executive Officer
Mr Garry Bird	Deputy Chief Executive Officer
Mr Ed Drewett	Coordinator Statutory Planning
Ms Denise Tyler-Hare	Project Manager
Ms Freya Ayliffe	Manager Compliance & Regulatory Services
Ms Ann-Marie Donkin	Governance Coordinator

### 6.1 APOLOGIES

Mayor Phil Angers

### 6.2 APPROVED LEAVE OF ABSENCE

Nil

### 6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Moved: Cr Tucak                      Seconded: Cr Rodda

That Council approve a leave of absence for Cr Tucak from 14 July 2018 to 25 July 2018 inclusive.

Carried 8/0

Moved: Cr Rodda                      Seconded: Cr Thomas

That Council approve a leave of absence for Cr Rodda from 7 July 2018 to 01 August 2018 inclusive.

Carried 8/0

## 7 DECLARATION OF INTERESTS

Cr Thomas declared an **IMPARTIALITY** interest in items 10.1.10 Tree Management – Revised Brief 10.1.11 Tree Policy Amendment by virtue of “involved with the West Tree Canopy.

Cr Pyvis declared an **IMPARTIALITY** interest in items 10.1.10 Tree Management – Revised Brief 10.1.11 Tree Policy Amendment by virtue of “I am a committee member of West Tree Canopy Committee.

Cr Harkins declared an **IMPARTIALITY** interest in item 10.1.9 North Cottesloe Surf Life Saving Club Centenary Event by virtue of “son is a member of the club”, and 10.1.12 North Cottesloe Primary School Parking Trial by virtue of “children attend North Cott”.

Cr Young declared an **IMPARTIALITY** interest in item 10.1.12 North Cottesloe Primary School Parking Trial by virtue of “Former parent/member of the school community”.

Cr Sadler declared a **PROXIMTY** interest in item 10.1.5 Planning Applications Determined Under Declaration by virtue of “live 4 houses away from the location” and an **IMPARTIALITY** interest in item 10.1.12 North Cottesloe Primary School Parking Trial by virtue of “Previous parent at school”.

Cr Tucak declared an **IMPARTIALITY** interest in item 10.1.15 Adoption of the 2018-19 Budget by virtue of “Relationship to potential grantees”.

CEO Mr Mat Humfrey declared a **FINANCIAL** interest in 10.1.17 Report – Development of CEO Performance Criteria 2018-19 by virtue of “As KRA’s affect my contract”.

## 8 CONFIRMATION OF MINUTES

Moved Cr Tucak    Seconded Cr Thomas

That the Minutes of the Ordinary Council Meeting held on Tuesday 22 May 2018 be confirmed as a true record of that meeting.

CARRIED 7/1

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

Against: Cr Boulter

## 9 PRESENTATIONS



**9.1 PETITIONS**

Nil

**9.2 PRESENTATIONS**

Nil

**9.3 DEPUTATIONS**

Nil

**10 REPORTS OF OFFICERS**

For the benefit of the members of the public present, the Mayor determined to consider Items 10.1.2, 10.1.13, 10.1.14 and 10.1.16 at end of the officer recommendations and then return to the published order of the agenda.

**Moved Cr Rodda                      Seconded Cr Thomas**

**Items 10.1.2, 10.1.13, 10.1.14 and 10.1.16 were to be dealt with 'en bloc' – all remaining items were withdrawn.**

**CARRIED 8/0**

**PLANNING**

**10.1.1 LOT 2 (72) MARINE PARADE – TWO STOREY DWELLING – WITHDRAWN BY APPLICANTS**

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

**File Ref:** 3617

**Attachments:** Application  
Photographs of Site  
Neighbour's Email – 23 May 2013

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

**Author:** Ed Drewett, Coordinator Statutory Planning

**Proposed Meeting Date:** 26 June 2018

**Author Disclosure of Interest:** Nil

#### SUMMARY

A planning application for an additional carbay off a right-of-way to replace a previously approved front carport, and modifications to a front carbay and wall was received by the Town on 6 February 2018 (amended 28 March 2018).

The application went to the Council's Briefing Forum on 1 May 2018. However, it did not go to Council in May as the applicant was overseas and requested that it be deferred to the June meeting.

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

#### BACKGROUND

Property Address:	Lot 6 (177) Broome Street
Zoning	MRS: Urban
	LPS: Residential R30
Use Class:	P (means the use is permitted providing it complies with the relevant development standards and requirements of the Scheme)
Development Scheme:	Local Planning Scheme No. 3 (LPS 3)
Lot Size:	630m <sup>2</sup>
Existing Land Use:	Residential
Value of Development:	\$1000

On 22 December 2015, planning approval was granted under delegation by the then Manager Development Services for a single carport (in addition to a carbay) in the front setback area and ancillary accommodation at the rear of the existing dwelling, with one carbay off the right-of-way (ROW).

A Building Permit for these works was issued on 6 October 2016.

The ancillary accommodation and front and rear carbays were completed and a new crossover was constructed from Broome Street, although it does not extend to the property boundary so acts as a vehicle hardstand.

A new planning application was submitted by the owner on 6 February 2018 (amended 28 March 2018) seeking approval to provide an additional carbay at the rear of the

ancillary accommodation off the ROW (in lieu of providing the front carport), widening the existing front carbay from 3m to 3.5m, and installing a 1m high visually permeable gate to match the existing fence.

This application was “called up” by three Elected Members following its inclusion on the weekly Delegation List.

The unauthorised use of the dwelling/ancillary accommodation for short-stay accommodation is separate to this current planning application. However, the Town followed up the matter with the owner who subsequently advised that:

- *He has ceased taking bookings for short-stay rental;*
- *There were some remaining bookings up to 23 April 2018 which needed to be honoured but no short term bookings after that date;*
- *The listed sites have been delisted or “blocked out” to prevent any enquiries being made.*

If the unauthorised use continues then the Town may initiate legal proceedings against the owner.

### **STRATEGIC IMPLICATIONS**

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

### **POLICY IMPLICATIONS**

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

### **STATUTORY ENVIRONMENT**

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

### **FINANCIAL IMPLICATIONS**

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

### **STAFFING IMPLICATIONS**

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

### **SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

The application was not required to be advertised under Local Planning Scheme No.3. However, a copy of the plan was provided to the owners of 13 Hawkstone Street, on request.

In response by email on 23 May 2018 they advised that *the 2 carbays off the rear lane look like a good compromise.*

Other points that were raised by the neighbour in that same email were addressed by the Town as follows:

The front carbay is in the same location as that approved by the Town on 22 December 2015, it will just be widened by 0.5m. It also does not extend up to the front door and the existing crossover will be required to be modified accordingly.

The issue of 'short-stay' is not part of this application and the Town will take appropriate action if the unauthorised use continues.

The neighbours were invited to attend the Council meetings in June.

### STAFF COMMENT

The proposed additional carbay off the ROW (in addition to the existing approved rear carbay) has been designed in accordance with the relevant Australian Standards for off-street parking AS2890.1 (as amended) and is supported by the Town's Engineering Department. It is also consistent with the deemed-to-comply provisions of the Residential Design Codes for *design of car parking spaces* (clause 5.3.4 – C4.1) and *vehicular access* (clause 5.3.5 – C5.1) and is therefore likely exempt from requiring planning approval under the Planning and Development (Local Planning Schemes) Regulations 2015. The existing rear gate is considered similar to a garage door which will need to be opened to allow vehicles to use the space.

The modification to the front bay and wall is considered relatively minor and would again have constituted exempted development under the Regulations. However, because the proposed front gate exceeds 0.75m in height within 1.5m of the driveway then this requires the exercise of discretion. This is addressed as follows:

Residential Design Codes – Sight lines	Deemed-to-comply provision	Design principles
Requirement	Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect.	Unobstructed sight lines provided at vehicle access points to ensure safety and visibility along vehicle access ways, streets, rights-of-way, communal streets, crossovers, and footpaths.
Applicant's proposal	1m high visually permeable diagonally braced aluminium gate to match existing sections of front wall	
<p><u>Comment</u></p> <p>The proposed gate will be relatively low and visually permeable so is unlikely to obstruct sight lines. However, the existing solid wall and vegetation within the 1.5m sightline area should be conditioned to comply with the deemed-to-comply provisions of the Residential Design Codes. The existing crossover will also need to be modified to the Town's specifications. The applicant has been advised.</p>		

## CONCLUSION

The proposed development satisfies LPS 3 and the deemed-to-comply provisions of the Residential Design Codes, except for the proposed low gate and modified wall fronting Broome Street, which has been conditioned.

## COUNCILLOR QUESTIONS

### Questions provide by Cr Boulter – Emailed 18 June 2018

Given Council's obligation under LPS 3 cl 1.2 to implement LPS 3:

Q1. Is short stay accommodation land use permitted at 177 Broome St?

**A1.** No, it is not permitted.

Q2. What short stay accommodation land use is currently operating at 177 Broome St?

**A2.** The applicant has advised that there is no short-stay accommodation currently operating on the lot.

Q3. Will this extra car bay facilitate short stay accommodation land use at 177 Broome St?

**A3.** No. The carbays are required for the existing dwelling and ancillary accommodation.

Q4. Can the advice note be more strongly and more clearly worded in relation to short stay accommodation land use at 177 Broome St?

**A4.** The proposed Advice Note (3) is concise and clear.

## VOTING

Simple majority.

## OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved: Cr Rodda Seconded: Cr Thomas

**THAT Council GRANT planning approval for an additional carbay off the right-of-way to replace a previously approved front carport, and modifications to a front carbay and wall on Lot 6 (No. 177) Broome Street, Cottesloe, as shown on the plan received 28 March 2018, subject to the following conditions:**

- 1. All construction work shall be carried out in accordance with the *Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction sites.***
- 2. The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.**
- 3. All water draining from impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site, where climatic and soil conditions allow for the effective retention of stormwater on-site.**
- 4. The existing crossover off Broome Street being modified to meet Australian Standards to the satisfaction of the Town.**

5. The existing wall and landscaping adjoining the front boundary being modified to provide vehicle sightlines in accordance with the deemed-to-comply provisions of the Residential Design Codes.

**Advice Notes:**

1. The applicant/owner is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible for applying to the Town for a Building Permit, if required, and to obtain approval prior to undertaking construction of the development.
3. This approval is not for short-stay accommodation.

Carried 8/0

**10.1.3 MODERNISING WA'S PLANNING SYSTEM GREEN PAPER****File Ref:****Attachments:** Green Paper Summary**Responsible Officers:** Mat Humfrey, Chief Executive Officer**Author:** Angela Clare, Coordinator Strategic Planning**Proposed Meeting Date:** 26 June 2018**Author Disclosure of Interest:** Nil

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**SUMMARY**

In May 2018, the State Government released the Green Paper *Modernising WA's Planning System: concepts for a strategically-led system: discussion paper for planning reform*. Submissions on the green paper close on 20 July 2018. Feedback from the green paper will inform the preparation of a white paper that will set out the Government's proposed reforms, and this will also be circulated for public comment.

The green paper is a discussion document that proposes to refocus the effort on strategic planning to engage residents, local government and other stakeholders. The aim is also to identify ways to make the planning system more effective, streamlined, open and understandable to everyone.

**BACKGROUND**

The green paper states that the planning system has many out-of-date and overlapping policies and guidelines, and as a result, causes decision-makers to often respond to individual development proposals rather than setting a vision for an area. Five key reform proposals are highlighted for discussion and these are detailed below.

**STRATEGIC IMPLICATIONS**

Future strategic implications may include a review of the Town's Local Planning Strategy and preparation of a Housing Strategy.

**POLICY IMPLICATIONS**

Future implications may include a change in the administrative processes for dealing with Development Assessment Panel applications, as well as a review of other town planning administrative procedures.

**STATUTORY ENVIRONMENT**

Suggestions on the green paper and future white paper discussion may result in changes to the statutory environment.

**FINANCIAL IMPLICATIONS**

Nil

**STAFFING IMPLICATIONS**Nil

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**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The following is a response by Town officers in relation to each of the 5 key reform areas:

**1. Strategically-led**

Officers are supportive of putting 'strategy' at the centre of the planning system and in giving the community an opportunity to say how their neighbourhoods can be developed. It is noted that the green paper states that many local governments have Local Planning Strategies that are out of date and that these need to be updated. In this regard, it is suggested that a simpler and speedier method could be considered for future planning, such as the development of an overall 'Vision Plan' for a local authority that does not include some of the other more detailed aspects of a Local Planning Strategy. This is not negating the need for a Local Planning Strategy (because this requires sufficient detail to inform a scheme review as well as to inform future planning), but the preparation of a Vision Plan may enable a more regular review of future planning for a local government (which could be every two years), and this would enable a more up to date Plan which could respond to the speed of change in our planning environments, as well as involve the community on a more regular basis.

**2. Legible**

It is acknowledged that local planning schemes are currently available online through the WAPC website. Some of the State Planning Policies are rather lengthy and need to be streamlined and made more effective through guidance. The other proposals for this key reform are supported.

**3. Transparent**

It is considered essential that the community be involved in developing the vision and strategic plans for a local government area, and while this is something that would form part of the preparation of a Local Planning Strategy, it is reiterated that it would be useful to consider a more efficient process in developing a strategy for a local government, whereby the community are involved in shaping and preparing a 'Vision Plan' for the future planning of a local authority that does not include some of the more detailed aspects of a Local Planning Strategy. A Vision Plan of this type could be accompanied by guidance notes, and could be updated more regularly.

In relation to Development Assessment Panels (DAPs), some of the key proposals require further clarification to determine what they really mean and whether they are new proposals or whether they currently exist. It is agreed that DAP meetings should have minutes on the website and that reasons for all DAP decisions should be made. It might not be possible to schedule DAP meetings at regular times as it depends when DAP applications are being submitted. With regards to the other suggestions surrounding DAPs:

- It is agreed that DAPs should enable input from the community.
- SAT mediation is a confidential process and should not be advertised.

- A Presiding DAP member is already in place for DAPs, so this does not appear to be a new proposal.
- If new 'specialist DAP members' are being appointed to mentor DAP members, and additionally to reconsider a DAP decision, then this may create a more complex system with additional layers of administration, and potentially cost.
- DAP members are chosen because they are specialists, so it is not clear why another specialist may be needed to mentor or review another specialist.
- Third parties can already be considered at SAT mediation, so this does not appear to be a new proposal.

#### **4. Efficient**

Officers support the key proposal to increase delegation of statutory and administrative matters from the WAPC to local governments. Dependent on the specifics of this proposal, the aim would be to create more streamlined processes, and a more efficient turn-around time for applications and projects. We would be keen to liaise with the WAPC to explore these opportunities.

The WAPC may need to consider the statutory and non-statutory status of strategic planning in order to effectively utilise strategic planning at the local government level. For example, the structure plan provisions in the Planning and Development (Local Planning Schemes) Regulations 2015 have changed structure plans from having statutory bearing to being policy instruments only. The WAPC has greater power over structure plans through the Regulations, so whilst the local government prepares the structure plan, undertakes advertising and considers submissions, it then reports to the Commission who determines whether to approve, modify or refuse the structure plan.

In relation to the abovementioned issues, the key proposal to "require that Structure Plans and Activity Centre Plans be read as part of the scheme to provide greater certainty to the community and applicants" is supported.

#### **5. Delivering Smart Growth**

The Town of Cottesloe welcomes the opportunity to work with the State Government in the planning and delivery of key centres and infill locations.

### **CONCLUSION**

The Green Paper review of the WA planning system, and the move towards a more strategically-led approach, is supported by officers. Some of the Key Reform Proposals in the Green Paper require further clarification and exploration, while many others are supported by the Town. It is recommended that this report be forwarded to the Department of Planning as a submission on the Green Paper.

### **COUNCILLOR QUESTIONS**

#### **Questions provide by Cr Boulter – Emailed 18 June 2018**

**Q1.** Why doesn't the officer report reflect Council's position?

**A1.** The officer's report responds to the issues raised in the Green Paper. If Council wishes to add to it, this can be done by way of amendments.

### **VOTING**

Simple majority.

**OFFICER RECOMMENDATION**

THAT Council:

1. Note the State Government's Green Paper Modernising WA's Planning System: concepts for a strategically-led system: discussion paper for planning reform.
2. Forward this report to the Department of Planning as a submission on the Green Paper.

**COUNCILLOR MOTION**

**Moved: Cr Boulter**

**Seconded: Cr Pyvis**

**That Council;**

1. **DEFERS consideration of this item to the July Ordinary Council Meeting; and,**
2. **That the Department of Planning be requested to give Council an extension in which to make a submission until after the July Ordinary Council Meeting.**

**PROCEDURAL MOTION**

**Moved: Cr Sadler**

**Seconded: Cr Young**

**That Cr Boulter's motion be put to the vote.**

**Carried 5/3**

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

**Against: Crs Boulter, Thomas and Pyvis**

**COUNCILLOR MOTION**

**Carried 8/0**

**10.1.4 LOTS 1 & 25 (104 & 106) BROOME STREET, COTTESLOE –  
NOTIFICATION UNDER SECTION 70A**

**File Ref:** 3496  
**Attachments:** Notification under Section 70A  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Ed Drewett, Coordinator, Statutory Planning  
**Proposed Meeting Date:** 26 June 2018  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The purpose of this report is to obtain Council's authorisation to apply the Town's Common Seal to a Notification under Section 70A which is necessary to fulfil Condition 5 of the WAPC subdivision approval for two lots at 104 and 106 Broome Street, dated 9 August 2017 which requires:

Condition 5

*Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service proposed Lot 2 (Local Government).*

**BACKGROUND**

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

**STRATEGIC IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*  
*Planning and Development Act 2005*

**FINANCIAL IMPLICATIONS**

The Notification under Section 70A is at the full cost of the landowners, with no direct cost to the Town.

**STAFFING IMPLICATIONS**

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

**SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

No consultation required.

**STAFF COMMENT**

The attached Notification under Section 70A was proposed by the applicant to address the Town's concerns regarding vehicle access to proposed Lot 2. The Notification advises that:

*Persons dealing with the above land are notified that:*

- 1) *All motor vehicles are to exit the land in forward gear and using appropriate turning areas where necessary;*
- 2) *All motor vehicles are to enter the lot via a left hand turn from Broome Street and may only exit the land onto Broome Street via a left hand turn.*

The Notification under Section 70A has been prepared by Cottage and Engineering Surveys and has been reviewed by the Town's solicitors who have advised that it is appropriate for the purposes of Condition 5.

**VOTING**

Simple Majority.

**OFFICER RECOMMENDATION**

**THAT Council RESOLVE to authorise the Chief Executive Officer to apply the Town's Common Seal, and with the Mayor to sign the Notification under Section 70A for the subdivision at 104 & 106 Broome Street, Cottesloe.**

**COUNCILLOR MOTION**

Moved: Cr Boulter

Seconded: Cr Pyvis

That Council DEFER this item to the July Ordinary Council Meeting pending legal advice on this matter being circulated to Elected Members.

LOST 2/6

For: Crs Boulter and Pyvis

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

**FORESHADOWED MOTION**

Moved: Cr Young

Seconded: Cr Harkins

**That the Officer's Recommendation be ACCEPTED.**

**PROCEDURAL MOTION**

Moved: Cr Sadler

Seconded: Cr Young

**That the motion be put to the vote.**

Carried 7/1

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

Against: Cr Boulter,

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved: Cr Young

Seconded: Cr Harkins

**THAT Council RESOLVE to authorise the Chief Executive Officer to apply the Town's Common Seal, and with the Mayor to sign the Notification under Section 70A for the subdivision at 104 & 106 Broome Street, Cottesloe.**

**Carried 7/1**

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

**10.1.5 PLANNING APPLICATIONS DETERMINED UNDER DELEGATION**

**File Ref:** SUB/38-02  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Ed Drewett, Coordinator, Statutory Planning  
**Proposed Meeting Date:** 26 June 2018  
**Author Disclosure of Interest:** Nil  
**Elected Member Disclosure of Interest:**

Cr Sadler declared a **PROXIMTY** interest in this item by virtue of “live 4 houses away from the location”.

