



# Town of Cottesloe

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

**Tuesday, 26 November 2019**

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

A handwritten signature in blue ink, appearing to read 'John', is written over a horizontal line.

Signed:

Presiding Member

Date: 17/12/2019

# TOWN OF COTTESLOE



## ORDINARY COUNCIL MEETING

# MINUTES

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

**MAT HUMFREY**  
Chief Executive Officer

10 December 2019

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

The Presiding Member announced the meeting opened at 6:01pm.

**2 DISCLAIMER**

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

**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

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

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

Nil

**4.2 PUBLIC QUESTIONS**

Nil

**5 PUBLIC STATEMENT TIME**

Gabrielle Gill – 63 Eric Street, Cottesloe

- ) This is my 6<sup>th</sup> visit to Council over the years regarding the tree on my verge.
- ) Clarified that there's no issue from my point of view about the northern light – it was a side comment in an email (in brackets) out of exasperation
- ) The issue for me is the substantial existing damage
- ) I've had two arborists come to house in last the 24 hours, they both have more than 40 years' experience
- ) I invited them to the house because of the issue that was raised about the Chinese Elm Tree on the property
- ) There's not been enough notice for them to prepare a report but there verbal comments were firstly highly unlikely and secondly 99.9% not the Elm (in 25 years as a qualified arborist) causing the issue
- ) Confident Council will move forward with this information

Jessica Birbeck – 191 St Georges Terrace, Perth (on behalf of the National Trust of WA

- ) We're pleased with the Administration's recommendation to Council to initiate the amendment
- ) The Town's Planning Staff have expressed some support for some minor amendments to these conditions in the recommendation, one of them has

been made regarding the removal of the restriction on the maximum number of nights' stay

) We are seeking an amendment to condition five to which provides certainty for the National Trust and Council that the uses are limited to the State (as the owner) or a representative of the State

) We provided some wording in writing today

## 6 ATTENDANCE

### Elected Members

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

### Officers

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

### 6.1 APOLOGIES

Nil

#### Officers Apologies

Nil

### 6.2 APPROVED LEAVE OF ABSENCE

Nil

### 6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Sadler

Seconded Mayor Angers

That Cr Sadler be granted a leave of absence from 16 December 2019 to 18 December 2019.

Carried 9/0

**7 DECLARATION OF INTERESTS**

Cr Angers declared a FINANCIAL INTEREST in item 10.1.1

Cr Angers declared a FINANCIAL INTEREST in item 10.1.3

Cr Young declared a PROXIMITY INTEREST in item 10.1.16

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.7

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.15

Cr Tucak declared an PROXIMITY INTEREST in item 10.1.16

Cr MacFarlane declared an IMPARTIALITY INTEREST in item 10.1.1

**8 CONFIRMATION OF MINUTES**

**Moved Cr Harkins**

**Seconded Mayor Angers**

**That the Minutes of the Ordinary Meeting of Council held on Tuesday 29 October 2019 be confirmed as a true and accurate record.**

**Carried 9/0**

**9 PRESENTATIONS**

**9.1 PETITIONS**

Nil

**9.2 PRESENTATIONS**

Nil

**9.3 DEPUTATIONS**

Nil

For the benefit of the members of the public present, the Mayor announced that items ve been withdrawn for discussion. All other items will be dealt with en bloc.

Items 10.1.2, 10.1.4, 10.1.11, 10.1.12, 10.1.14, 10.1.17 will be dealt with en bloc.



**10 REPORTS****10.1 REPORTS OF OFFICERS****PLANNING****10.1.1 PROPOSED SCHEME AMENDMENT 11 TO LOCAL PLANNING SCHEME NO. 3 (JOHN CURTIN HOUSE ADDITIONAL USE)**

**File Ref:** SUB/2798  
**Attachments:** 10.1.1(a) Draft Report - Scheme Amendment 11 [under separate cover]  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Gayle O'leary, Planning Officer  
**Author Disclosure of Interest:** Nil

Cr Angers declared a FINANCIAL INTEREST in item 10.1.1 by virtue "my wife and I have a short-stay accommodation in our home."