CR Sadler left the Chambers at **6.31pm** for the consideration of this item.

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**SUMMARY**

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

**BACKGROUND**

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

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

**STRATEGIC IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

- *Planning & Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Local Planning Scheme No. 3*
- *Metropolitan Region Scheme*

**FINANCIAL IMPLICATIONS**

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

**STAFFING IMPLICATIONS**

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

**SUSTAINABILITY IMPLICATIONS**

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

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**CONSULTATION**

Nil.

**STAFF COMMENT**

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

<b>Address</b>	<b>Description</b>	<b>Delegation Notice date</b>	<b>Date Determined</b>
12 Rosendo Street	Hard & soft landscaping works, including front fence	30 April 2018	16 May 2018
73 Forrest Street	Side additions, front fence and carport	23 April 2018	17 May 2018
49 Griver Street	Two-storey dwelling with ancillary accommodation at rear	7 May 2018	31 May 2018

**VOTING**

Simple Majority.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved: Cr Thomas      Seconded: Cr Harkins**

**That Council receive this report on the planning applications determined under delegation for the month of May 2018.**

**Carried 7/0**

Cr Sadler returned to the Chambers at **6.32pm** at the conclusion of the vote for this item.



**ADMINISTRATION****10.1.6 ROTTNEST CHANNEL SWIM 2019**

<b>File Ref:</b>	<b>SUB/2623</b>
<b>Attachments:</b>	<b>Event Application</b>
<b>Responsible Officer:</b>	<b>Garry Bird, Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Elizabeth Nicholls, Senior Administration Officer</b>
<b>Proposed Meeting Date:</b>	<b>26 June 2018</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**SUMMARY**

The Rottnest Channel Swim Association Inc. is seeking Council's approval to host the 2019 Rottnest Channel Swim at Cottesloe Beach on Saturday 23 February 2019.

**BACKGROUND**

The Rottnest Channel Swim is an annual 19.7 kilometre open water swim, commencing from Cottesloe Beach to Rottnest Island. Approximately 2,500 swimmers participate, 900 of which are expected to depart from Cottesloe Beach at 5.45am.

The event has five participation categories for competitors:

- Champions of the Channel (elite Solo swimmers)
- Solo
- Duo
- Team (of 4)
- Charity Challenge (teams of 4)

The first wave of competitors will leave at 5.45am and the last wave of team swimmers expected to leave the beach by 7.45am.

Last year, a three kilometre open water swim from the shore out to the Leeuwin II vessel and back was added to the event. Organisers expect that between 400 and 600 swimmers will participate, departing Cottesloe Beach from 8.20am taking approximately one hour for all the competitors to complete the swim.

**STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2013 – 2023*

*Priority Area One: Protecting and enhancing the wellbeing of residents and visitors.*

*1.4 Continue to improve community engagement.*

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

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

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### **Event Classification Policy**

The event meets the assessment criteria of a Community Event as outlined in the policy as it is organised by a not for profit, incorporated organisation and satisfies two of the criteria. *'The event does not seek to promote a product, service or company (sponsorship excepted)'* and *'spectating at the event is free'*.

### **STATUTORY ENVIRONMENT**

- *Local Government Act 1995*
- *Health (Public Building) Regulations 1992*
- *Food Act 2008*

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

### **FINANCIAL IMPLICATIONS**

There is a small cost in providing additional bins for the event, but this can be met within existing budget allocations.

To comply with the Event and Facility Classification Policy, organisers would be charged \$550 for hire and a \$1000 bond. The Town has not charged the Rottnest Channel Swim Association in the past for the use of Cottesloe Beach. It is therefore recommended that the hire fee be waived. Staff recommend that the bond for this event, an other community events, be charged in accordance with the Schedule of Fees and Charges.

### **STAFFING IMPLICATIONS**

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

Officers will be required to attend the event to ensure compliance with the officer's recommendation and statutory obligations including traffic management, risk management and relevant Acts. Rangers will be required to attend to assist with parking requirements which are met within normal budgeting allocations.

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

### **SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

- Rottnest Channel Swim Association Staff
- Cottesloe Surf Life Saving Club
- Town of Cottesloe Staff

### **STAFF COMMENT**

Event organisers take advantage of infrastructure already in place at the beachfront for the Rottnest Channel Swim. This reduces the impact on residents of additional infrastructure and equipment being bumped in.

To comply with the *Health (Public Buildings) Regulations 1992*, extra toilets will be provided by the organisers. Due to the anticipated crowd, organisers have requested additional rubbish bins which will be provided at their cost.

Competitor drop off zones on Marine Parade which are used for the Rottnest Channel Swim will be in place for the open water swim portion of the event.

A map of the event site and a draft risk management plan has been provided. A current Public Insurance Certificate, traffic management plan and detailed information of how event organisers will reduce the use of balloons will be requested to be provided prior to the event.

Officers met with event organisers after the 2018 event to discuss what worked well and what improvements could be made in the future. This included:

- The use of balloons is prohibited at any beach event and is clearly stipulated as a condition of the event approval. The Town will be requesting detailed information on proposed measures to eliminate balloons at the event.
- There were concerns that emergency ingress and egress was impeded. This needs to be addressed in the traffic management plan specifically, drop off and pick up locations, pedestrian management and alternative parking locations for vehicles (if required).
- Waste management will need to be address by the event organiser as there was a large amount of cardboard boxes and other waste dumped next to the street litter bins.
- Obstruction of the universal access path.

Representatives from the Rottnest Channel Swim Association have been receptive of implementing the changes to meet the requirements of the Town for the 2019 event.

## **COUNCILLOR QUESTIONS**

### **Questions provide by Cr Sadler – Emailed 19 June 2018**

Q1. How are the waste management issues that occurred last year being addressed, so that they will not occur this year?

A1. Event organisers have been made aware of these issues and will provide additional bins for this year's event.

Q2. How are the issues of universal access blockage being addressed this year? (I note on their application a picture of car parked on the universal access pathway).

A2. Event organisers have been made aware of these issues and Rangers will be patrolling the area on the day of the event.

### **Questions provide by Cr Tucak – Emailed 19June 2018**

Q1. Did the Town receive any resident feedback on the event in recent years? Has this residents' feedback (if any) been taken into account in planning for this year's event?

A1. No

### **Questions provide by Cr Pyvis – Emailed 19June 2018**

Q1. Further to Condition 10 "No balloons to be used during this event", how will this be enforced in 2019 as, despite this also being a condition of the 2018 event, some paddlers used balloons during the 2018 Rottnest Channel Swim?

A1. The matter has been addressed with the organisers. Arrangements will be in place for the 2019 event.

### VOTING

Simple majority

### OFFICER RECOMMENDATION

**Moved: Cr Young Seconded: Cr Pyvis**

THAT Council approve the application to hold the 2019 Rottnest Channel Swim at Cottesloe Beach on Saturday 23 February 2019, from 5.00am to 12.00pm, subject to the following conditions:

1. Class the event as a 'Community Event' and waive hire fees for the event, charging a \$1000 bond;
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. 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*
7. 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;
8. Adequate arrangements for rubbish removal and collection, including the provision for recycling;
9. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event;
10. No balloons to be used during the event;
11. That the event is a non-smoking event;
12. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event; and

13. 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.

#### ADVICE NOTE

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

#### COUNCILLOR AMENDMENT

Moved: Cr Boulter

Seconded: Cr Pyvis

That two conditions be added to the conditions of this event approval as follows:

1. *Single use plastic bags, plastic drinking straws, plastic utensils and plastic/styrofoam drink and/or food containers and lids will not be used by the applicant in setting up, during or clearing up after the event.*
2. *Organisers will use their best endeavours to avoid the use of any other form of single use plastic.*

That this advice note be added to the event approval

*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" and fines apply.*

#### PROCEDURAL MOTION

Moved: Cr Young

Seconded: Cr Sadler

That the amendment be put to the vote.

Carried 6/2

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

#### COUNCILLOR AMENDMENT

Carried 5/3

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

#### COUNCIL RESOLUTION

Moved: Cr Young Seconded: Cr Pyvis

THAT Council approve the application to hold the 2019 Rottneest Channel Swim at Cottesloe Beach on Saturday 23 February 2019, from 5.00am to 12.00pm, subject to the following conditions:

1. Class the event as a 'Community Event' and waive hire fees for the event, charging a \$1000 bond;

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. 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*
7. 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;
8. Adequate arrangements for rubbish removal and collection, including the provision for recycling;
9. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event;
10. No balloons to be used during the event;
11. That the event is a non-smoking event;
12. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event; and
13. 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.
14. Single use plastic bags, plastic drinking straws, plastic utensils and plastic/styrofoam drink and/or food containers and lids will not be used by the applicant in setting up, during or clearing up after the event.
15. Organisers will use their best endeavours to avoid the use of any other form of single use plastic.

**ADVICE NOTE**

1. 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.

2. 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” and fines apply.

Carried 8/0

**10.1.7 ICEA CLASSIC 2018**

<b>File Ref:</b>	<b>SUB/2406</b>
<b>Attachments:</b>	<b>Event Application Donation Application</b>
<b>Responsible Officers:</b>	<b>Garry Bird, Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Elizabeth Nicholls, Senior Administration Officer</b>
<b>Proposed Meeting Date:</b>	<b>26 June 2018</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**SUMMARY**

The Indigenous Communities Education and Awareness ('ICEA') Foundation is seeking approval for the annual ICEA Classic Event, to be held at The Cove, Cottesloe, and its adjacent car park, on Saturday 20 October 2018, between 6.00am and 8.00pm.

In addition to event approval, the ICEA Foundation have requested funding of \$20,000 as a contribution towards the costs of staging the 2018 event.

**BACKGROUND**

The ICEA Classic is an annual festival style event that celebrates Western Australia's rich Indigenous history and culture, pristine beaches, surfing and skating cultures and great food and music.

ICEA Foundation's philosophy is to:

- Facilitate positive experiences;
- Build strong, genuine relationships; and
- Foster greater cross-cultural understanding.

The ICEA Classic engages young Aboriginal and Non-Aboriginal Australians, giving them an opportunity to share experiences with each other at an event which promotes mutual respect. The Classic, organised and led by and for young people, embodies the capacity and passion of our Aboriginal and Non-Aboriginal youth to build genuine partnership and reconciliation in Australia.

It has become the flagship event for the ICEA Foundation with an anticipated attendance of 6,500 people, and creates a positive influence on the wider community.

The ICEA Foundation has submitted an application for a \$20,000 donation to assist with total expected expenditure of \$92,202. This application was submitted in response to the advertised annual community donations. Event organisers have applied for other grant and donation applications from a variety of organisations.

**STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2013 – 2023*

*Priority Area One: Protecting and enhancing the wellbeing of residents and visitors.*

*1.4 Continue to improve community engagement.*

**POLICY IMPLICATIONS**

**Beach Policy**

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

### **Event Classification Policy**

The event meets the assessment criteria of a Community Event as outlined in the policy as it satisfies two of the criteria. *'The event is supported or organised by a local community group'* and *'spectating at the event is free'*.

### **Donations Policy**

In accordance with the policy, donation applications may be referred to Council. The event complies with the criteria of being *'a registered not for profit organisation and has a base or visible presence in Cottesloe or within the Western Suburbs'*, and *'the event is free of charge to Cottesloe residents to attend and participate.'*

### **STATUTORY ENVIRONMENT**

- *Local Government Act 1995*
- *Health (Public Building) Regulations 1992*
- *Food Act 2008*

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

### **FINANCIAL IMPLICATIONS**

A donation of \$20,000 has been requested to contribute to the event. Event organisers have provided a budget of expenditure and income. A budget amendment would be required if Council was to approve this request.

In addition to the donation, there is a small cost in providing additional bins for the event, but this can be met within existing budget allocations.

To comply with the Event and Facility Classification Policy, organisers would be charged \$550 for hire and a \$1000 bond. The Town has not charged the ICEA Foundation in the past for the use of The Cove and adjoining land based activities. It is therefore recommended that the hire fee be waived. Staff recommend that the bond for this event, and other community events, be charges in accordance with the Schedule of Fees and Charges.

### **STAFFING IMPLICATIONS**

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

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

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

### **SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

ICEA Foundation Staff

Town of Cottesloe Staff

### STAFF COMMENT

The event has to date been held successfully at The Cove, 100m north of Isolators Reef. Organisers will again engage North Cottesloe Surf Life Saving Club to provide water safety and first aid assistance for this year's event. A letter of in principle support will be provided by the Club prior to the event.

Event commentators will make brief announcements from 8.00am to 5.00pm on the day of the competition. Noise limitations will be put into place and there will be minimal use of audio equipment, however, it is recommended that neighbouring properties be advised of the event taking place (if approved) and implement a mechanism for them to provide feedback if required.

To comply with the Health (Public Buildings) Regulations 1992, extra toilets will be provided by the organisers. Due to the anticipated crowd, organisers will also provide additional rubbish bins.

A map of the event site has been provided. A current Public Insurance Certificate, event management plan and risk management plan will be provided prior to the event.

The event will result in the car park closure at The Cove for at least 24 hours, however, as the location is south of Cottesloe Main Beach, it should provide little disruption to other patrons using the beachfront.

Following the success of the road closures for the section of Marine Parade from Pearse Street to Forrest Street, event organisers and staff are in agreeance to implement this for the 2018 event. Last year this facilitated safe pedestrian access to the event. This would require the ICEA Foundation to engage a contractor to submit a traffic management plan.

Organisers of the 2018 event have indicated that they will be again install fencing at key points at the road's edge to contain event spillage, employ noise control measures, manage the number of event signs displayed; and review the contents of their 'Program of Events'. Officers will again work with the organisers to encourage them to employ these and other safety and noise measures.

Officers met with event organisers after the 2017 event to discuss what worked well and what improvements could be made in the future. This included:

- The road closure provided increased safety to patrons, however, there were concerns that emergency ingress and egress was impeded. This was rectified on the day, however, this needs to be addressed in the traffic management plan and risk management for the 2018 event.
- The layout of the event needs to be altered from the 2018 event to allow for the first aid marquee to be set up and to reduce congestion in the viewing area and the activities areas.
- Security is required to monitor Mudarup Rocks to prevent people getting access.
- Compliance with the Food Act to be improved.

Overall, Officers were happy with the 2017 event and the organisers were supportive of implementing the changes to meet the requirements of the Town and relevant legislation.

Due to the requested donation amount being significantly higher than in the past, staff considered it appropriate for Council to consider the event and donation applications

together. Last year the Town contributed \$3,500 towards an \$80,000 budget. Generally the Town has contributed somewhere between \$3,000 and \$5,000 towards this event.

### **COUNCILLOR QUESTIONS**

#### **Questions provide by Cr Sadler – Emailed 19 June 2018**

Q1. Should the officer's recommendation at 1a) state \$2000 bond rather than \$1000 bond (in accordance with application form) as live music is being played?

A1. The Application Form requires updating. The \$1,000 bond is set in the Schedule of Fees and Charges.

#### **Questions provide by Cr Tucak – Emailed 19 June 2018**

Q1. Did the Town receive any resident feedback on the event in recent years? Has this residents' feedback (if any) been taken into account in planning for this year's event?

A1. No

### **VOTING**

Absolute majority required if funding request approved.

### **OFFICER RECOMMENDATION**

**Moved Cr Young    Seconded Cr Thomas**

That Council:

1. APPROVE the application to hold the ICEA Classic at The Cove and its adjacent car park on Saturday 20 October 2018, from 6.00am to 8.00pm, subject to the following conditions:
  - a) Class the event as a 'Community Event' and waive hire fees for the event, charging a \$1000 bond;
  - b) 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.
  - c) Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required;
  - d) All signage to be approved by the Chief Executive Officer one month prior to the event;
  - e) The event complies with all noise management conditions imposed on the event by the Town of Cottesloe;
  - f) 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*

- g) 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;
- h) Adequate arrangements for rubbish removal and collection, including the provision for recycling;
- i) Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event;
- j) No balloons to be used during the event;
- k) That the event is a non-smoking event;
- l) That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event; and
- m) 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.

#### ADVICE NOTE

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.

- 2. With respect to the request for a contribution of \$20,000 towards the 2018 event, APPROVE a budget amendment of \$5,000 for this purpose in keeping with the maximum donation generally provided to community organisations.

#### **COUNCILLOR AMENDMENT**

**Moved: Cr Boulter**

**Seconded: Cr Pyvis**

**That two conditions be added to the conditions of this event approval as follows:**

- 1. Single use plastic bags, plastic drinking straws, plastic utensils and plastic/styrofoam drink and/or food containers and lids will not be used by the applicant in setting up, during or clearing up after the event.***
- 2. Organisers will use their best endeavours to avoid the use of any other form of single use plastic.***

**That this advice note be added to the event approval**

***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" and fines apply.***

#### **PROCEDURAL MOTION**

**Moved: Cr Young**

**Seconded: Cr Sadler**

That the amendment be put to the vote.

Carried 6/2

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

#### COUNCILLOR AMENDMENT

Carried 5/3

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

#### COUNCIL RESOLUTION

Moved Cr Young Seconded Cr Thomas

That Council:

1. APPROVE the application to hold the ICEA Classic at The Cove and its adjacent car park on Saturday 20 October 2018, from 6.00am to 8.00pm, subject to the following conditions:
  - a) Class the event as a 'Community Event' and waive hire fees for the event, charging a \$1000 bond;
  - b) 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.
  - c) Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required;
  - d) All signage to be approved by the Chief Executive Officer one month prior to the event;
  - e) The event complies with all noise management conditions imposed on the event by the Town of Cottesloe;
  - f) 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*
  - g) 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;
  - h) Adequate arrangements for rubbish removal and collection, including the provision for recycling;
  - i) Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event;

- j) No balloons to be used during the event;
- k) That the event is a non-smoking event;
- l) That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event; and
- m) 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.
- n) Single use plastic bags, plastic drinking straws, plastic utensils and plastic/styrofoam drink and/or food containers and lids will not be used by the applicant in setting up, during or clearing up after the event.
- o) Organisers will use their best endeavours to avoid the use of any other form of single use plastic.

#### ADVICE NOTE

1. 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.
  2. 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" and fines apply.
2. With respect to the request for a contribution of \$20,000 towards the 2018 event, APPROVE a budget amendment of \$5,000 for this purpose in keeping with the maximum donation generally provided to community organisations.

Carried 8/0

**10.1.8 2018 WHALEBONE CLASSIC**

<b>File Ref:</b>	<b>SUB/2639</b>
<b>Attachments:</b>	<b>Event Application Donation Application</b>
<b>Responsible Officers:</b>	<b>Garry Bird, Deputy Chief Executive Officer</b>
<b>Authors:</b>	<b>Elizabeth Nicholls, Senior Administration Officer Gabrielle Hall, Events Officer</b>
<b>Proposed Meeting Date:</b>	<b>26 June 2018</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**SUMMARY**

Surfing Western Australia is seeking approval for the 21<sup>st</sup> Annual Whalebone Longboard Classic to be held at Isolators Reef, Cottesloe on Friday 6 July until Sunday 8 July 2018 between 7.00am until 5.30pm.

In addition to event approval, Surfing Western Australia have requested funding of \$5,000 as a contribution towards the costs of staging the 2018 event.

**BACKGROUND**

The Whalebone Longboard Classic is a significant local community sporting event, consisting primarily of a three day professional and amateur longboard surfing competition. 2018 will see the 21<sup>st</sup> instalment of this popular event.

Attracting a wide cross segment of the community from under 18 Juniors through to over 60 Legends, the Whalebone Longboard Classic attracts local surfers as well as surfers from around the state, the east coast and from overseas.

The event is managed by Surfing Western Australia and is sanctioned by the World Surf League. It is one of three sanctioned longboard events in the country, receiving great media results locally, nationally and internationally.

**STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2013 – 2023*

*Priority Area One: Protecting and enhancing the wellbeing of residents and visitors.*

*1.4 Continue to improve community engagement.*

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

The event complies with the Town of Cottesloe's Beach Policy.

**Event/Facility Classification Policy**

The event meets the assessment criteria of a Community Event as outlined in the policy as it is organised by a not for profit, incorporated organisation and satisfies two of the criteria. 'The event does not seek to promote a product, service or company (sponsorship excepted)' and 'spectating at the event is free'.

**Donations Policy**

In accordance with the policy, donation applications may be referred to Council. The event is broadly in keeping with the policy.

### **STATUTORY ENVIRONMENT**

- *Local Government Act 1995*
- *Health (Public Building) Regulations 1992*
- *Food Act 2008*

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

### **FINANCIAL IMPLICATIONS**

A late donation application requesting to Town contribute \$5,000 towards the event has been received. Event organisers have provided a budget of expenditure and income as part of their application. A budget amendment would be required if Council was to approve this request.

In addition to the donation, there is a small cost in providing additional bins for the event, but this can be met within existing budget allocations.

To comply with the Event and Facility Classification Policy, organisers would be charged \$550 for hire and a \$1000 bond. The Town has not charged Surfing Western Australia in the past for the use of Isolator's Reef. It is therefore recommended that the hire fee be waived. Staff recommend that the bond for this event, and other community events, be charges in accordance with the Schedule of Fees and Charges.

### **STAFFING IMPLICATIONS**

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

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

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

### **SUSTAINABILITY IMPLICATIONS**

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

Event organisers are encouraged to manage access to Isolators Reef by encouraging competitors and members of the public to use designated pathways.

### **CONSULTATION**

- Surfing Western Australia Staff
- Town of Cottesloe Staff

### **STAFF COMMENT**

Three marquee tents will be set up for local sponsors to advertise their surf wares and provide shelter from the winter elements. Surfing Western Australia engages many local business and groups, to assist with staging the event. Organisers will be responsible for



providing an Independent Structural Engineering approval prior to the proposed marquee being installed.

Event commentators will make brief announcements from 7.00am to 5.00pm on the day of the competition. Noise limitations will be put into place and there will be minimal use of audio equipment, however, it is recommended that neighbouring properties be advised of the event taking place (if approved) and implement a mechanism for them to provide feedback if required.

To comply with the *Health (Public Buildings) Regulations 1992*, extra toilets will be provided by the organisers. Due to the anticipated crowd, organisers will also provide additional rubbish bins.

There will also be a designated licensed area for wine and beer tasting for the cost of a gold coin donation. A licensed area will be accessible from 11.30am until 4.30pm each day which is fully fenced off with security staff in place. A licensing permit is to be finalised from the Department of Racing, Gaming and Liquor and provided to the Town prior to the event.

Surfing Western Australia will provide their own water safety for the event, as well as providing first aid services for the event.

As the donation application was submitted late, staff considered it appropriate for Council to consider the event and donation applications together. Last year the Town contributed \$2,500 towards a \$92,000 budget. Generally the Town has contributed \$2,500 towards this event.

## **COUNCILLOR QUESTIONS**

### **Questions provide by Cr Boulter – Emailed 18 June 2018**

Q1. What is the TOC total donations budget proposed for 2018/2019?

**A1.** \$40,876

Q2. Will the late application for this donation push this over the amount budgeted for donations in the latest draft budget or initially budgeted in the first draft budget?

**A2.** Yes

Q3. How much has the TOC contributed to this event in each of the last 5 years?

**A3.** \$2,500 in 2017/18, \$4,000 in 16/17; \$5000 in 15/16; \$3500 in 14/15; \$5000 in 13/14; \$5000 in 12/13; \$3000 in 11/12.

Q4. What is the total budget for the 2018 Whalebone Classic?

**A4.** \$86,200 as per the attached Donation Application Form

Q5. What is the value of each of the proposed TOC contributions to this event?

**A5.** The value of the donation (if any) only. Any arrangements for additional bins etc. will be charged as per the schedule of Fees and Charges.

### **Questions provide by Cr Tucak – Emailed 19 June 2018**

Q1. Did the Town receive any resident feedback on the event in recent years? Has this residents' feedback (if any) been taken into account in planning for this year's event?

**A1.** No.

**VOTING**

Absolute majority required if funding request approved.

**OFFICER RECOMMENDATION**

**Moved Cr Harkins                      Seconded Cr Young**

That Council:

1. APPROVE the application from Surfing Western Australia for the 21<sup>st</sup> Annual Whalebone Longboard Classic at Isolators Reef, Cottesloe on Friday 6 July until Sunday 8 July 2018 between 7.00am until 5.30pm, subject to the following conditions:
  - a) Class the event as a 'Community Event' and waive hire fees for the event, charging a \$1000 bond;
  - b) 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.
  - c) Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required;
  - d) All signage to be approved by the Chief Executive Officer one month prior to the event;
  - e) The event complies with all noise management conditions imposed on the event by the Town of Cottesloe;
  - f) 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*
  - g) 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;
  - h) Adequate arrangements for rubbish removal and collection, including the provision for recycling;
  - i) Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event;
  - j) No balloons to be used during the event;
  - k) That the event is a non-smoking event;
  - l) That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event; and

- m) 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.

#### ADVICE NOTE

1. 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.
2. With respect to the request for a contribution of \$5,000 towards the 2018 event, APPROVE a budget amendment of \$2,500 for this purpose in keeping with previous donations provided.

**Moved Cr Young                      Seconded Cr Boulter**

**That point 2 be dealt with as a separately which the Chair agreed to.**

#### **COUNCILLOR AMENDMENT**

**Moved: Cr Boulter                      Seconded: Cr Pyvis**

**That two conditions be added to the conditions of this event approval as follows:**

1. ***Single use plastic bags, plastic drinking straws, plastic utensils and plastic/styrofoam drink and/or food containers and lids will not be used by the applicant in setting up, during or clearing up after the event.***
2. ***Organisers will use their best endeavours to avoid the use of any other form of single use plastic.***

**That this advice note be added to the event approval**

***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" and fines apply.***

**Carried 5/3**

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

#### **COUNCIL RESOLUTION (without Point 2)**

**Moved Cr Harkins                      Seconded Cr Young**

**That Council:**

1. **APPROVE the application from Surfing Western Australia for the 21<sup>st</sup> Annual Whalebone Longboard Classic at Isolators Reef, Cottesloe on Friday 6 July until Sunday 8 July 2018 between 7.00am until 5.30pm, subject to the following conditions:**
  - a) **Class the event as a 'Community Event' and waive hire fees for the event, charging a \$1000 bond;**

- b) 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.
- c) Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required;
- d) All signage to be approved by the Chief Executive Officer one month prior to the event;
- e) The event complies with all noise management conditions imposed on the event by the Town of Cottesloe;
- f) 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*
- g) 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;
- h) Adequate arrangements for rubbish removal and collection, including the provision for recycling;
- i) Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event;
- j) No balloons to be used during the event;
- k) That the event is a non-smoking event;
- l) That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event; and
- m) 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.
- n) Single use plastic bags, plastic drinking straws, plastic utensils and plastic/styrofoam drink and/or food containers and lids will not be used by the applicant in setting up, during or clearing up after the event.
- o) Organisers will use their best endeavours to avoid the use of any other form of single use plastic.

**ADVICE NOTE**

1. 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.
2. 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” and fines apply.

**Carried 8/0**

**OFFICERS RECOMMENDATION AND COUNCIL RESOLUTION****POINT 2**

3. With respect to the request for a contribution of \$5,000 towards the 2018 event, **APPROVE** a budget amendment of \$2,500 for this purpose in keeping with previous donations provided.

**PROCEDURAL MOTION**

**Moved: Cr Young**

**Seconded: Cr Thomas**

**That Point 2 of the Officer Recommendation be put to the vote.**

**Carried 8/0**

**SUBSTANTIVE (Point 2)**

**Carried by an Absolute Majority 7/1**

**For: Deputy Mayor Rodda, Crs Tucak, Boulter, Young, Thomas and Pyvis**

**Against: Cr Sadler**

**10.1.9 NORTH COTTESLOE SURF LIFE SAVING CLUB CENTENARY EVENT**

**File Ref:** SUB/2  
**Attachments:** Event Application  
**Responsible Officer:** Garry Bird, Deputy Chief Executive Officer  
**Author:** Elizabeth Nicholls, Senior Administration Officer  
**Proposed Meeting Date:** 26 June 2018  
**Author Disclosure of Interest:** Nil  
**Elected Member Disclosure of Interest:**

Cr Harkins declared an **IMPARTIALITY** interest in the item by virtue of “son is a member of the club”.

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**SUMMARY**

The North Cottesloe Surf Life Saving Club is seeking approval for the North Cottesloe Centenary Year Celebration, to be held along Cottesloe Beach and North Cottesloe Beach, on Saturday 13 October 2018, between 6.00am and 4.00pm.

**BACKGROUND**

In 2018 the North Cottesloe Surf Life Saving Club Inc. will be celebrating the centenary of their establishment. To commemorate this occasion a series of events are planned commencing with a major launch in October 2018. Some of the other activities proposed include:

- Production of History book
- Club video
- Surf Sports Event
- Women in Surf Event

At the Ordinary Council Meeting held 22 August 2017, Council resolved:

*That with respect to the request from the North Cottesloe Surf Life Saving Club Inc. for financial and in-kind support for the planned activities to celebrate their 100 year anniversary, Council approve:*

1. *A \$10,000 cash contribution to be funded in the 2018/2019 year;*
2. *Assistance with securing high profile dignitaries to attend the event;*
3. *Assistance with necessary event approvals;*
4. *Assistance with community engagement and promotion of activities; and*
5. *Assistance with traffic management for specific events.*

Event organisers have advised the Town that the purpose of the centenary event is to:

*Recognise the unique nature of the milestone and capture the sense of occasion by presenting a series of events that engage a healthy cross section of both the membership and greater community.*

The funding provided will be used to assist with the opening event. On Saturday 13 October, the North Cottesloe Surf Life Saving Club will officially open for its 100<sup>th</sup> consecutive surf season with a ‘community celebration’. Club members (past and

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present) and the local and wider community will be able to view the official proceedings and participate in interactive Activities including:

- Opening ceremony – formal speeches and ribbon cutting ceremony.
- Sail past – up to 100 Surf Life Saving jet skis, surf boats and surf skis will assemble on Cottesloe beach before being marshalled to North Cottesloe beach.
- Message from the People – attendees will be invited to spell out a message on the beach which will be available as an aerial photograph.
- Open house – tours of the clubrooms and surf lifesaving demonstrations
- Sand castle building competition – a sand castle artist will facilitate the competition.
- Air Show – a formal application has been submitted to the Royal Australian Airforce for a fly over of either the Roulettes or Heavy Aircraft.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2013 – 2023*

*Priority Area One: Protecting and enhancing the wellbeing of residents and visitors.*

## **POLICY IMPLICATIONS**

### **Beach Policy**

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

### **Event Classification Policy**

The event meets the assessment criteria of a Community Event as outlined in the policy as it satisfies two of the criteria. *'The event is supported or organised by a local community group'* and *'spectating at the event is free'*.

## **STATUTORY ENVIRONMENT**

- *Local Government Act 1995*
- *Health (Public Building) Regulations 1992*
- *Food Act 2008*
- *Beaches and Beach Reserves Local Law 2012* has provisions for maintenance and management of the beaches and beach reserves.

## **FINANCIAL IMPLICATIONS**

A donation of \$10,000 has previously been requested and approved.

To comply with the Event and Facility Classification Policy, organisers would be charged \$1,100 for hire and a \$1000 bond. Due to the nature of the event and previous Council support, staff recommend that the hire fee be waived. Staff recommend that the bond for this event, and other community events, be charged in accordance with the Schedule of Fees and Charges.

There is a small cost in providing additional bins for the event, but this can be met within existing budget allocations.

Statutory fees would be required to be paid by event organisers.

**STAFFING IMPLICATIONS**

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

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

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

**SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

- North Cottesloe Surf Life Saving Club
- Town of Cottesloe Staff

**STAFF COMMENT**

Documentation to be received at least 30 days prior to the event includes, but limited to:

- Location map
- Site plan
- Timeline (including bump in and bump out times)
- Waste Management Plan (including provisions for rubbish, recycling and toilets)
- Noise Management Plan (including approval for non-complying event in accordance with regulation 18 of the Environmental Protection [Noise] Regulations and the Environmental Protection Act 1986)
- Traffic Management Plan (including parking information to be provided to attendees and possible road closures)
- Risk Management Plan
- Emergency Management Plan
- Consultation plan (local Police, residents and businesses)
- Approval from the Department of Racing Gaming and Liquor for a liquor license
- Public Liability Insurance Certificate of Currency
- Structural engineering certifications
- Certificate of electrical compliance
- All food permit and stall holder applications.

To comply with the *Health (Public Buildings) Regulations 1992*, extra toilets will be provided by the organisers. Organisers will also provide additional rubbish bins to meet the requirements of the expected crowd of 5,000 people.

Event organisers have indicated they intend to implement a partial road closure of Marine Parade. This would require the North Cottesloe Surf Life Saving Club engage a contractor to submit a Traffic Management Plan and an Application for an Order for a Road Closure receive approval from the Town, Western Australia Police and possibly Main Roads.



**VOTING**

Simple majority

**OFFICER RECOMMENDATION**

Moved: Cr Harkins                      Seconded: Cr Sadler

That Council:

1. Class the event as a 'Community Event' and waive hire fees for the event, charging a \$1000 bond;
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. 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*
7. 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;
8. Adequate arrangements for rubbish removal and collection, including the provision for recycling;
9. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event;
10. No balloons to be used during the event;
11. That the event is a non-smoking event;
12. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event; and
13. 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.

**ADVICE NOTE**

The full length of the Cottesloe Reef is protected by a Fish Habitat Protection Area (FHPA), the only one in the Perth Metropolitan Area. The principal aim of the Cottesloe Reef FHPA is to preserve valuable fish and marine environments for the

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

### **COUNCILLOR AMENDMENT**

Moved: Cr Boulter

Seconded: Cr Pyvis

That two conditions be added to the conditions of this event approval as follows:

1. *Single use plastic bags, plastic drinking straws, plastic utensils and plastic/styrofoam drink and/or food containers and lids will not be used by the applicant in setting up, during or clearing up after the event.*
2. *Organisers will use their best endeavours to avoid the use of any other form of single use plastic.*

That this advice note be added to the event approval

*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" and fines apply.*

Carried 5/3

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

### **COUNCIL RESOLUTION**

Moved: Cr Harkins

Seconded: Cr Sadler

That Council:

1. Class the event as a 'Community Event' and waive hire fees for the event, charging a \$1000 bond;
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. 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*

7. 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;
8. Adequate arrangements for rubbish removal and collection, including the provision for recycling;
9. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event;
10. No balloons to be used during the event;
11. That the event is a non-smoking event;
12. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event; and
13. 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.
14. Single use plastic bags, plastic drinking straws, plastic utensils and plastic/styrofoam drink and/or food containers and lids will not be used by the applicant in setting up, during or clearing up after the event.
15. Organisers will use their best endeavours to avoid the use of any other form of single use plastic.

#### ADVICE NOTE

1. 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.
2. 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" and fines apply.

Carried 8/0

**ENGINEERING****10.1.10 TREE MANAGEMENT – REVISED BRIEF**

**File Ref:** SUB/2602  
**Attachments:** Proposed Project Brief  
**Responsible Officers:** Mat Humfrey, Chief Executive Officer  
**Author:** Denise Tyler-Hare, Project Manager  
**Proposed Meeting Date:** 26 June 2018  
**Author Disclosure of Interest:** Nil

Elected Member Disclosure of Interest:

Cr Pyvis declared an **IMPARTIALITY** interest in this item by virtue of “I am a committee member of West Tree Canopy Committee”.

Cr Thomas declared an **IMPARTIALITY** interest in this item by virtue of “Involved with the West Tree Canopy Committee”.

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**SUMMARY**

The Council is requested to approve the proposed project brief for tendering purposes.

**BACKGROUND**

A Project Brief for development of a tree valuation model specific to Cottesloe, using said model to undertake the valuation and preparation of a management plan, has been prepared and presented to Council in the Ordinary Council May meeting.

The Council resolved:

*That this item be DEFERRED pending amendment to the proposed brief to delete reference to the tree valuation process.*

*CARRIED 5/3*

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

The project brief has been revised to remove the tree valuation process, with a few key elements, i.e. replacement value still included.

**STRATEGIC IMPLICATIONS**

The implementation of the tree management project is identified in the Strategic Community Plan 2013 to 2023.

Priority Area Five Providing sustainable infrastructure and community amenities indicates a major strategy to develop a long term asset management plan.

**POLICY IMPLICATIONS**

The Tree Management Plan will need to comply with the following policies:

- Town of Cottesloe Street Trees Policy
  - Town of Cottesloe Streetscape Design Policy and Manual
  - Climate Change (Human Enhanced) Policy
-

**STATUTORY ENVIRONMENT**

- *Local Government Act 1995*
- *Local Government Regulations 1996*

**FINANCIAL IMPLICATIONS**

There is currently no budget for this project, so a budget amendment will be required. It is anticipated that the project will cost approximately \$30,000 - \$40,000.

**STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the Officer Recommendation.

**SUSTAINABILITY IMPLICATIONS**

The design approach will cover issues such as sustainability and the long term maintenance and management of the trees.

**CONSULTATION**

- Elected Members
- Reserves, Parks and Playgrounds Committee
- Town of Cottesloe Staff

**STAFF COMMENT**

The Town can undertake this project in the 2018/2019 financial year, subject to a budget amendment.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

**Moved: Cr Young**

**Seconded: Cr Sadler**

That the Council ACCEPT the proposed project Tree Management brief for tender.

**COUNCILLOR AMENDMENT**

Moved: Cr Boulter

Seconded: Cr Pyvis

1. A copy of the scientific report at [http://www.cottesloe.wa.gov.au/d/Resource\\_Library/Council/Council\\_and\\_Committee\\_Minutes\\_and\\_Agenda/Agenda\\_and\\_Minutes\\_2017/March\\_2017/JTX24Y7DXM30Q\\_QC73MJ95XTV5E16DC/FR2Q34TZDDB70QB.pdf/ArborCarbon+Report\\_Napoleon+St+Tree+Assessment+Rev+A.pdf](http://www.cottesloe.wa.gov.au/d/Resource_Library/Council/Council_and_Committee_Minutes_and_Agenda/Agenda_and_Minutes_2017/March_2017/JTX24Y7DXM30Q_QC73MJ95XTV5E16DC/FR2Q34TZDDB70QB.pdf/ArborCarbon+Report_Napoleon+St+Tree+Assessment+Rev+A.pdf)

on the Napoleon St tree that was removed for scientific analysis and the Cottesloe Street Tree Policy and the Cottesloe Street Tree Masterplan are included in the brief as necessary background information.

Lost 4/4(5)

For: Crs Boulter, Pyvis, Tucak and Thomas

Against: Deputy Mayor Rodda, Crs Harkin, Sadler and Young

The Chair exercised casting vote against the amendment.

**COUNCILLOR AMENDMENT**

Moved: Cr Boulter

Seconded: Cr Pyvis

2. An interactive Councillor workshop will be held with representatives of the successful tender and representatives of the TOC Works Depot responsible for tree planting before commencement of any substantial work on the Tree Management project.

Lost 3/5

For: Crs Boulter, Pyvis and Thomas

Against: Deputy Mayor Rodda, Crs Harkin, Sadler, Tucak and Young

**COUNCILLOR AMENDMENT**

Moved: Cr Tucak

Seconded: Cr Young

That subject to the words be added at the end of the Officers Recommendation

1. Assessment of the replacement costs to be determined based on replacement to achieve a similar canopy at maturity, and include a 24 month tree establishment fee (point 2 of scope).
2. Project Scope (Opening words)

Trees are to be assessed by an expert arborist – 'including with reference to the Town Street Tree Policy (as amended)'

**PROCEDURAL MOTION**

Moved: Cr Young

Seconded: Cr Harkins

That the amendment be put to the vote.