Cr MacFarlane declared an IMPARTIALITY INTEREST in item 10.1.1 by virtue "I have previously operated an AirBnB in Cottesloe, but ceased that activity earlier this year."

Mayor Angers left the meeting at 6:14pm.

At 6:14pm, the Deputy Mayor, Cr Young took the Chair.

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**SUMMARY**

A proposal has been received from Element Pty Ltd on behalf of the National Trust requesting an amendment to Local Planning Scheme No. 3 (LPS3), to allow for the uses of 'Community Purpose' and 'Short Stay Accommodation' on Lot 400, 24 Jarrad Street, Cottesloe (John Curtin House) as an Additional Use.

The purpose of the amendment is to formalise the existing uses which have operated onsite for some years. The proposed uses entail utilising the premises for short-stay accommodation for members of the National Trust of Australia (WA) and the wider community, and offering various small scale group activities and events aimed at raising awareness of the heritage significance of the site. No changes are proposed to the built form onsite.

The Scheme Amendment No. 11 report (**attached at Appendix (a)**), which includes details of and the justification for the proposal, is now being presented to Council for initiation and advertising in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

**BACKGROUND**

The subject site is zoned 'Residential' (R20) under LPS3. The site is occupied by a two-bedroom single house known as 'John Curtin House' (known also as the 'Curtin Family Home'), which is included in the Town's Heritage List and Municipal Inventory as a Category 1 site and on the Heritage Council's State Register of Heritage Places.

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The site is owned by the State Government of Western Australia and currently managed by the National Trust. The site is also classified by the National Trust.

Under the current land use permissibility of the Residential zone of LPS3, 'Short Stay Accommodation' is a prohibited land use and 'Community Purpose' is an 'A' use, meaning that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 9.4 of LPS3.

### **STRATEGIC IMPLICATIONS**

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

Priority Area 4: Managing Development

### **POLICY IMPLICATIONS**

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

### **STATUTORY ENVIRONMENT**

*Planning and Development (Local Planning Schemes) Regulations 2015*

*Heritage Act WA 2019*

Local Planning Scheme No. 3

### **FINANCIAL IMPLICATIONS**

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

### **STAFFING IMPLICATIONS**

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

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

Consultation has been conducted by Element Pty Ltd.

### **OFFICER COMMENT**

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

- a) It has minimal impact on land in the Scheme area that is not the subject of the amendment;
- b) It does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area; and
- c) It is not a basic or complex amendment.

The objectives of the Residential zone under LPS3 are to:

- a) *encourage residential development only which is compatible with the scale and amenity of the locality;*
- b) *provide the opportunity for a variety and choice in housing in specified residential areas;*
- c) *allow for some non-residential uses where they are compatible with the amenity of residential localities; and*
- d) *encourage the retention of local facilities and services within specified residential areas for the convenience of the local community.*

The proposal seeks to allow short-stay accommodation on-site for a maximum of four persons for up to seven nights at a time.

The proposal seeks permission to operate Community Purpose uses including:

- ⌋ small group artist workshops;
- ⌋ small group fundraising events; and
- ⌋ community open days to raise awareness of the heritage significance of the site.

There is an existing one car garage sited to the rear of the lot with access via Right of Way 36 and one uncovered parking space adjoining it. The proposal seeks permission for visitors to use the verge as overflow car parking. It is anticipated that up to two spaces along the verge will be required for visitors for the Community Purpose use. The site is located within walking distance of public transport via Cottesloe train station and the Stirling Highway bus route, and additional sources of car parking are also available along Railway Street and Station Street. On this basis, it is deemed acceptable to allow visitors to utilise the verge for parking for limited periods of time.

## **CONCLUSION**

An Additional Use of 'Short Stay Accommodation' and 'Community Purpose' is not considered likely to pose an unacceptably adverse impact on the amenity of nearby and abutting residents, provided that appropriate management plans are enforced in conjunction with the proposed uses. This will be further addressed once the Town receives a development application for planning approval for the land uses.