Carried 8/0

The amendment was put to the vote

Carried 8/0

**PROCEDURAL MOTION**

Moved: Cr Sadler

Seconded: Cr Young

That the Substantive Motion as amended be put to the vote.

Carried 7/1

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

Against: Cr Pyvis

**COUNCIL RESOLUTION**

Moved: Cr Young

Seconded: Cr Sadler

That the Council ACCEPT the proposed project Tree Management brief for tender subject to the words being added:

1. Assessment of the replacement costs to be determined based on replacement to achieve a similar canopy at maturity, and include a 24 month tree establishment fee (point 2 of scope).
2. Project Scope (Opening words)

Trees are to be assessed by an expert arborist – 'including with reference to the Town Street Tree Policy (as amended)'

Carried 5/3

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

**10.1.11 TREE POLICY AMENDMENT**

**File Ref:** SUB/2602  
**Attachments:** Street Tree Policy  
**Responsible Officers:** Mat Humfrey, Chief Executive Officer  
**Author:** Denise Tyler-Hare, Project Manager  
**Proposed Meeting Date:** 26 June 2018  
**Author Disclosure of Interest:** Nil  
**Elected Member Declaration of Interest:**

Cr Pyvis declared an **IMPARTIALITY** interest in this item by virtue of “I am a committee member of West Tree Canopy Committee”.

Cr Thomas declared an **IMPARTIALITY** interest in this item by virtue of “Involved with the West Tree Canopy Committee”.

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**SUMMARY**

The Council is requested to consider an amendment to the Street Tree Policy.

**BACKGROUND**

At the Ordinary Council Meeting in April 2018, with regard to a tree removal request, Council resolved to:

*Defer this item pending a review by the Administration of the Town’s existing Street Tree Policy and, in particular, the provisions of clause (4) paragraph 5, which states that: Tree removals must be seen as a last resort, used for dead and/or dangerous trees.*

*CARRIED 6/2*

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

The current clause 4, paragraph 5 reads:

*Tree removals must be seen as a last resort, used for dead and/or dangerous trees. Removal or pruning of street trees are only carried out at the discretion of the Manager Engineering Services. Any unauthorized pruning or removal of street trees may be liable for prosecution.*

*The following reasons do not justify tree removals:*

- *tree litter/leaf fall (“messy:” tree),*
  - *restoration of a view,*
  - *alternative species requested by resident,*
  - *a desire to re-landscape,*
  - *house alterations requiring crossover relocation,*
  - *shading of lawns, pools,*
  - *swimming pool installation – root or falling leaf problems,*
  - *perception that tree may fall in a storm.*
-



**STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2013 to 2023*

Priority Area Four: Managing Development.

Priority Area Five: Providing sustainable infrastructure and community amenities.

**POLICY IMPLICATIONS**

The Street Tree Policy, clause 4, paragraph 5 would be updated if the Officer's Recommendation is accepted by Council.

**STATUTORY ENVIRONMENT**

- *Local Government Act 1995*
- *Local Government Regulations 1996*

**FINANCIAL IMPLICATIONS**

There are no perceived financial implications arising from the Officer Recommendation.

**STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the Officer Recommendation.

**SUSTAINABILITY IMPLICATIONS**

There are no perceived sustainability implications arising from the Officer recommendation.

**CONSULTATION**

- Town of Cottesloe Staff
- Elected Members

**STAFF COMMENT**

It is noted that this policy is applicable for discretionary removal of trees. Under circumstances where there is a legal obligation, or the Town's insurers advise us to remove the tree, the administration will act in accordance with this.

When a request to remove a tree is received from the community, the administration will review and determine whether this is obligatory or discretionary, and then act appropriately. The Town has an obligation to mitigate any damage caused by its trees, both to public and private property, as soon as practicable after it is notified of the damage. In non-discretionary circumstances, this will be undertaken at the cost of the town. However, where the circumstance is deemed to be discretionary, then expert reports and removal/relocation of the tree will be required to be paid for by the proponent.

The Town's administration has reviewed this section of the policy, and recommends it be amended as follows:

*Tree removals/relocations must be seen as a last resort, used for dead and/or dangerous trees, a noxious tree, or those failing to thrive. Removal, relocation or pruning of street trees can only be carried out at the discretion of the Manager Engineering Services or Manager of Assets in accordance with this policy. Any*

*unauthorized pruning or removal of street trees may result in a prosecution.*

*It is noted that this policy is applicable for discretionary removal of trees. In the instance where there is a legal obligation, or instruction from the Town's insurers, to remove a tree, this will be undertaken by the administration separate to this policy.*

*A dead or dangerous tree is classified as any of the following:*

- *Dead;*
- *Dying, and in an expert arborist's opinion, unable to be restored;*
- *Dangerous includes:*
  - *Falling limbs, which in an expert arborist's opinion, cannot be addressed in any other way than removal of the tree;*
  - *Causing respiratory or other health problems to immediate neighbours, with support from a relevant medical specialist;*
  - *At risk of causing safety issues, which in an expert arborist's opinion, cannot be addressed in any other way than removal of the tree; or*
  - *At risk of falling over, which in an expert arborist's opinion, cannot be addressed in any other way than removal of the tree; or,*
  - *Causing, or at risk of causing significant damage to property (greater than \$50,000 worth of damage – refer to footnote 1), which, in an expert arborist's opinion, cannot be addressed in any other way than removal of the tree.*

*A noxious tree shall be classified as an invasive tree or weed, non-native to Australia or Cottesloe, as found on the Coastcare website (<https://cottesloecoastcare.org/dir/weeds>), or as determined by an expert arborist.*

*A tree requested for removal/relocation on the grounds that is failing to thrive, or planted in such a way that it is unlikely to thrive, is required to be supported by an expert arborist report detailing why it is failing to thrive, and why there are no rectification measures that could cause the tree to thrive.*

*All expert arborist opinions and/or reports will be paid for by the proponent, but engaged through the Town. All medical expert costs shall be paid for by the proponent.*

*If approved, the cost of removal, relocation and/or replacement must be paid for by the proponent.*

*The following reasons do not justify tree removals:*

- *tree litter/leaf fall ("messy:" tree),*
- *restoration of a view,*
- *alternative species requested by resident,*
- *a desire to re-landscape,*
- *house alterations requiring crossover relocation,*
- *shading of lawns, pools,*
- *swimming pool installation – root or falling leaf problems,*
- *perception that tree may fall in a storm.*

**Footnote 1** – *It is noted that for trees causing, or at risk or causing, damage to a*

*property of less than \$50,000 damage, the Town will investigate and determine if the damage can be mitigated in any other way, other than removing the tree, and implement these measures as required. The tree may still be required to be removed, however this will require a Council resolution.*

## **COUNCILLOR QUESTIONS**

### **Question provide by Cr Boulter – Emailed 18 June 2018**

Q1. Does this policy amendment provide for transplanting of the Eric St NIP tree the subject of Council's OMC April 2018 motion?

A1. The policy covers reasons for relocations.

### **Questions provide by Cr Sadler – Emailed 19 June 2018**

Q1. Would Councillors be able to make amendments to other parts of the policy at this time?

A1. Yes.

Q2. Could the administration please present the graphic to EMs at the agenda forum showing where the Street Tree Policy fits in with the Green Infrastructure Management Plan?

A2. Yes

Q3. What sized trees is the officer recommending should replace any trees that have been removed? Should the minimum size of replacement tree be in the policy?

A3. The proposed amendment only deals with circumstances where trees will be permitted to be removed.

### **Questions provide by Cr Pyvis – Emailed 19 June 2018**

Q1. When will the comprehensive Draft Street Tree Policy (as resolved by Council 26 April 2016) be brought to Council for its consideration?

A1. The Town has an adopted Street Tree Policy.

Q2. Will the proposed amendments to the Street Tree Policy authorise the administration to remove more trees (without authorisation by council) than is currently the case under the existing Street Tree Policy?

A2. Yes.

### **Questions provide by Cr Young – Emailed 19 June 2018**

Q1. Would the proposed wording to allow removal of trees causing respiratory or other health problems extend to allow any resident (or even non-resident) to request removal of such a tree regardless of whether the resident can avoid the tree? If so, or to avoid ambiguity, could consideration be given to limiting this to "causing respiratory or other health problems to immediate neighbours ..."?

A1. We will include the statement as suggested.

## **VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

That Council ADOPT the amendment of the Tree policy clause 4, part 5 as per the staff comment section in this report.

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

1. That consideration of the Tree Policy amendment be deferred to an interactive Cr workshop by the end of August 2018.

Lost 3/5

For: Crs Boulter, Pyvis and Thomas

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

**FORESHADOWED MOTION****Moved: Cr Sadler****That Cr Sadler's motion be considered in the event Cr Boulter's motion is lost.****PROCEDURAL MOTION****Moved: Cr Young****Seconded: Cr Harkins****That the Cr Boulter's proposed deferral motion be put to the vote.****Carried 7/1****For: Deputy Mayor Rodda, Crs Tucak, Boulter, Sadler, Young, Thomas and Harkins****Against: Cr Pyvis****Cr Boulter's motion was put to the vote;**

Lost 3/5

For: Crs Boulter, Pyvis and Thomas

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

**COUNCILLOR MOTION****Moved: Cr Sadler****Seconded: Cr Young**

1. That the Tree Policy Amendment be deferred pending the employment/secondment of a suitably qualified person to develop and execute the Green Infrastructure Management Plan for the Town of Cottesloe

**AMENDMENT****Moved: Cr Boulter****Seconded: Cr Sadler****That point 2 of Cr Boulter's lost motion be included in the Councillor Motion:**

2. That prior to consideration of appointment of an expert tree policy staff member, that the Town of Cottesloe hold an interactive workshop before the end of August 2018 with Elected Members, representative from the TOC works depot and expert tree representatives from the City of Subiaco about developing the TOC policy approach to increasing the Cottesloe tree canopy cover.

Carried 7/1

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

**COUNCIL RESOLUTION**

Moved: Cr Sadler

Seconded: Cr Young

1. That the Tree Policy Amendment be deferred pending the employment/secondment of a suitably qualified person to develop and execute the Green Infrastructure Management Plan for the Town of Cottesloe
2. That prior to consideration of appointment of an expert tree policy staff member, that the Town of Cottesloe hold an interactive workshop before the end of August 2018 with Elected Members, representative from the TOC works depot and expert tree representatives from the City of Subiaco about developing the TOC policy approach to increasing the Cottesloe tree canopy cover.

Carried 8/0

**10.1.12 NORTH COTTESLOE PRIMARY SCHOOL – PARKING LIMIT TRIAL**

**File Ref:** SUB/2484  
**Attachments:** Nil  
**Responsible Officers:** Mat Humfrey, Chief Executive Officer  
**Author:** Denise Tyler-Hare, Project Manager  
**Proposed Meeting Date:** 26 June 2018  
**Author Disclosure of Interest:** Nil

**Elected Member Disclosure of Interest:**

Cr Young declared an **IMPARTIALITY** interest in this item by virtue of “Former parent/member of the school community”.

Cr Harkins declared an **IMPARTIALITY** interest in this item by virtue of “children attend North Cott”.

Cr Sadler declared an **IMPARTIALITY** interest in this item by virtue of “Previous parent at school”.

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**SUMMARY**

The Council is requested to approve a parking limit trial on Railway Street outside North Cottesloe Primary School.

**BACKGROUND**

The North Cottesloe Primary School Traffic Safety Committee made a resolution in May 2018 as follows:

*That the North Cottesloe Primary School Traffic Safety Committee recommend that Council IMPLEMENT a three month trial of 4 hour parking limits with parking permits to be issued to school staff.*

The purpose was to trial parking limits to determine whether it would assist in improving safety and reducing the congestion in the roads surrounding the school during peak periods.

**STRATEGIC IMPLICATIONS**

There are no apparent strategic implications arising from this proposal.

**POLICY IMPLICATIONS**

There are no apparent policy implications arising from this proposal.

**STATUTORY ENVIRONMENT**

There are no apparent statutory implications arising from this proposal.

**FINANCIAL IMPLICATIONS**

There are minimal costs associated with modifying signage in the area, which can be met from existing operational budgets.

**STAFFING IMPLICATIONS**

Rangers will be required to monitor compliance with the new policy arrangements and to issue permits as required.

**SUSTAINABILITY IMPLICATIONS**

There are no apparent sustainability implications arising from this proposal.

**CONSULTATION**

- Town of Cottesloe Elected Members
- Town of Cottesloe Staff
- North Cottesloe Primary School Traffic Safety Committee

**STAFF COMMENT**

The Town's administration has reviewed the proposal and believe that it would be beneficial to undertake the trial.

There are three possible outcomes arising from this trial:

1. There is no material impact on safety and congestion during peak periods;
2. There is a marked reduction in congestion and improvement in safety during peak periods; or,
3. There is a reduction in safety and an increase in congestion during these peak periods.

This trial will provide some real time data on whether future parking restrictions will provide additional benefit in improving safety and reducing congestion around the school during peak periods.

It is possible to place temporary signage up as a bag over the new signage, for a couple of weeks before the trial starts.

Additionally, the Town will run a "Have a Say" consultation for the duration of the trial, and ensure that the school staff and parents, and broader community have the opportunity to comment.

**COUNCILLOR QUESTIONS****Questions provide by Cr Boulter – Emailed 18 June 2018**

Q1. Given the public and local residential concerns about this issue aired at great length before this Council, can the administration confirm that this study will be undertaken by the TOC administration and that the school is simply a willing participant?

**A1.** Yes

Q2. The officer recommendation does not specify where the three month trial is to take place. Can the officer recommendation attach a map that clearly outlines the area to which Council's resolution would apply?

**A2.** Yes – see below:



Q3. Who will issue and control the use of the parking permits?

**A3.** Town of Cottesloe Administration

Q4. Who will collect the figures and who will monitor and report on the trial?

**A4.** Town of Cottesloe Administration

Q5. Can the officer recommendation include who this trial is to be done by and how?

**A5.** Town of Cottesloe Administration will undertake traffic counts prior to the study and the interim points during the study. We will be relying on the school/community to report any safety incidents.

**Questions provided by Cr Boulter – Emailed 19 June 2018**

Q1. In the officer report a proposal is referred to as being reviewed by the TOC administration. The proposal is not in the attachments. Can the proposal be circulated to EMs?

**A1.** The proposal is simply to install parking signs stating a 4 hr limit. There are no accompanying documents.

Q2. What type of signage will be required and erected for the parking trial?

**A2.** There would be two signs, one at either end of the bays, looking something like this, except with 4P, and perhaps 8am – 4pm.





Q3. Will pre-trial signage be put in place to give long term parkers who may not be aware of the upcoming trial a chance to make other arrangements?

**A3.** We would advertise on our website, Facebook and in the local papers, and there would be a short period where cautions are issued.

Q4. Who will issue the parking permits?

**A4.** Town of Cottesloe Administration.

Q5. What information will be on the parking permits to link the permit to the parked car?

**A5.** None.

Q6. Will the permits be numbered?

**A6.** Yes

Q7. How many permits will be issued?

**A7.** The number is not yet confirmed, however it will be for teachers, and volunteer assistants to the school.

Q8. How often will the TOC rangers monitor the cars parked in the area?

**A8.** The rangers will monitor it approximately twice a week. However, this can be increased if we would like it to be.

Q9. Will rangers do a daily report on the trial to the administration?

**A9.** No. They will report any infringements that are recorded to the administration as and when they occur.

Q10. How will the trial be measured and reported? What would success look like? What would failure look like?

**A10.** Town of Cottesloe Administration will undertake traffic counts, during peak periods prior to the study, and at interim points during the study. We will be relying on the school/community to report any safety incidents. Success would be a reduction in congestion periods, and an improvement in drop off/pick up time. Failure would be the opposite.

Q11. Will the three month trial include any school holidays?

**A11.** Yes

Q12. Does a temporary parking restriction in the TOC require any further governance arrangements other than just putting up a sign?

**A12.** No

Q13. IF the project is not in the budget, don't the costs have to be identified then doesn't the proposal require an absolute majority, no matter how small the cost is?

A13. No – the cost of the signs can be met within operational budgets.

**Questions provide by Cr Pyvis – Emailed 19June 2018**

Q1. Why is NCPS being involved in the proposed Parking Limit Trial given it already has a declared interest in constructing a new carpark on Railway Street?

A1. It was a recommendation from the North Cottesloe Primary School Traffic Safety Committee, not the school.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

Moved: Cr Harkins

Seconded: Cr Sadler

That the Council APPROVE implementation of a three month trial of 4 hour parking limits with parking permits to be issued to school staff and volunteers as required, starting the first week of term 3 on the 16th July 2018.

**AMENDMENT**

Moved: Cr Boulter

Seconded: Cr Pyvis

That the following words be added to the officer recommendation:

“subject to,

1. The TOC being responsible for the traffic counts, monitoring and reporting to Council of the data from the trial; and,
2. Pre-trial signage being erected as to the date and effect of the trial as a courtesy to non-school parkers currently using the site for parking.”

Carried 6/2

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

**COUNCIL RESOLUTION**

Moved: Cr Harkins

Seconded: Cr Sadler

That the Council APPROVE implementation of a three month trial of 4 hour parking limits with parking permits to be issued to school staff and volunteers as required, starting the first week of term 3 on the 16th July 2018 subject to:

1. The TOC being responsible for the traffic counts, monitoring and reporting to Council of the data from the trial; and,
2. Pre-trial signage being erected as to the date and effect of the trial as a courtesy to non-school parkers currently using the site for parking.”

Carried 7/1

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

**10.1.13 TOWN OF COTTESLOE BIKE PLAN – TENDER**

**File Ref:** SUB/2612  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Denise Tyler-Hare, Project Manager  
**Proposed Meeting Date:** 26 June 2018  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The Council is requested to endorse the award of the contract for a Town of Cottesloe Bike Plan to the recommended tenderer.

**BACKGROUND**

At the October 2017 Ordinary Council Meeting, the Council carried a motion as follows:

1. *Defer consideration of this matter pending the creation and adoption by Council of a Bike Plan for the whole of the Town of Cottesloe (Bike Plan) which covers the following:*
  - a. *Identification of the bicycle routes through Cottesloe (current and planned);*
  - b. *A program of community engagement and consultation on projects and project priorities;*
  - c. *The resources that the Town has available to allocate to the creation and maintenance of cycle specific infrastructure;*
  - d. *The key features of the Cottesloe Foreshore Redevelopment and how bicycle infrastructure will be integrated with that redevelopment; and*
  - e. *Integration with the State Government's Principal Shared Path and with neighbouring local government bike paths.*
2. *Commit funding to engage a suitably qualified consultant, to collaborate with the Bike Planning Committee, to produce a Bike Plan in accordance with Item 1 above.*

Carried 5/4

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

The Town has sought tenders from suitably qualified and experienced consultants to undertake the bike plan.

Eight tenderers submitted on the 10 April 2018, and these have been reviewed.

At the 8 May 2018 Bike Planning Committee Meeting, the Committee resolved:

That the Committee DEFER acceptance of the Town of Cottesloe Bike Plan tender pending a consultant being invited to submit his CV to be reviewed by staff as a Pro Bono consultant to review the tenders received reviewing:

1. Relevant experience
2. Technical skills
3. Resources

This review has been subsequently undertaken, and the review has indicated that if we accept a tender for this brief, we are unlikely to move forward with improving the bicycle infrastructure within the Town, and may end up with a plan that does not solve the key issues.

As a result, at the Bike Planning Committee Meeting on 29 May 2018, the Committee resolved to reject all tenders, prepare an updated brief, and seek comment from the Department of Transport as to whether the brief will tie in with their goals, and assist us in obtaining grants in the future.

### **STRATEGIC IMPLICATIONS**

The implementation of the Bike Plan is identified in various strategic documents:

- Western Suburbs Bike Plan 1999
- Town of Cottesloe Bike Plan 2008 – 2014
- Town of Cottesloe Local Bike Plan 2016 (Cardno)
- Foreshore Renewal Summary Strategy
- Foreshore Renewal Masterplan
- Beach Access Paths Style Guide
- *Strategic Community Plan 2013 to 2023*

Priority Area One Protecting and enhancing the wellbeing of residents and visitors.

Priority Area Two Achieving connectivity between east and west Cottesloe.

Priority Area Three Enhancing beach access and the foreshore.

Priority Area Five Providing sustainable infrastructure and community amenities.

### **POLICY IMPLICATIONS**

The updated Bike Plan will need to comply with the following policies:

- Town of Cottesloe Street Trees Policy
- Town of Cottesloe Streetscape Design Policy and Manual
- Climate Change (Human Enhanced) Policy
- Town of Cottesloe Streetscape Design
- Town of Cottesloe Disability Access and Inclusion Plan Policy

### **STATUTORY ENVIRONMENT**

- *Local Government Act 1995*
- *Local Government Regulations 1996*

### **FINANCIAL IMPLICATIONS**

The implementation of the Bike Plan is expected to require significant resources over the next five years. Funds exist in the 2017/2018 Budget for the preparation of a Bike Plan, to the amount of \$85,000.

Funds are also allocated in the 2017/2018 Budget for the construction of a bike lane along Marine Parade, to the amount of \$161,534.

### **STAFFING IMPLICATIONS**

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

**SUSTAINABILITY IMPLICATIONS**

The design approach will cover issues such as sustainability and the long term maintenance and management of the paths. The design will need to include selected materials that have been chosen to ensure sustainability, longevity and ease of maintenance.

**CONSULTATION**

- Bike Planning Committee
- Town of Cottesloe Staff

**STAFF COMMENT**

The goal of the revised brief is to prepare a Bike Routes Plan, which addresses the points in the October 2017 Council Resolution, and incorporates a significant amount of community consultation into both the routes and the proposed infrastructure. This brief was prepared, and sent to the Department of Transport for comment. The Department of Transport subsequently advised that they will shortly be undertaking the preparation of a metropolitan wide plan for PSP routes, and this scope of work will actually include a significant portion of the scope contained within our proposed brief. The Department's consultant will be working closely with all local governments and undertaking substantial community consultation throughout the process. As a result, the Bike Planning Committee resolved:

1. Defer the Bike Routes Plan pending further information from the Department of Transport.
2. Contact the Department of Transport offering to provide the Town's existing bike plans and relevant documents.
3. Pursue early engagement with the Department of Transport to advance the Town's bike planning.

As a result of the Department of Transport's work, and the recommendation from the external review of the tender it is recommended to reject all tenders, and retender the project with an amended brief, once approved by the Council.

**VOTING**

Simple Majority

**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION**

Moved: Deputy Mayor Rodda                      Seconded: Cr Thomas

**That the Council DECLINE to accept any tender for the Town of Cottesloe Bike Plan.**

**Carried 8/0**

**FINANCE****10.1.14 FINANCIAL STATEMENTS FOR THE MONTH ENDING 31 MAY 2018**

<b>File Ref:</b>	<b>SUB/2459</b>
<b>Attachments:</b>	<b>Monthly Financial Statements</b>
<b>Responsible Officers:</b>	<b>Garry Bird, Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Wayne Richards, Finance Manager</b>
<b>Proposed Meeting Date:</b>	<b>26 June 2018</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**SUMMARY**

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

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

**BACKGROUND**

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

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

**STRATEGIC IMPLICATIONS**

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

**POLICY IMPLICATIONS**

Investments Policy.  
Investment of Surplus Funds Policy.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*  
*Local Government (Financial Management) Regulations 1996*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocations.

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**STAFFING IMPLICATIONS**

There are no staffing implications arising from the Officers Recommendation.

**SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications arising from the Officers Recommendation.

**CONSULTATION**

There has been consultation with senior staff in the preparation of this report.

**STAFF COMMENT**

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

- The net current funding position as at 31 May 2018 was \$2,654,181 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 May 2018 stood at \$417,979 as shown on pages 2 and 26 of the attached Financial Statements.
- Operating revenue is more than year to date budget by \$577,479 with a more detailed explanation of material variances provided on pages 21 and 22 of the attached Financial Statements. Operating expenditure is \$25,679 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 36% complete as at 31 May 2018 and a full capital works program listing is shown on pages 34 to 38.
- Whilst Salaries and Wages are not reported specifically, they do represent the majority proportion of Employee Costs which are listed on the Statement of Financial Activity (By Nature and Type) on page 7 of the attached Statements. As at 31 May 2018 Employee Costs were \$242,544 less than the budgeted year to date amount. When the non cash movement in leave provisions of \$251,367 is adjusted for, this results in a amount of \$8,823 over budgeted expenditure for employee costs.
- The balance of cash backed reserves was \$11,437,201 as at 31 May 2018 as shown in Note 7 on page 28 of the monthly financial statements.

**List of Accounts for May 2018**

The List of Accounts paid during May 2018 is shown on pages 39 to 47 of the attached Financial Statements. The following significant payments are brought to Council's attention;-

- \$40,687.00 to the Western Metropolitan Regional Council for waste tipping fees.
- \$54,123.56 to Solo Resource Recovery for waste collection and disposal services.
- \$51,298.50 to Cobblestone Concrete for footpath construction works.
- \$820,000.00 and \$70,000.00 to the National Australia Bank for transfers to the investment account.
- \$98,838.46, \$113,370.83 and \$97,403.34 for Town of Cottesloe staff payroll.

Investments and Loans

Cash and investments are shown in Note 4 on page 24 of the attached Financial Statements. Council has approximately 41% of funds invested with National Australia Bank, 30% with Bankwest, 17% with Commonwealth Bank of Australia and 12% with Westpac Banking Corporation.

Information on borrowings is shown in Note 10 on page 31 of the attached Financial Statements and shows Council had total principal outstanding of \$4,219,401 as at 31 May 2018.

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 \$417,979 as compared to \$485,397 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 24% or \$26,165 is older than 90 days. Infringement debtors are shown on note 6(a) and stood at \$480,917 as at 31 May 2018.

Budget Amendments

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

**COUNCILLOR QUESTIONS****Questions provide by Cr Pyvis – Emailed 19June 2018**

Q1. Please provide details of services provided ...

- Jackson McDonald \$2565.53
- LSV Borello Lawyers \$2750 + \$2958.45
- McLeods \$3726.35
- Wood & Grieve Engineers \$4070
- WALGA \$5726

**A1.**

Jackson McDonald \$2565.53	Lease Deed of Extension - Indiana
LSV Borello Lawyers \$2750 + \$2958.45	Legal Fees lots 505 and 506 Avonmore Terrace and 21 Deane Street.
McLeods \$3726.35	Dog and Parking Prosecutions
Wood & Grieve Engineers \$4070	Structural engineering advice for Cottesloe Pylon.
WALGA \$5726	Part payment for website upgrade

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved:** Deputy Mayor Rodda

**Seconded:** Cr Thomas



**THAT Council receive the Financial Statements for the period ending 31 May 2018 as submitted to the 26 June 2018 meeting of Council.**

**Carried 8/0**

**10.1.15 ADOPTION OF THE 2018-19 BUDGET**

**File Ref:** SUB/2636  
**Attachments:** 2018/19 Budget  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Garry Bird, Deputy Chief Executive Officer  
**Proposed Meeting Date:** 26 June 2018  
**Author Disclosure of Interest:** Nil  
**Elected Member Disclosure of Interest:**

Cr Tucak declared an **IMPARTIALITY** interest in this item by virtue of "Relationship to potential grantees".

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**SUMMARY**

The 2018/19 Budget is attached for the consideration of Elected Members and adoption.

**BACKGROUND**

Council is required under the Local Government Act 1995 to adopt a budget for each financial year. The budget cannot be adopted before 1 June in the financial year immediately prior to the year it applies and must be adopted before 31 August in the year it applies to. The budget must be in the prescribed format and set expenditure levels and type for the year. The budget must also contain a forecast of all income and set the rate in the dollar for the rates levied in the financial year it applies to.

**STRATEGIC IMPLICATIONS**

The budget sets out how funds will be allocated to all projects during the financial year, including all strategic projects.

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

- *Local Government Act 1995 (s6.2)*
- *Local Government (Financial Management) Regulations 1996*

**6.2. Local government to prepare annual budget**

- (1) *During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt\*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

*\* Absolute majority required.*

- (2) *In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in*

accordance with section 5.56 and to prepare a detailed estimate for the current year of —

- (a) the expenditure by the local government;
  - (b) the revenue and income, independent of general rates, of the local government; and
  - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.
- (4) The annual budget is to incorporate —
- (a) particulars of the estimated expenditure proposed to be incurred by the local government;
  - (b) detailed information relating to the rates and service charges which will apply to and within the district including —
    - (i) the amount it is estimated will be yielded by the general rate; and
    - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;
  - (c) the fees and charges proposed to be imposed by the local government;
  - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
  - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
  - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
  - (g) such other matters as are prescribed.
- (5) Regulations may provide for —
- (a) the form of the annual budget;
  - (b) the contents of the annual budget; and
  - (c) the information to be contained in or to accompany the annual budget

#### 5.63. Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —
- (a) an interest common to a significant number of electors or ratepayers; or
  - (b) an interest in the imposition of any rate, charge or fee by the local government; or
  - (c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers; or
  - (d) an interest relating to the pay, terms or conditions of an employee unless —
    - (i) the relevant person is the employee; or

- (ii) *either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person; or*
- (e) *[deleted]*
- (f) *an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects; or*
- (g) *an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or*
- (h) *a prescribed interest.*

Regulations 22 to 33 of the *Local Government (Financial Management) Regulations 1996* contain the requirements for the form of the budget document and the information to be contained within it.

### **FINANCIAL IMPLICATIONS**

The budget allocates the Town's financial resources for the financial year ending 30 June 2019.

### **STAFFING IMPLICATIONS**

All associated staffing costs are contained within the draft 2018/19 Budget.

### **SUSTAINABILITY IMPLICATIONS**

The Town has several sustainability projects and programs contained within the budget.

### **CONSULTATION**

#### **Public Consultation**

As Council raises a differential rate, it is required to advertise its intention to do so.

At the Ordinary Council Meeting held 24 April 2018 it was resolved:

*THAT Council advertise its intention to raise the following differential general rates and minimum rates for the 2018/2019 financial year:*

<i>Differential Rate Category</i>	<i>Rate in the \$</i>	<i>Min Rate</i>
<i>Differential General Rate (GRV)</i>	<i>0.06182</i>	<i>\$1,222.00</i>
<i>Differential Rate – Town Centre Commercial (GRV)</i>	<i>0.07175</i>	<i>\$1,222.00</i>

The advertisements and notices were placed as required and one comment was received as follows:

*I believe that the shire is overinflating rates based on past expectations and not in keeping with current economic pull backs. The rates are too high for the market especially for lease agreements.*

In addition, the Town also advertised the community grants program and sent letters to community and sporting groups requesting submissions.

#### **Council Workshops**

There have been three Council workshops to directly discuss formulating the budget. These workshops provided Elected Members with an opportunity to ask questions and provide direction to staff on the draft budget and its various components.

### **STAFF COMMENT**

The Town is generally in a strong financial position, having healthy reserves and operating at a very high level of operational efficiency.

Council has a long standing issue with its financial position in that an operating loss is incurred each year. For 2018/19 this loss will be \$1,254,405 compared to a loss of \$621,059 budgeted for in 2017/18. The Long Term Financial Plan shows this situation in improving over the life of the Plan to a small operating profit being returned.

This draft 2018/19 budget contains a significant increase in non-recurrent operating expenditure which has exacerbated this operating position in the short term. This expenditure on projects reflects the significant amount of work currently being undertaken to achieve the stated strategic aims of Council. This activity also creates additional staffing pressures and as such there has been a significant increase of 9.23 percent to salaries and wages as two new positions are proposed to manage the workload.

The Town also has well maintained assets, which is the result of many years of investment in these assets and a well planned approach. As the assets are replaced as a part of the systematic approach, the yearly maintenance costs decreases and staff are spending less time responding to call outs, and more time working on strategic projects.

The Draft Budget Papers attached have been prepared based on a recommended increase of 3.38 percent to gross income received. This 3.38 percent is made up of the following factors:

1. A 0.88 percent increase attributed to growth in the rateable value of properties in Cottesloe (for example, new houses and improvements or subdivisions).
2. Consumer Price Index of 0.90 percent. In addition staff recommends an additional 0.60 percent be added to this figure to reflect increased costs to Council in excess of the Consumer Price Index. This will also provide some protection for future increases to Consumer Price Index which is in excess of this percentage.
3. 1.00 percent to progressively address the ongoing operating loss incurred by Council.

It should be noted that the above would only represent an average rates increase of 2.50 percent for most property owners. As previously reported, Council raised approximately \$180,000 more from rates than budgeted in 2017/18 due to issues with the timing of the new Gross Rental Value Roll. These funds have been quarantined and will be deducted from this proposed rates increase, meaning ratepayers will effectively pay approximately 0.70 percent more in real terms.

In order to present a balanced budget, the following projects have been omitted or deferred:

- Local Laws Review \$25,000
- Groyne Resurfacing \$50,000
- North Cottesloe Primary School Traffic Study \$15,000
- Library Reserve Transfer \$105,000

- Active Transport Reserve Transfer
- Community Survey \$25,000
- Information Technology Strategic Plan \$25,000
- Survey of ROW's and Laneways \$10,000
- Ablution Facilities – South Cottesloe Beach and Town Centre (not costed)
- Stormwater Drainage Works on beaches (not costed)
- Parking Review (not costed)
- Deferral of planned truck purchases

## COUNCILLOR QUESTIONS

### Questions provide by Cr Boulter – Emailed 18 June 2018

#### DEPOT

Q1. What are the total year by year costs for the Stack St East Fremantle works depot?

**A1.**

Year	Cost \$
2012/13	\$161,931
2013/14	\$163,160
2014/15	\$204,816
2015/16	\$189,946
2016/17	\$186,373
2017/18 (YTD)	\$201,893

Q2. What are the further estimated costs up until the move of the Stack St depot to Mosman Park?

**A2.** Approximately \$200,000 per annum.

Q3. What are the total costs year by year for the Seaview golf course depot site?

**A3.** In addition to minor maintenance, the costs are as follows;

Year	Description	Cost
	Shed	\$21,327
	Concrete storage Bays	\$12,742
2017/18	Carpark Sealing	\$38,905

Q4. What are the further estimated annual costs of the Seaview depot?

**A4.** Minor maintenance only

Q5. What are the to date costs and what will be the estimated total costs, including legal costs, for moving the Stack St depot to the Town of Mosman Park? Are these included in the current draft 2018/2019 budget?

A5. Yet to determined – a Council resolution will be required to execute the lease and these matters will be reported on then.

Q6. What are the estimated rental costs for the depot being at the Town of Mosman Park? Are these included in the current draft 2018/2019 budget?

A6. See 5 above

Q7. When is it estimated that the Stack St depot will move to the Town of Mosman Park? Are these included in the current draft 2018/2019 budget?

A7. See 5 above

Q8. Will the Sea View depot remain in place when the Stack St depot moves to Mosman Park?

A8. Yet to be determined.

### LEGAL SERVICES

Q1. What was the total cost of legal services to date in the 2017/2018 budget?

A1.

Program	2017/18 YTD	2018/19 Budget
Foreshore and Beaches	\$55,995	\$60,000
Town Planning	\$61,910	\$75,000
Other Governance	\$4,379	\$8,000
Animal Control	\$11,971	\$10,000
Other Law and Order		\$2,000
Rangers Services	\$11,914	\$13,000
Plant	\$625	\$10,000
Pre-School	\$159	\$1,100
Recreation	\$138	\$1,500
Governance		\$2,000
Health		\$5,000
Sanitation		\$5,100
Building		\$2,000

TOTAL	\$147,092	\$194,700
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Q2. What is the total amount in the draft budget for legal services?

**A2.** See A1 above

Q3. How can Council ensure that there is a written brief for any legal advice sought by the administration and that the legal brief is subject to call in by 2 or more Elected Members?

**A3.** This can't be accommodated in the budget, a separate policy will be required.

### QUOTES AND TENDERS

Q1. If an amount is allocated in the adopted budget for a project, what obligation under the current delegated authority register, does the CEO and/or the administration have to bring back to Council each or any of the quotes, and/or for the ambit, scope, or objectives of works for any of those projects?

**A1.** The Chief Executive Officer has a delegated authority to approve contracts (purchase orders) to the value of \$100,000. Anything over this value needs to be referred to Council for consideration.

Q2. How can Council ensure that the scope and requirements for any budgeted project are brought back to Council and/or the relevant committee for its input?

**A2.** This can't be accommodated in the budget; a separate policy will be required.

### EMPLOYEE COSTS

Q1. What are the total number of full time employees in each of the last 5 years?

**A1.** Full time equivalent employee numbers are as follows;

Year	Number
2018/19	48
2017/18	44
2016/17	43
2015/16	42
2014/15	42
2013/14	41

Q2. What are the total number of full time permanent employees in each of the last 5 years?

**A2.**

Year	Full-Time Permanent	Full-Time Contract	Part-Time	Total FTE
2018/19	36	7	11 (fte 5)	48



2017/18	33	6	11 (fte 5)	44
2016/17	35	4	10 (fte 3)	42
2015/16	35	4	10 (fte 3)	42
2014/15	35	4	10 (fte 3)	42
2013/14	34	4	10 (fte 3)	41

Q3. What are the total number of full time term limited term contract employees in each of the last 5 years?

**A3.** See above.

Q4. What are the number of part-time employees in each of the last 5 years?

**A4.** See above.

Q5. What are the total number of casual employee hours in each of the last 5 years?

**A5.** This information is not readily available.

Q6. What is the current local government CPI as estimated by WALGA?

**A6.** The Local Government Cost Index for the year ended December 2017 was 1.60%.

Q7. How much would be saved in the draft budget by reducing employee costs (permanent, contract, part-time, casual) to the WALGA estimated local government CPI?

**A7.** Total Salaries and Wages payable in 2017/18 was \$3,711,072 which would rise to \$3,770,449 if increased by the Local government Cost index of 1.6%. In net terms, this increase of \$59,377 would be insufficient to meet the cost of agreed staff increases in the Enterprise Agreement (2.75% or \$74,046) for the 2018/19 year and would not provide for the two new positions contained in the Draft Budget.

Q8. What amount does the draft budget include for salaries and wages costs including superannuation, workers compensation insurance, payments to contractors, and casual staff? What is the percentage increase in each of the previous 3 years?

**A8.**

Year	Wages	Super	Workers Compensation	Contractors	Total
2018/19	\$3,945,303	\$451,647	\$104,945	\$108,000	\$4,609,895
2017/18	\$3,532,906	\$423,660	\$93,975	\$78,759	\$4,129,300
2016/17	\$3,269,436	\$401,231	\$86,967	\$173,300	\$3,930,394
2015/16	\$3,281,239	\$427,089	\$87,281	\$100,000	\$3,895,609

Q9. What work/projects will the new strategic planner work on?

**A9.** Will include:

- Railway Lands Projects

- Scheme Amendments - Applications Received
- Planning Policies

Q10. If a new governance officer is appointed:

- a. Will the weekly diary start being circulated to EMs again?
- b. Will the EM newsletter recommence and how often will it be circulated?
- c. Will the administration start producing Cottesloe News as per Council policy?
- d. Will customer service outcomes start being reported to Council on a regular basis?

**A10.**

- a. Yes – a weekly calendar of events will be circulated to Elected Members
- b. Yes – It will be provided on a monthly basis.
- c. The Cottesloe News is produced monthly and included in The Post and promoted on the Town's Facebook page. This achieves the requirements of the Policy.
- d. Not a governance role.

Q11. Why is there no breakdown of employee costs (Salaries and on-costs) in the notes to the accounts or at least a remuneration report? Is what we pay the staff, particularly the senior staff a secret?

**A11.** The Draft Budget is presented in the format prescribed by the *Local Government Act 1995* and *Local Government (Financial Management) accompanying Regulations 1996*. The Statement of Comprehensive Income on page 2 of the Draft Budget details total expenditure on all employee costs as being \$4,649,528.

The Annual Financial Report for the 2018/19 year includes a summary of payments to employees in excess of \$100,000.

## **FEES AND CHARGES AND RATES**

Q1. When will the administration be in position to advise Council about the feasibility of separating the cost of bins on the rates notice so the cost of waste disposal in Cottesloe is more widely understood?

**A1.** Staff plan to investigate this during the first half of the 2018/19 financial year and plan to present a discussion paper to the December 2018 Briefing Forum.

Q2. Could the separating the cost of bins on the rates notice be included in the 2019/2020 rates notices?

**A2.** Possibly.

Q3. Could Council give a discount to cat owners for cat registration fees if they can demonstrate to the satisfaction of Council that their cat is secured within their property? If so, when?

**A3.** Yes. A Draft Policy will be presented to Council for discussion purposes.

Q4. Could Council give a refund to dog owners who have acquired their dog from a dog refuge centre? If so, when and how?

**A4.** Yes. A Draft Policy will be presented to Council for discussion purposes.

Q5. When will the Local Law fees and charges and fines be reviewed?

**A5.** A requested budget allocation of \$25,000 has been omitted from the 2018/19 Budget due to cost pressures and other priorities. This sum will be resubmitted for inclusion in the 2019/20 Budget.

**Q6.** What is the budget allocation for the review of the local law fees and charges and fines in the draft 2018/2019 budget?

**A6.** \$0

**Q7.** How much have the extra bin fees been raised by \$amount and by % amount in the draft budget?

**A7.** The increase across all waste services is approximately 3% as detailed in the Schedule of Fees and Charges attached.

**Q8.** How has the \$180,000 unexpected windfall from the 2017/2018 rates impacts on the rates rise proposed in the draft 2018/2019 budget?

**A8.** As per the officers report as follows;

*“The Draft Budget Papers attached have been prepared based on a recommended increase of 3.38 percent to gross income received. This 3.38 percent is made up of the following factors:*

*1. A 0.88 percent increase attributed to growth in the rateable value of properties in Cottesloe (for example, new houses and improvements or subdivisions).*

*2. Consumer Price Index of 0.90 percent. In addition staff recommends an additional 0.60 percent be added to this figure to reflect increased costs to Council in excess of the Consumer Price Index. This will also provide some protection for future increases to Consumer Price Index which is in excess of this percentage.*

*3. 1.00 percent to progressively address the ongoing operating loss incurred by Council.*

*It should be noted that the above would only represent an average rates increase of 2.50 percent for most property owners. As previously reported, Council raised approximately \$180,000 more from rates than budgeted in 2017/18 due to issues with the timing of the new Gross Rental Value Roll. These funds have been quarantined and will be deducted from this proposed rates increase, meaning ratepayers will effectively pay approximately 0.70 percent more in real terms.”*

**Q9.** How much more is TOC paying for its Audit since the WA Auditor-General has taken over?

**A9.** The Draft 2018/19 budget contains an allocation of \$46,000

## **CUSTOMER SERVICE**

**Q1.** How are customer service outcomes reported to Council?

**A1.** At present they aren't.

**Q2.** What/which 2018/2019 budget items relate to identifying the quality of customer service in the Town of Cottesloe administration and reporting this back to Council?

**A2.** There is no budget allocation for measurement of customer service.

**Q3.** How much would be the estimated cost of having a Civic Centre/TOC administration annual open day/tour finished off by a community evening picnic?

**A3.** This would depend on the specifics of the event and a number of other factors such as whether it was on a weekend etc.

**WALGA**

Q1. How much is provided in total across the draft budget for payments to WALGA and can these please be itemised?

A1. Not including fee for service payments such as advertising, training etc, payments to WALGA for 2018/19 are proposed as follows;

	Description	\$
WALGA	Membership	\$11,500
WALGA	Local Laws Service	\$620
WALGA	Governance Service	\$540
WALGA	Employee Relations	\$4,000
WALGA	Tax Service	\$1,800

Q2. What are the financial benefits to the Town of Cottesloe of being a WALGA Member?

A2. Benefits include;

- Reduced training and advertising costs.
- Technical expertise on matters relevant to local government i.e. road safety initiatives.
- Advocacy of the role of local government in the community and on issues relevant to local Government i.e. ban on plastic bags.

Q3. What payments were made by the TOWN of Cottesloe to contractors who are also preferred WALGA suppliers (Note as per the Mayor's response to my question March 2018.)

A3. See attachment provided by WALGA.

Q4. What extra subscription were paid in 2017/2018 and will be paid in 2018/2019 to WALGA to use the preferred provider list?

A4. This service is included in the annual membership/subscription cost.

Q5. What are the contractual arrangements between TOC and WALGA in relation to provision of the preferred provider service and what is the fee structure with the provider in relation to WALGA?

A5. There is no contractual arrangement. This service is included in the annual membership/subscription cost.

Q6. What were the itemised costings of the WALGA Subscription \$162,029 in the 2017/2018 budget and what will the subscription be in 2018/2019 and itemised costings be in 2018/2019? That is, do the WALGA budget items cover more than the basic membership, and if so what and how much in \$ terms is each extra in the proposed budget?

A6. See A1 above.

Q7. If Council decided not to renew its WALGA membership how much would the training fees costs rise by %? That is: What discount by being a member does the TOC receive in attending WALGA training? What were the total payments to

WALGA for training in the 2017/2018 budget and how much is provided for WALGA training in the draft 2018/2019 budget?

**A7.** It is difficult to say as this would require negotiation with WALGA. Total costs paid to WALGA 2017-18 was \$10,246. The total training budget for 2018-19 is \$85,500.

Q8. Where is it intended to source the EBA negotiation consultant for \$15,000?

**A8.** Quotations will be sought from suitably experienced firms and WALGA's "Workplace Solutions" Business Unit.

Q9. Who provided the previous EBA negotiation consultant and how much did it cost?

**A9.** WALGA. The cost was approximately \$15,000

Q10. Did the TOC use the preferred provider list for any services in the last two years to the extent that a commission would have been paid to WALGA for this service? If so, can you inform EMs what that service was and how much commission was paid to WALGA over the 2017/2018 budget period?

**A10.** WALGA have previously advised they are not prepared to release the fees payable by suppliers as a result of being on the Preferred Suppliers Panel.

## LGIS

Q1. What is that total cost of LGIS insurance cover in the 2018/2019 draft budget and what areas of insurance does this cover?

**A1.** As follows;

Policy	Cost
Scheme Policies	
Public Liability	\$76,191.16
Crime	\$3,493.20
Property	\$47,197.17
Workers Compensation	\$45,125.90
Less member dividend	\$17,547.20
Total Scheme Policies	\$154,460.23
Non-Scheme Policies	
Corporate Travel	\$750
Cyber Liability	\$3,000
Management Liability	\$9,260
Motor Vehicle	\$19,110.82
Personal Accident	\$425

Total Non-Scheme Policies	\$32,545.82
Total Insurance 2018/19 Budget	\$187,006.35

Q2. What role does WALGA play in assisting the TOC with its insurance cover? How much does the WALGA role in this process cost the TOC?

**A2.** Nil, although WALGA is involved in the governance of LGIS.

Q3. How much is budgeted in the TOC draft budget for the WALGA role in assisting the TOC with its insurance cover?

**A3.** \$0

Q4. When did the TOC last tender for its insurance services?

**A4.** A considerable time ago, prior to the commencement of Local Government Insurance Services in approximately 1996.

Q5. Will the TOC tender for its next year's insurance services' cover?

**A5.** Not intended at this stage.

Q6. Does workers compensation insurance form part of the insurance cover provided by LGIS?

**A6.** Yes.

Q7. What, if any insurance cover does the TOC have that is not from LGIS?

**A7.** LGIS act as the broker for all Council's insurance requirements.

### **CAPITAL WORKS**

Q1. Of the footpaths recommended in the draft Capital Works program for renewal which footpaths are in a good enough condition to have the work suspended for at least a year?

**A1.** As the proposed works are all for existing footpaths, they could all be deferred.

Q2. Are there any outstanding requests for footpaths in streets where there are no footpaths, for example Vera St which is mixed residential and commercial where there are significant pedestrian safety issues?

**A2.** No.

### **OTHER**

Q1. What is the amount in the draft budget for formal inspections of Council properties?

**A1.** \$10,000 budgeted for as legal expenses in the Swimming Area's and Beaches Sub-Program.

Q2. How many inspections with reports to Council will be made of the Indiana and Barchetta properties in the upcoming financial year?

**A2.** Generally the property condition reports are not the subject of a report to council unless there are legal or leasing implications.

Q3. What provision is there in the budget for cleaning of the Indiana toilets in the 2018/2019 summer season?

**A3.** \$0

Q4. Can you advise EMs what the electricity costs to the Town are for the power for our street lights in the 2017/2018 budget and the anticipated costs in the 2018/2019 budget?

**A4.** \$2017/18 Budget contains an allocation of \$160,000. The 2018/19 Budget has been increased to \$170,000 to reflect the increase imposed on electricity charges.

### **LOMA STREET CANOPY**

Q1. IF the Council allocates \$100,00 for tree planting in the 2018/2019 budget, can you advise what the administration process is for allocating those funds to a works program?

**A1.** Staff use the Street Tree Master Plan and an inspection of the current verges to determine a priority list. We then consult with residents who will be directly affected and subject to their feedback, proceed with planting.

Q2. Is this something that the Reserves, Parks and Playgrounds committee could have some engagement in?

**A2.** If you wished for the committee to make a recommendation to Council on planting priorities, there are two options – the first is to put a motion to the committee and the second is a motion directly to the Council.

Q3. If so, how would I frame an amendment to the budget to ensure that this happens?

**A3.** Either motion should state that the committee be asked to make recommendations to Council on the priorities for planting each year.

### **Questions provide by Cr Thomas – Emailed 18 June 2018**

Q1. Can you please explain why we need a third vehicle for occasional staff use?

**A1.** Current 2 pool vehicles are almost fully booked and additional staff (compliance officer) will increase demand.

### **Questions provide by Cr Pyvis – Emailed 19 June 2018**

Q1. Given 8 staff have private use of TOC vehicles and there are currently 2 pool vehicles for by use by staff, why is a 3rd pool vehicle required?

**A1.** See answer above

Q2. Where are the 8 (private use) cars parked during office hours (eg. Civic Centre, SVGC Depot, Stack Street Depot, or elsewhere)?

**A2.** When they're not being used they are parked at the Civic Centre and/or depot.

Q3. Given an electric bike is being purchased, shouldn't this further reduce the need for a pool car?

**A3.** Unknown

Q4. What are the annual pay increases (past and future) for TOC staff under the Enterprise Agreement (EA) since this arrangement came into effect?

**A4.** 2.75% per annum

Q5. What is the current outstanding balance for the TOC Grove Library loan?

**A5.** Please see the loan statements page of the budget (attachment) – page 22

Q6. What was the initial amount of the TOC Grove Library loan and on what date did this loan commence?

**A6.** \$4,954,658 which commenced in September 2009.

Q7. When will the Grove Library loan be paid out?

A7. September 2029

Q8. What is the anticipated terms (duration) of employment for 3 new and proposed TOC staff positions

- Project Manager \$99,407 (appointed 2017/18)
- Strategic Town Planner \$99,058
- Governance Officer \$67,776

**A8.** As follows;

- Project Manager 2 Years (appointed 2017/18)
- Strategic Town Planner 2 Years
- Governance Officer permanent appointment

Q9. Re proposed 2018/19 budget expenditure \$258,500 for footpath replacement (ie 5 year rolling plan), can this be rationalised as some footpaths may not need replacement?

**A9.** . As the proposed works are all for existing footpaths, they could all be deferred.

## **VOTING**

Absolute Majority

## **OFFICER RECOMMENDATION**

That Council:

1. Adopt the Budget for the year ended 30 June 2019, as attached, including:
  - (a) Adopting the Statement of Cashflows for the year ended 30 June 2019;
  - (b) Adopting the Rate Setting Statement for the year ended 30 June 2019;
  - (c) Endorsing the Statement of Comprehensive Income (by Nature and Type) for the year ended 30 June 2019;
  - (d) Endorsing Note 6 – Statement of Reserves for the year ended 30 June 2019;
  - (e) Endorsing Note 7 – Net Current Assets as at 30 June 2019; and
  - (f) Adopting the Fees and Charges for the year ended 30 June 2019.
2. Adopt the Differential General Rates (as per Section 6.32 of the *Local Government Act 1995*) and impose rates in the dollar on the gross rental value of all the rateable property within the Town of Cottesloe for the financial year ending 30 June 2019 as follows;
  - (a) GRV – Residential Improved (RI) – 6.1820 cents in the dollar;
  - (b) GRV – Residential Vacant (RV) – 6.1820 cents in the dollar;
  - (c) GRV – Commercial Improved (CI) – 6.1820 cents in the dollar;
  - (d) GRV – Commercial Town (CT) – 7.1750 cents in the dollar; and
  - (e) GRV – Industrial (II) – 6.1820 cents in the dollar.
3. Impose a minimum rate of \$1,122.00 for the financial year ended 30 June 2019.
4. Include in the rate charge for residential properties:
  - (a) a once per week service of 120 litre mobile garbage bin (MGB) for general household rubbish;



- (b) a once per fortnight service of a 240 litre MGB for recyclable household rubbish; and
- (c) a once per fortnight service of a 240 litre MGB for household green waste;
5. Apply the following charges to residential properties for additional services (per annum GST inclusive):
- (a) General Rubbish – each service per week (120 litre MGB) - \$363.00.
6. Apply the following charges to commercial properties (per annum GST inclusive):
- (a) General Rubbish – each service per week (240 litre MGB) - \$396.00;
- (b) Recycling – one service per fortnight (240 litre MGB) - \$133.00; and
- (c) Recycling – one service per week (240 litre MGB) - \$264.00.
7. Impose an administration charge of \$24.00 where a payment of a rate or service charge is paid in instalments, except that eligible pensioners and concession card holders will be exempted from paying the charge, as per section 6.45(3) of the *Local Government Act 1995* –
8. Apply an interest rate of 11 percent per annum to rates and services levied in the year ended 30 June 2019 which remain unpaid after they become due and payable and where no election has been made to pay the rate or service charge by instalments as per section 6.51 of the *Local Government Act 1995*.
9. Adopt the following rate instalment plans
- (a) Option 1  
To pay the total amount of rates and charges included in the notice in full by the 27 August 2018.
- (b) Option 2  
To pay by four instalments, as detailed on the rate notices with the following anticipated dates;
- |                   |                 |
|-------------------|-----------------|
| First instalment  | 27 August 2018  |
| Second Instalment | 29 October 2018 |
| Third Instalment  | 7 January 2019  |
| Fourth Instalment | 11 March 2019   |
- After the due date for the first instalment, accounts paid by instalment will have an interest rate of 5.5% applied to the outstanding balance until the account is paid in full or the due date for an instalment lapses. At that point the rates will become due and payable and interest of 11% will be applied to the outstanding balance at that time.
10. Adopt a rate of interest on money owing – apply an interest rate of 11% per annum to any amount (other than rates) not paid by the due date being 35 days from the date of issue of the invoice as per section 6.13 of the *Local Government Act 1995*.
11. Adopt a Telecommunications Allowance of \$1,600 for Elected Members as per section 5.99A of the *Local Government Act 1995*.
12. Adopt Members Attendance Fees –set an annual meeting attendance fee of \$15,500 for Council members and \$24,000 for the Mayor as per section 5.99 pf the *Local Government Act 1995*.

13. Adopt the Mayor's Allowance of \$27,500 as per sections 5.98 and 5.98A of the *Local Government Act 1995*.
14. Adopt the Deputy Mayor's Allowance of \$6,875 as per sections 5.98 and 5.98A of the *Local Government Act 1995*.
15. 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 Sadler**

**Seconded: Harkins**

1. That \$288,500 currently allocated to Footpaths in the 2018-2019 budget is allocated to the Active Transport Infrastructure Reserve Fund
2. That the Town prepares a brief for EMs for the August Briefing Forum reporting on the priorities for footpath replacements, timelines from a safety and asset management perspective and revised budget recommendations.

#### **PROCEDURAL MOTION**

**Moved: Cr Young**

**Seconded: Cr Harkins**

**That Councillor Sadler's budget amendment be put to the vote**

**Carried 6/2**

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

**Against: Crs Boulter and Pyvis**

**The amendment was put to the vote;**

**Carried 5/3**

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

**Against: Crs Boulter, Thomas and Pyvis**

#### **COUNCILLOR BOULTER PROPOSED AMENDMENTS TO THE BUDGET**

Deputy Mayor Rodda asked Cr Boulter if she wanted her amendments dealt with separately to which Cr Boulter responded yes.

Deputy Mayor Rodda noted that Cr Boulter's rationale for each amendment had been distributed to Councillor's and advised the meeting that each amendment would be heard as separate items.

#### **BUDGET AMENDMENT – PARKS AND RESERVES BUDGET**

**Moved: Cr Boulter**

**Seconded: Cr Pyvis**

1. That the Budget be amended to specifically identify playground equipment for the Purple Dino playground on Railway St for \$150,000 as promised but not delivered in the 2017/2018 budget.

#### **PROCEDURAL MOTION**

**Moved: Cr Young**

**Seconded: Cr Rodda**

**That the budget amendment be put to the vote.**

**Carried 5/3**

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

**Against: Crs Boulter, Thomas and Pyvis**

The amendment was put to the vote;

**LOST 2/6**

**For: Crs Boulter and Pyvis**

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

**COUNCILLOR AMENDMENT – LEGAL SERVICES BUDGET**

**Moved: Cr Boulter**

**Seconded: Cr Pyvis**

2. That the budget of \$194,700 be amended to reduce the legal services budget by \$44,666 and apply the savings to:
  - a. A Local Law Review \$25,000
  - b. Survey of the Town of Cottesloe Rights of Way and Laneways: \$10,000
  - c. Reduction in rates % to reduce rates income by \$9,600.

**PROCEDURAL MOTION**

**Moved: Cr Young**

**Seconded: Cr Harkins**

**That the amendment be put to the vote.**

**Carried 5/3**

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

**Against: Crs Boulter, Thomas and Pyvis**

The amendment was put to the vote;

**LOST 2/6**

**For: Crs Boulter and Pyvis**

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

**COUNCILLOR AMENDMENT – LEGAL SERVICES BUDGET**

**Moved: Cr Boulter**

**Seconded: Cr Pyvis**

3. That Council's delegation to the CEO delegation register be amended to require as follows:
  - a. All legal advices require a written brief that must be circulated to EMs before sending the brief to the TOC solicitor, and come to Council if 2 EMs call in the brief.
  - b. Where the CEO advises that the legal service is urgent, the CEO may obtain that advice but report back to Council to the next OMC as the reasons for the urgency and the outcome
  - c. All legal services will be tendered for the 18/19 budget, and beyond if preferable, with the brief for tender to be sent to Council for its consideration by the July 2018 OMC.

- d. Until the tender has been accepted, ALL legal services must be obtained in compliance with Council's purchasing and procurement policy.
- e. A copy of all legal advices received by the TOC administration must be kept in a separate folder for inspection by EMs as requested.
- f. On receipt of a legal advice by the TOC administration, that legal advice must be circulated to EMs at the earliest convenience of the CEO.

**PROCEDURAL MOTION****Moved: Cr Young****Seconded: Cr Sadler****That the amendment be put to the vote.****Carried 6/2****For: Deputy Mayor Rodda, Crs Tucak, Sadler, Young, Thomas and Harkins****Against: Crs Boulter and Pyvis**

The amendment was put to the vote;

**LOST 2/6****For: Crs Boulter and Pyvis****Against: Deputy Mayor Rodda, Crs Tucak, Sadler, Young, Thomas and Harkins**

Amendments 4 &amp; 5 that were provided by Cr Boulter were withdrawn by Cr Boulter.

**COUNCILLOR AMENDMENT – FOOTPATH REPLACEMENT BUDGET****Moved: Cr Boulter****Seconded: Cr Pyvis**

- 6. The Town of Cottesloe Policy Footpath Replacement – Residential Streets to be reviewed by the Cottesloe Bike Committee, which should make a recommendation to Council before any further budget allowances are made for footpath replacement.

**PROCEDURAL MOTION****Moved: Cr Young****Seconded: Cr Thomas****That the budget amendment be put to the vote.****Carried 6/2****For: Deputy Mayor Rodda, Crs Tucak, Sadler, Young, Thomas and Harkins****Against: Crs Boulter and Pyvis**

The amendment was put to the vote;

**LOST 2/6****For: Crs Boulter and Pyvis****Against: Deputy Mayor Rodda, Crs Tucak, Sadler, Young, Thomas and Harkins****COUNCILLOR AMENDMENT - Town of Cottesloe Budget and Insurance Arrangements****Moved: Cr Boulter****Seconded: Cr Pyvis**

- 7. That the Town of Cottesloe place a tender for all its insurance services, in consultation with the Town of Cambridge, in a timely way before the current cover expires and provide required notice to the TOC current insurer that it intends to tender for its next insurance cover.

**PROCEDURAL MOTION**

**Moved: Cr Young**

**Seconded: Cr Thomas**

**That the budget amendment be put to the vote.**

**Carried 6/2**

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

**Against: Crs Boulter and Pyvis**

The amendment was put to the vote;

**LOST 2/6**

**For: Crs Boulter and Pyvis**

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

Amendment 8 that was provided by Cr Boulter was withdrawn by Cr Boulter.

**COUNCILLOR AMENDMENT – Town of Cottesloe Budget Project Arrangements**

**Moved: Cr Boulter**

**Seconded: Cr Pyvis**

9. The TOC administration will adopt the following procedures for all capital works projects listed in the budget and amend the delegation register accordingly:

- a. The quote/tender brief will be circulated to EMs for call in by 2 or more EMs
- b. A workshop will be held with Elected Members to discuss the brief for any infrastructure projects/strategic plans over \$20,000 before the quote/tender is settled.
- c. All quotes/tenders will include a requirement for an identified and quite specific community and stakeholder consultation process
- d. A workshop will be held with Elected Members with the successful applicant to discuss the scope/application of the works before any consultation or significant work is undertaken.

**PROCEDURAL MOTION**

**Moved: Cr Young**

**Seconded: Cr Sadler**

**That the budget amendment be put to the vote.**

**Carried 6/2**

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

**Against: Crs Boulter and Pyvis**

The amendment was put to the vote;

**LOST 2/6**

**For: Crs Boulter and Pyvis**

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

**COUNCILLOR AMENDMENT – Town of Cottesloe Works Depot**

NB: Councillor Boulter advised that of the amendments provided 10 & 11 could be considered together and moved them as 10A and 10B.

**Moved: Cr Boulter**

**Seconded: Cr Pyvis**

- 10A. That a budget item of up to \$40,000 be transferred from the appropriate reserve fund for an independent report as to the most financially prudent siting of the TOC Works Depot.
- 10B. Before committing the Town of Cottesloe to significant and ongoing financial costs for years and years, the Town of Cottesloe administration, in consultation with Councillors at a workshop, draft a brief and seek quotes for an independent expert report to Council about the possibilities for siting the TOC entire works depot within the Town of Cottesloe, including within the Harvey Field Precinct or on railway reserve lands, or sharing with Councils other than the Town of Mosman Park. The report should lay out clearly the financial pros and cons of each identified site including traveling time of Cottesloe works crew, appropriate supervision of Cottesloe works crew and efficient use of TOC residents and ratepayer funds. The report should include a financial analysis of having a large works depot at all or simply contracting out the work.

**PROCEDURAL MOTION****Moved: Cr Young****Seconded: Cr Thomas****That the budget amendment be put to the vote.****Carried 6/2****For: Deputy Mayor Rodda, Crs Tucak, Sadler, Young, Thomas and Harkins****Against: Crs Boulter and Pyvis**

The amendment was put to the vote;

**LOST 2/6****For: Crs Boulter and Pyvis****Against: Deputy Mayor Rodda, Crs Tucak, Sadler, Young, Thomas and Harkins****COUNCILLOR AMENDMENT – Capital Works Program in respect of Removal of Redundant Pump Station**

NB: Councillor Boulter advised that of the amendments provided 12 &amp; 13 could be considered together and moved them as 12A and 12B.

**Moved: Cr Boulter****Seconded: Cr Pyvis**

12A. That removal of this pump station for \$10,000 at page 38 of the budget under the Capital Works Program be deferred pending further information as requested to be received by Council.

12B. That the savings from this deferral be put to a \$10,000 rates reduction

**PROCEDURAL MOTION****Moved: Cr Young****Seconded: Cr Harkins****That the budget amendment be put to the vote.****Carried 5/3****For: Deputy Mayor Rodda, Crs Tucak, Sadler, Young and Harkins****Against: Crs Boulter, Thomas and Pyvis**

The amendment was put to the vote;

LOST 3/5

For: Crs Boulter, Thomas and Pyvis

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

**COUNCILLOR AMENDMENT – Plant and Equipment Budget in Respect of Pool Car and Electric Bike**

Moved: Cr Boulter                      Seconded: Cr Pyvis

14. That the purchase of a pool car for \$15,000 is removed from the budget of \$297,700 for Plant and Equipment on page 39 of the budget attachment.

15. The savings from this budget item removal is put to a \$15,000 rates reduction.

**PROCEDURAL MOTION**

Moved: Cr Young                      Seconded: Cr Harkins

**That the budget amendment be put to the vote.**

**Carried 6/2**

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

**Against: Crs Boulter and Pyvis**

The amendment was put to the vote;

LOST 3/5

For: Crs Boulter, Thomas and Pyvis

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

**COUNCILLOR AMENDMENT – Plant and Equipment Budget in Respect of Pool Car and Electric Bike**

Moved: Cr Boulter                      Seconded: Cr Pyvis

16. The administration will keep a log book of the use of the electric bike.

**PROCEDURAL MOTION**

Moved: Cr Young                      Seconded: Deputy Mayor Rodda

**That the budget amendment be put to the vote.**

**Carried 6/2**

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

**Against: Crs Boulter and Pyvis**

The amendment was put to the vote;

4/4

For: Crs Boulter, Thomas, Young and Pyvis

Against: Deputy Mayor Rodda, Crs Tucak, Sadler, and Harkins

LOST on Presiding Members CASTING VOTE 4/5

**COUNCILLOR AMENDMENT – Donations Budget**

NB: Councillor Boulter advised that of the amendments provided 17 & 18 could be considered together and moved them as 17A and 17B.

Moved: Cr Boulter

17A. That the donation of \$2500 to the Shenton Christian Youth Centre Council not be made.

17B. The savings from not making this donation is directed to a rates reduction of \$2,500.

Motion lapsed for want of a seconder

**COUNCILLOR AMENDMENT – Employee/Casual Staff Budget**

**Moved: Cr Boulter                      Seconded: Cr Pyvis**

19. No new permanent positions will be appointed without the express authorisation of Council until an Organisation Efficiency Audit has been undertaken and reported to Council, and any decisions/implementation arising out of that Audit are completed.

**PROCEDURAL MOTION**

**Moved: Cr Young                                      Seconded: Cr Harkins**

**That the budget amendment be put to the vote.**

**Carried 6/2**

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

The amendment was put to the vote;

**LOST 2/6**

**For: Crs Boulter and Pyvis**

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

**COUNCILLOR AMENDMENT – Employee/Casual Staff Budget**

**Moved: Cr Boulter                      Seconded: Cr Pyvis**

20. All three new positions provided for in the budget are for a fixed term contract of two years subject to:

- customer service outcomes being reported monthly to Council
- a weekly calendar of all events including all committee meetings will recommence
- a monthly newsletter to Council will recommence including an update on outstanding Council resolutions
- compliance with Council’s policy “Cottesloe Council News”

**PROCEDURAL MOTION**

**Moved: Cr Young                                      Seconded: Cr Thomas**

**That the budget amendment be put to the vote.**

**Carried 6/2**

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

The amendment was put to the vote;



LOST 2/6

For: Crs Boulter and Pyvis

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

**COUNCILLOR AMENDMENT – Employee/Casual Staff Budget**

**Moved: Cr Boulter**

**Seconded: Cr Pyvis**

21. All senior staff will become designated employees as per s.5.74 the Local Government Act 1995

**PROCEDURAL MOTION**

**Moved: Cr Young**

**Seconded: Cr Sadler**

**That the budget amendment be put to the vote.**

**Carried 6/2**

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

**Against: Crs Boulter and Pyvis**

The amendment was put to the vote;

LOST 2/6

For: Crs Boulter and Pyvis

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

**COUNCILLOR AMENDMENT – Employee/Casual Staff Budget**

**Moved: Cr Boulter**

**Seconded: Cr Pyvis**

22. Contractor's wages currently budgeted for \$108,000 will be reduced to \$80,000

**PROCEDURAL MOTION**

**Moved: Cr Young**

**Seconded: Cr Harkins**

**That the budget amendment be put to the vote.**

**Carried 6/2**

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

**Against: Crs Boulter and Pyvis**

The amendment was put to the vote;

LOST 2/6

For: Crs Boulter and Pyvis

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

**COUNCILLOR AMENDMENT – Employee/Casual Staff Budget**

**Moved: Cr Boulter**

**Seconded: Cr Pyvis**

23. Casual Employee costs will be reduced by \$100,000.

**PROCEDURAL MOTION**

**Moved: Cr Young**

**Seconded: Cr Thomas**

**That the budget amendment be put to the vote.**

**Carried 6/2**

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

**Against: Crs Boulter and Pyvis**

The amendment was put to the vote;

**LOST 2/6**

**For: Crs Boulter and Pyvis**

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

Amendment 24 that was provided by Cr Boulter was withdrawn by Cr Boulter.

**COUNCILLOR AMENDMENT – WALGA MEMBERSHIP**

NB: Councillor Boulter advised that of the amendments provided 25, 26 & 27 could be considered together and moved them as 25A, 25B and 25C.

**Moved: Cr Boulter**

**Seconded: Cr Pyvis**

25A. That the Town of Cottesloe suspend membership of WALGA for a one-year trial.

25B. That the Town of Cottesloe suspend using the WALGA preferred provider list for a one-year trial.

25C. The savings estimated at \$30,000 are directed to a reduction in the rates revenue.

**PROCEDURAL MOTION**

**Moved: Cr Young**

**Seconded: Cr Harkin**

**That the amendment be put to the vote.**

**Carried 6/2**

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

**Against: Crs Boulter and Pyvis**

The amendment was put to the vote;

**LOST 3/5**

**For: Crs Boulter, Thomas and Pyvis**

**Against: Deputy Mayor Rodda, Crs Tucak, Sadler, Young and Harkins**

Amendment 28 that was provided by Cr Boulter was withdrawn by Cr Boulter.

**AMENDMENT**

**Moved: Cr Boulter**

**Seconded: Cr Pyvis**

That the delegation register proposals at point 3 and 9 (below) be on the agenda for the July 2018 EM Delegation workshop

**3. Legal Advices**

- a. All legal advices require a written brief that must be circulated to EMs before sending the brief to the TOC solicitor, and come to Council if 2 EMs call in the brief.

- b. Where the CEO advises that the legal service is urgent, the CEO may obtain that advice but report back to Council to the next OMC as the reasons for the urgency and the outcome
- c. All legal services will be tendered for the 18/19 budget, and beyond if preferable, with the brief for tender to be sent to Council for its consideration by the July 2018 OMC.
- d. Until the tender has been accepted, ALL legal services must be obtained in compliance with Council's purchasing and procurement policy.
- e. A copy of all legal advices received by the TOC administration must be kept in a separate folder for inspection by EMs as requested.
- f. On receipt of a legal advice by the TOC administration, that legal advice must be circulated to EMs at the earliest convenience of the CEO.

#### 9. Projects

- a. The quote/tender brief will be circulated to EMs for call in by 2 or more EMs
- b. A workshop will be held with Elected Members to discuss the brief for any infrastructure projects/strategic plans over \$20,000 before the quote/tender is settled.
- c. All quotes/tenders will include a requirement for an identified and quite specific community and stakeholder consultation process
- d. A workshop will be held with Elected Members with the successful applicant to discuss the scope/application of the works before any consultation or significant work is undertaken.

LOST 3/5

For: Crs Boulter, Thomas and Pyvis

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

#### COUNCIL RESOLUTION

Moved: Cr Young

Seconded: Cr Harkins

That Council:

1. **Adopt the Budget for the year ended 30 June 2019, as attached, including:**
  - (g) **Adopting the Statement of Cashflows for the year ended 30 June 2019;**
  - (h) **Adopting the Rate Setting Statement for the year ended 30 June 2019;**
  - (i) **Endorsing the Statement of Comprehensive Income (by Nature and Type) for the year ended 30 June 2019;**
  - (j) **Endorsing Note 6 – Statement of Reserves for the year ended 30 June 2019;**
  - (k) **Endorsing Note 7 – Net Current Assets as at 30 June 2019; and**
  - (l) **Adopting the Fees and Charges for the year ended 30 June 2019.**
2. **Adopt the Differential General Rates (as per Section 6.32 of the *Local Government Act 1995*) and impose rates in the dollar on the gross rental value of all the rateable property within the Town of Cottesloe for the financial year ending 30 June 2019 as follows;**
  - (f) **GRV – Residential Improved (RI) – 6.1820 cents in the dollar;**
  - (g) **GRV – Residential Vacant (RV) – 6.1820 cents in the dollar;**

- (h) GRV – Commercial Improved (CI) – 6.1820 cents in the dollar;
  - (i) GRV – Commercial Town (CT) – 7.1750 cents in the dollar; and
  - (j) GRV – Industrial (II) – 6.1820 cents in the dollar.
3. Impose a minimum rate of \$1,122.00 for the financial year ended 30 June 2019.
4. Include in the rate charge for residential properties:
- (d) a once per week service of 120 litre mobile garbage bin (MGB) for general household rubbish;
  - (e) a once per fortnight service of a 240 litre MGB for recyclable household rubbish; and
  - (f) a once per fortnight service of a 240 litre MGB for household green waste;
5. Apply the following charges to residential properties for additional services (per annum GST inclusive):
- (b) General Rubbish – each service per week (120 litre MGB) - \$363.00.
6. Apply the following charges to commercial properties (per annum GST inclusive):
- (d) General Rubbish – each service per week (240 litre MGB) - \$396.00;
  - (e) Recycling – one service per fortnight (240 litre MGB) - \$133.00; and
  - (f) Recycling – one service per week (240 litre MGB) - \$264.00.
7. Impose an administration charge of \$24.00 where a payment of a rate or service charge is paid in instalments, except that eligible pensioners and concession card holders will be exempted from paying the charge, as per section 6.45(3) of the *Local Government Act 1995* –
8. Apply an interest rate of 11 percent per annum to rates and services levied in the year ended 30 June 2019 which remain unpaid after they become due and payable and where no election has been made to pay the rate or service charge by instalments as per section 6.51 of the *Local Government Act 1995*.
9. Adopt the following rate instalment plans
- (c) Option 1  
To pay the total amount of rates and charges included in the notice in full by the 27 August 2018.
  - (d) Option 2  
To pay by four instalments, as detailed on the rate notices with the following anticipated dates;

First instalment	27 August 2018
Second Instalment	29 October 2018
Third Instalment	7 January 2019
Fourth Instalment	11 March 2019

After the due date for the first instalment, accounts paid by instalment will have an interest rate of 5.5% applied to the outstanding balance until the account is paid in full or the due date for an instalment

lapses. At that point the rates will become due and payable and interest of 11% will be applied to the outstanding balance at that time.

10. Adopt a rate of interest on money owing – apply an interest rate of 11% per annum to any amount (other than rates) not paid by the due date being 35 days from the date of issue of the invoice as per section 6.13 of the *Local Government Act 1995*.
11. Adopt a Telecommunications Allowance of \$1,600 for Elected Members as per section 5.99A of the *Local Government Act 1995*.
12. Adopt Members Attendance Fees –set an annual meeting attendance fee of \$15,500 for Council members and \$24,000 for the Mayor as per section 5.99 pf the *Local Government Act 1995*.
13. Adopt the Mayor’s Allowance of \$27,500 as per sections 5.98 and 5.98A of the *Local Government Act 1995*.
14. Adopt the Deputy Mayor’s Allowance of \$6,875 as per sections 5.98 and 5.98A of the *Local Government Act 1995*.
15. 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.
16. That \$288,500 currently allocated to Footpaths in the 2018-2019 budget is allocated to the Active Transport Infrastructure Reserve Fund
17. That the Town prepares a brief for EMs for the August Briefing Forum reporting on the priorities for footpath replacements, timelines from a safety and asset management perspective and revised budget recommendations.

**CARRIED BY AN ABSOLUTE MAJORITY 6/2**

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

**Against: Crs Boulter and Pyvis**

**10.1.16 FINANCIAL STATEMENTS FOR THE MONTH ENDING 31 DECEMBER 2017**

**File Ref:** SUB/2459  
**Attachments:** Monthly Financial Statements  
**Responsible Officers:** Garry Bird, Deputy Chief Executive Officer  
**Author:** Wayne Richards, Finance Manager  
**Proposed Meeting Date:** 26 June 2018  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

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

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

**BACKGROUND**

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

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

**STRATEGIC IMPLICATIONS**

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

**POLICY IMPLICATIONS**

Investments Policy.

Investment of Surplus Funds Policy.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**STAFFING IMPLICATIONS**

There are no staffing implications arising from the Officers Recommendation.

**SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications arising from the Officers Recommendation.

**CONSULTATION**

There has been consultation with senior staff in the preparation of this report.

**STAFF COMMENT**

The December 2017 Financial Statements are being presented to this meeting as a result of an oversight in the preparation of the February 2018 Ordinary Council Meeting Agenda. This resulted in the Agenda Item prepared being omitted from the agenda as a result of confusion with the January 2018 Financial Statements and the December 2017 Budget Review documents also being presented.

This oversight was discovered during the recent interim audit process.

List of Accounts for December 2017

The List of Accounts paid during December 2017 is shown on pages 38 to 44 of the attached Financial Statements. The following significant payments are brought to Council's attention;-

- \$469,748.38 to the Department of Fire and Emergency Services for an instalment of emergency service levies collected by the Town on their behalf.
- \$34,371.63 to Surf Life Saving WA for lifeguard services.
- \$32,238.19 to the West Australian Electoral Commission for the October 2017 elections.
- \$49,322.33 to the Western Metropolitan Regional Council for waste disposal costs.
- \$150,000.00, \$100,000.00, \$60,000.00 & \$55,000.00 to the National Australia Bank for transfers to the investment account.
- \$103,198.00 and \$100,990.79 to Town of Cottesloe staff for fortnightly payroll.

Investments and Loans

Cash and investments are shown in Note 4 on page 23 of the attached Financial Statements. Council has approximately 41% of funds invested with National Australia Bank, 27% with Bankwest, 22% with Commonwealth Bank of Australia and 10% with Westpac Banking Corporation. Council had a balance of \$10,927,656 in reserve funds as at 31 December 2017.

Information on borrowings is shown in Note 10 on page 30 of the attached Financial Statements and shows Council had total principal outstanding of \$4,447,230 as at 31 December 2017.

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 \$2,498,361 as compared to \$2,172,223 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 39% or \$31,460 is older than 90 days. Infringement debtors are shown on note 6(a) and stood at \$458,658 as at 31 December 2017.

Budget Amendments

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

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved: Deputy Mayor Rodda                      Seconded: Cr Thomas**

**THAT Council receive the Financial Statements for the period ending 31 December 2017 as submitted to the 27 February 2018 meeting of Council.**

**Carried 8/0**



**EXECUTIVE SERVICES****10.1.17 REPORT – DEVELOPMENT OF CEO PERFORMANCE CRITERIA 2018-19****File Ref:****Attachments:** Report – Development of CEO Performance Criteria 2018-19**Responsible Officers:** Mat Humfrey, Chief Executive Officer**Author:** Mat Humfrey, Chief Executive Officer**Proposed Meeting Date:** 26 June 2018**Author Disclosure of Interest:**

CEO Mr Mat Humfrey declared a **FINANCIAL** interest in 10.1.17 Report – Development of CEO Performance Criteria 2018-19 by virtue of “As KRA’s affect my contract”.

Mr Humfrey left the meeting prior to the discussion of this item at 8:39pm.

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**SUMMARY**

This report recommends that Council receive the information contained in the attached report – Development of CEO Performance Criteria 2018-19.

**BACKGROUND**

Refer to the attached report.

**STRATEGIC IMPLICATIONS**

Refer to the attached report.

**POLICY IMPLICATIONS**

Refer to the attached report.

**STATUTORY ENVIRONMENT**

Section 5.38 of the *Local Government Act 1995* applies. In summary, this section requires that the performance of the Chief Executive Officer is to be reviewed in relation to every year of employment.

**FINANCIAL IMPLICATIONS**

Refer to the attached report.

**STAFFING IMPLICATIONS**

Refer to the attached report.

**SUSTAINABILITY IMPLICATIONS**

Refer to the attached report.

**CONSULTATION**

Refer to the attached report.

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**COUNCILLOR QUESTIONS****Questions provide by Cr Boulter – Emailed 18 June 2018**

Q1. On what date was the last CEO Performance Review completed?

**A1.** September 2017

Q2. On what date is the next CEO performance review due to commence?

**A2.** Now.

Q3. Is the setting and/or review of CEO KPIs/Performance Criteria a recommended part of the WALGA guidelines for a review of the CEO performance?

**A3.** Recommended but not mandated.

Q4. Was a review of the CEO KPIs/Performance Criteria undertaken as part of the 2016 Performance review of the CEO by the previous Council?

**A4.** Yes.

Q5. How did the previous Council deal with the CEO KPIs/Performance Criteria at the last CEO performance review and on what date/s where they last reviewed and finalised?

**A5.** They resolved to leave the existing KRA's in place as an interim measure.

Q6. Why hasn't the CEO recommended adoption/adoption with amendments of the Price Consulting Report on CEO KPIs or a further Cr workshop to settle the CEO KPIs?

**A6.** There have already been 9 updates to the KRA's. As the CEO has a declared interest, the report of the consultant has been provided for Council to consider.

Q7. What are the current CEO KPIs and where are they recorded?

**A7.** They have been provided and are contained in the CEO's contract.

**Questions provide by Cr Pyvis – Emailed 19 June 2018**

Q1. Why are the CEO KPIs recommended by Council being recommended as "That Council receive" and not "That Council adopt"?

**A1.** The CEO has declared an interest in the matter.

Q2. What are the current CEO KPIs and on what date were these adopted by Council?

**A2.** Please reference above.

Q3. How many performance reviews has CEO Mr Humfrey had since he became CEO and on what dates did they start and finish?

**A2.** Two; August 2016 and September 2017.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

That Council receive the attached report for their information and further consideration in due course.

**COUNCILLOR MOTION****Moved: Cr Boulter****Seconded: Cr Sadler**

1. That Council adopt the CEO Key Performance Indicators (KPIs) (identified in the report as shaded blue boxes 2018-2019 KRAs) prepared by Natalie Lincolne of Price Consulting dated June 2018 (prepared in consultation with Elected Members and the CEO) (the Report) to replace all CEO current KRAs.
2. The CEO completes a final report to Council against all applicable KRAs applicable in the 2017-2018 financial year, by October 2018.
3. The CEO reports to Council on progress against the 2018 Performance Criteria/Standards on a four monthly basis commencing October 2018.
4. The 2018 CEO performance review process will commence by August 2018.
5. The CEO or Deputy CEO, as appropriate, is requested prepare a brief to obtain three quotes from a suitably qualified professional to carry out the performance review.
6. The CEO performance review brief to obtain the three quotes is circulated to Elected Members for comment or call in by 2 or more Elected Members, before the quotes are called for.
7. The CEO performance review brief will include time for at least two workshops with Elected Members.
8. That Price Consulting is invited to quote for the 2018 CEO performance review.

**PROCEDURAL MOTION****Moved: Cr Young****Seconded: Cr Harkins****That Cr Boulter's motion be put to the vote.****Carried 8/0****SUBSTANTIVE MOTION****Carried 8/0**

At the conclusion of the vote Mr Humfrey returned to the Chambers at 8:45pm

## 10.2 REPORT OF COMMITTEES

That Council note the Minutes of the following Committee Meetings with consideration given to the Committees' recommendations as highlighted below.

- **ART ACQUISITION PANEL**

17 April 2018 Minutes attached.

**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Tucak, Seconded Cr Thomas**

**That the Committee recommends to Council that the Foreshore Precinct Implementation Committee considers the placement of public art within the Foreshore Master Planning Brief and that the Art Acquisition Panel be consulted in this process.**

**Carried Unanimously 8/0**

15 May 2018 draft Minutes attached.

- **BEACH ACCESS PATHS COMMITTEE**

15 May 2018 draft Minutes attached.

- **BIKE PLANNING COMMITTEE**

13 February 2018 draft Minutes attached.

8 May 2018 draft Minutes attached.

ITEM 7.2 MARINE PARADE BLISTER ISLAND – DESIGN

COMMITTEE RECOMMENDATION

Moved Cr Sadler, Seconded Cr Young

That the Committee recommend that Council ENDORSE the proposed plan provided by Mr Powell.

29 May 2018 draft Minutes attached.

ITEM 7.1 TOWN OF COTTESLOE BIKE PLAN – TENDER REVIEW

COMMITTEE RECOMMENDATION

Moved Cr Sadler, Seconded Cr Young

That the Bike Planning Committee recommend that Council:

1. REJECT all tenders presented for the Town of Cottesloe Bike Plan.
2. REQUEST the revised brief be brought back to the next Bike Planning Committee meeting for consideration.
3. ENDORSE the seeking of preliminary comment on the draft brief from representatives from the Department of Transport.

12 June 2018

OFFICER RECOMMENDATION

Moved Cr Sadler, seconded Mr Atkinson

That the Bike Planning Committee recommend that Council ADOPT the draft Bike Planning Committee Charter.

**COMMITTEE RECOMMENDATION**

Moved Cr Young, Seconded Cr Sadler

That the Bike Planning Committee recommend that Council:

1. DEFER the Bike Routes Plan pending further information from the Department of Transport.
2. CONTACT the Department of Transport offering to provide the Town's existing bike plans and relevant documents
3. PURSUE early engagement with the Department of Transport to advance the Town's bike planning.

**COUNCILLOR AMENDMENT**

Moved: Cr Sadler                      Seconded: Cr Young

That Council adopts the following recommendations only of the Minutes from the Bike Planning Committee dated 29 May 2018.

That the Bike Planning Committee recommend that Council:

1. REJECT all tenders presented for the Town of Cottesloe Bike Plan.
3. ENDORSE the seeking of preliminary comment on the draft brief from representatives from the Department of Transport.

That Council adopt the draft Bike Planning Committee Charter as per the resolution from the Minutes of the Bike Planning Committee dated 12 June 2018.

That the Bike Planning Committee recommend that Council ADOPT the draft Bike Planning Committee Charter.

That Council adopt points 1,2 and 3 of Minutes from the Bike Planning Committee dated 29 May 2018 as shown below:

That the Bike Planning Committee recommend that Council:

1. DEFER the Bike Routes Plan pending further information from the Department of Transport.
2. CONTACT the Department of Transport offering to provide the Town's existing bike plans and relevant documents
3. PURSUE early engagement with the Department of Transport to advance the Town's bike planning.

**PROCEDURAL MOTION**

Moved: Cr Young                      Seconded: Cr Sadler

That the motion be put to the vote.

Carried 7/1  
For: Deputy Mayor Rodda, Crs Tucak, Boulter, Sadler, Young, Thomas,  
and Harkins  
Against: Cr Pyvis

- **COMMUNITY SAFETY AND CRIME PREVENTION COMMITTEE**

17 April 2018 draft Minutes attached.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Harkins Seconded Cr Thomas

That the Community Safety and Crime Prevention Committee recommend that Council the ADOPT the draft Community Safety and Crime Prevention Committee Charter.

Carried 8/0

• **FORESHORE PRECINCT IMPLEMENTATION COMMITTEE**

21 May 2018 draft Minutes attached.

**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Harkins    Seconded Cr Young

That the Foreshore Precinct Implementation Committee recommend that Council ENDORSE the completed documentation of the following elements of the Foreshore Renewal Masterplan to enable movement to tender subject to the wall material being finalised:

1. Shady Seating
2. Ocean Universal Access
3. Universal Access

Carried 8/0

• **NORTH COTTESLOE PRIMARY SCHOOL TRAFFIC SAFETY COMMITTEE**

**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Tucak    Seconded Cr Harkins

That the North Cottesloe Primary School Traffic Safety Committee recommend that Council ALLOCATE \$15,000 for a traffic study and broad consultation as part of the planned process, which is:

1. Consultation with Western Power.
2. Undertake a traffic study (report to be provided to the Committee and Council). The traffic study is to include 3 points as follows:
  - a. Define the issue, encompassing pedestrians, cyclists, cars and universal access:
    - i. Safety perspective; and
    - ii. Traffic perspective.
  - b. Review the proposed concept plan to determine whether it is likely to improve these issues and how; and,
  - c. Provide alternative options to improve on these issues, and whether these improvements would be more appropriate than the proposed plan.
3. Focussed and broad consultation on the amended concept plan (as a result of the traffic study) to be undertaken by external consultant (feedback to be provided to the Committee and Council).

Subject to 1,2 and 3 above proceed to points 4 – 7 below:

4. Undertake concept review (report to be provided to the Committee and Council).
5. Detailed design (to be provided to the Committee and Council).
6. Tender process
7. Construction

**PROCEDURAL MOTION**

**Moved: Cr Rodda                      Seconded: Cr Young**

**That the Committee Recommendation be put to the vote.**

**Carried 6/2**

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

**Against: Crs Boulter and Pyvis**

**SUBSTANTIVE MOTION**

**Carried 6/2**

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

**Against: Crs Boulter and Pyvis**

**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Sadler      Seconded Cr Harkins**

**That the North Cottesloe Primary School Traffic Safety Committee recommend that Council NOTE the report which is to be used for the concept plan, detailed design and tender of the carpark.**

**PROCEDURAL MOTION**

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

**That the Committee Recommendation be put to the vote.**

**Carried 6/2**

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

**Against: Crs Boulter and Pyvis**

**SUBSTANTIVE MOTION**

**Carried 6/2**

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

**Against: Crs Boulter and Pyvis**

**COMMITTEE RESOLUTION**

**Moved Mr Goodlet, Seconded Cr Harkins**

**That the North Cottesloe Primary School Traffic Safety Committee recommend that Council ADOPT the draft North Cottesloe Traffic Safety Committee Charter.**

**COUNCILLOR MOTION**

**Moved: Cr Boulter                      Seconded: Cr Tucak**

**Deferral of the item to allow it to be referred back to the committee for reconsideration.**

**Carried 8/0**

- **RESERVES, PARKS AND PLAYGROUNDS COMMITTEE**

10 April 2018 draft minutes attached.

17 May 2018 draft minutes attached.

**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Boulter    Seconded Cr Harkins**

**That the Reserves, Parks and Playgrounds Committee recommend that Council ENDORSE the letter to residents regarding Railway Street playground subject to amendments endorsed by the Committee and finalisation by the Chair in consultation with the Administration. The Committee notes that it prefers the catchment to be sent to residents within approximately 400m radius of the playground.**

**Carried 8/0**

**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Boulter    Seconded Cr Pyvis**

**That the Reserves, Parks and Playgrounds Committee recommend that Council ENDORSE a budget item of up to \$70,000 for a Public Open Space (Reserves and Playgrounds) Master Plan. The proposed brief is to be endorsed by the Reserves, Parks and Playgrounds Committee prior to tender.**

**Carried 7/1**

**For: Deputy Mayor Rodda, Crs Tucak, Boulter, Sadler, Young Pyvis and Harkins**

**Against: Cr Thomas**

**OFFICER RECOMMENDATION**

**Moved Cr Boulter    Seconded Cr Harkins**

**That the Reserves, Parks and Playgrounds Committee recommend that Council ADOPT the draft Reserves, Parks and Playgrounds Committee Charter subject to the inclusion of the Regulations in Item 7.6.**

**Lost 4/4(5)**

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

**Against: Deputy Mayor Rodda, Crs Sadler, Young and Harkins**

**The Chair exercised their casting vote against the motion**



**11 ELECTED MEMBERS NOTICES OF MOTION RECEIVED**

Nil

**12 NEW BUSINESS OF AN URGENT NATURE**

**Councillor Boulter** advised she is concerned about the issues with the Napoleon Street Trees and asked if the matter was on track to come back to Council for a decision at the July Ordinary Council Meeting. Additionally would planting be able to be undertaken if the Council resolution allowed.

CEO Mr Mat Humfrey responded that he believed planting would not be undertaken this year irrespective of the Council's decision in July as the trees are now simply not available.

**13 MEETING CLOSED TO PUBLIC****13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED****OFFICER RECOMMENDATION**

Moved: Cr Sadler

Seconded: Cr Young

That in accordance with *Section 5.23(2) of the Local Government Act 1995* the meeting is closed to members of the public due to the reports contained here after following one or more aspects of the *Act* and/or the *Local Government (Administration) Regulations*:

- a) *A matter affecting an employee or employees; and*
- b) *The personal affairs of any person; and*
- c) *A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- d) *Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- e) *A matter that if disclosed, would reveal –*
  - i. *a trade secret; or*
  - ii. *information that has a commercial value to a person; or*
  - iii. *information about the business, professional, commercial or financial affairs of a person,*

*where the trade secret or information is held by, or is about, a person other than the local government; and.*

- f) *a matter that if disclosed, could be reasonably expected to –*
  - i. *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law; or*
  - ii. *endanger the security of the local governments property; or*
  - iii. *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*

*and*

- g) *information which is subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
- h) *such other matters as may be prescribed.*

*and/or;*

That, in accordance with the *Local Government (Administration) Regulations 1996, Part 2, 4A*:

*The determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter, are matters prescribed for the purpose of section 5.23(2)(h).*

**Carried 8/0**

Members of the Public and the Media cleared the Chambers at 9:20pm

The meeting moved into 'camera' at 9:21pm

**13.1.1 STRATA LOT 2 (34A) HAWKSTONE STREET – SAT APPEAL**  
**CONFIDENTIAL**

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

**File Ref:** 3542  
**Attachments:** Planning Consultant's comments  
SAT Order  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Ed Drewett, Coordinator Statutory Planning  
**Proposed Meeting Date:** 26 June 2018  
**Author Disclosure of Interest:** Nil

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**VOTING**

Simple majority.

**OFFICER RECOMMENDATION**

THAT Council notes the advice of the Town's Planning Consultant, Murray Casselton, and provides further direction as to how to proceed with the SAT appeal in respect to the development at 34A Hawkstone Street, Cottesloe.

**REVISED OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved:** Cr Rodda                      **Seconded** Cr Boulter

**That Council RESOLVE, that *pursuant to the s 31(1) order issued by the State Administrative Tribunal (WA) on 22 June 2018, condition 1(as shown below) of the planning approval issued on the 14 March 2018 for alterations and front two storey extension with bridge walkway at number 34A (SL: 2) Hawkstone Street, Cottesloe, as shown on the plans received on 5 and 6 February 2018, be deleted.***

*The design and building height (ridgeline) of the new development shall comply with Local Planning Scheme No. 3 and match the existing south facing hipped roof. Details to be submitted at the Building Permit stage to the satisfaction of the Town.*

**Carried 8/0**

**13.1.2 DEANE STREET CROSSOVER REPORT CONFIDENTIAL**

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

**PROCEDURAL MOTION**

Moved: Cr Boulter                      Seconded: Cr Pyvis

That the meeting move out of 'camera' and be reopened to the public and media.

Lost 2/6

For: Crs Boulter and Pyvis

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

**File Ref:****Attachments:**

**The Design Drawings**

**The letter from CT Legal of July 2017**

**Responsible Officer:**

**Mat Humfrey, Chief Executive Officer**

**Author:**

**Mat Humfrey, Chief Executive Officer**

**Proposed Meeting Date:**

**26 June 2018**

**Author Disclosure of Interest: Nil**

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**VOTING**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved: Cr Harkins**

**Seconded: Cr Sadler**

That Council, without prejudice to any claim the Town may face for compensation or costs;

1. Authorise the Chief Executive Officer to issue a permit to the owners of Lot 505 (20A) Deane Street to alter the crossover to their property as per the designs attached to this report;
2. Upon the owners removing the existing crossover, ready for the construction of the crossover outlined in 1. above, authorise the Chief Executive Officer to refund the bond previously held for the crossover for this property and reimburse reasonable costs of the existing crossover's removal;
3. Notify the owners of lot 505 that the Town will NOT be contributing to the costs of the relocation of services in the verge area or the construction of the crossover itself; and
4. Notify the Owners that their request for compensation is being considered by the Town's insurers separately to this resolution.

**COUNCILLOR MOTION**

Moved: Cr Boulter                      Seconded: Cr Pyvis

That the item be deferred pending circulation of all relevant legal advice to Councillors.

**PROCEDURAL MOTION**

Moved: Deputy Mayor Rodda                      Seconded: Cr Young

That Cr Boulter's Motion be put to the vote.

**Carried 7/1**

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

**Against: Cr Pyvis**

**FORESHADOWED MOTION**

Moved: Cr Harkins                      Seconded: Cr Sadler

That the Officer's Recommendation be ADOPTED.

Cr Boulter's motion for a deferral was put to the vote.

**LOST 2/6**

**For: Crs Boulter and Pyvis**

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

**FORESHADOWED MOTION/OFFICERS RECOMMENDATION AND COUNCIL RESOLUTION**

Moved: Cr Harkins                      Seconded: Cr Sadler

That Council, without prejudice to any claim the Town may face for compensation or costs;

1. Authorise the Chief Executive Officer to issue a permit to the owners of Lot 505, 28 Avonmore Terrace to alter the crossover to their property as per the designs attached to this report;
2. Upon the owners removing the existing crossover, ready for the construction of the crossover outlined in 1. above, authorise the Chief Executive Officer to refund the bond previously held for the crossover for this property and reimburse reasonable costs of the existing crossover's removal;
3. Notify the owners of Lot 505, 28 Avonmore Terrace that the Town will NOT be contributing to the costs of the relocation of services in the verge area or the construction of the crossover itself; and
4. Notify the Owners that their request for compensation is being considered by the Town's insurers separately to this resolution.

**Carried 6/2**

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

**Against: Crs Boulter and Pyvis**

**PROCEDURAL MOTION**

**Moved: Deputy Mayor Rodda**

**Seconded: Cr Thomas**

**That the meeting be reopened to the public and media and standing orders be resumed.**

**Carried 8/0**

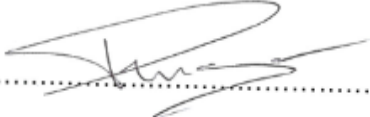
The meeting moved out of 'camera' and standing orders resumed at 9:29pm

**14 MEETING CLOSURE**

Deputy Mayor Rodda declared the meeting closed at 9:30pm.

CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING 26 June 2018  
PAGES 1 – 121 INCLUSIVE.

PRESIDING MEMBER: Mayor Phil Angers  
POSITION: Mayor



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DATE: 26/07/2018