The Community Purpose use will complement the historical values of the site by facilitating the adaptive reuse of a heritage building and raising community awareness of the heritage significance of the building. The scale of the proposed Short Stay Accommodation and Community Purpose uses are considered to be consistent with the objectives of the Residential zone in the context of this proposal as it will result in limited non-residential uses compatible with the amenity of the residential area west of Railway Street.

## **VOTING REQUIREMENT**

Simple Majority

## OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Harkins

Seconded Cr MacFarlane

## THAT Council:

1. In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolve to initiate standard Scheme Amendment No. 11 to LPS3 by:

## 1.1. Amending Schedule 2 – Additional Uses as follows:

No.	Description of Land	Additional Use	Conditions
A11	Lot 400 (No.24) Jarrad Street, Cottesloe	N1 Short Stay Accommodation N1 Community Purpose	<ol style="list-style-type: none"> <li>1. The use of the premises shall be carried out in accordance with an approved Management Plan that addresses among other concerns, minimising any impacts on the amenity of the locality, and shall include appropriate preventative measures accordingly.</li> <li>2. Short Stay Accommodation shall be restricted to a maximum of 4 persons.</li> <li>3. Up to 2 car parking spaces associated with the Community Purpose use may be accommodated within the verge, subject to the arrangement not causing any adverse impacts on the amenity of the locality and with approval of Council.</li> <li>4. No additions to the existing premises are permitted, unless otherwise approved by the Town.</li> <li>5. The permitted uses shall operate with the current owners, unless otherwise approved by the Town.</li> </ol>

- 1.2. Modifying the scheme map by designating Additional Use No.11 over Lot 400, 24 Jarrad Street, Cottesloe, in accordance with the scheme amendment map.

2. Resolve that the amendment is standard as it is consistent with a region planning

scheme that applies to the scheme area (consistent with attached Form 2A).

3. Refer a copy of the proposed Scheme Amendment 11 documentation to the Environmental Protection Authority, and any other relevant public authority, for consideration and comment.
4. Subject to formal assessment not being required by the Environmental Protection Authority and no objection received from the Western Australian Planning Commission, proceed to advertise proposed Scheme Amendment 11 for public comment with a submission period of not less than 42 days in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
5. Further consider the scheme amendment proposal together with any public submissions lodged with the Town of Cottesloe following the conclusion of the statutory public advertising period.

Carried 8/0

**10.1.2 PLANNING APPLICATIONS DETERMINED UNDER DELEGATION**

**File Ref:** SUB/2798  
**Applicant(s) Proponents:** Nil  
**Attachments:** 10.1.2(a) List of Open DAs - 21 Nov 2019 [under separate cover]  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Ed Drewett, Coordinator Statutory Planning  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

This report provides details of the planning applications determined by officers acting under delegation for the month of October 2019.

**BACKGROUND**

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

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

**STRATEGIC IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STAFFING IMPLICATIONS**

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

**CONSULTATION**

Nil

**OFFICER COMMENT**

During October 2019 the following planning applications were determined under delegation:

Address	Owner	Applicant	Description	Delegation Notice	Date Determined
8 Ozone Parade	A & M Smith	Owners	Front and rear additions	17/09/2019	01/10/2019
6 Rosser Street	V Yates	3Stone Buildings Pty Ltd	Site works, front fence & bicycle store	19/08/2019	04/10/2019
4 Salisbury Street	K Lindsay	Summit Home Improvements	Upper storey addition	27/09/2019	07/10/2019
583 Stirling Highway	Toshie Pty Ltd as Trustee for the Toshie Trust	Archetype Design Studio	Alterations and additions	27/09/2019	07/10/2019
1/156 Broome Street	T Cox (Chairman of Council of Owners)	Patio Perfect	Carport	27/09/2019	07/10/2019
8 Gibney Street	J Kress	J Caban-Robinson	Levelling playground to single level	27/09/2019	07/10/2019
2-6 Napoleon Street	Napoleon Street Holdings Pty Ltd	J Eskin/McCredie Group	Signage	27/09/2019	07/10/2019
14 Elizabeth Street	C R Morris (as executor)	Owner	Rear verandah	04/10/2019	14/10/2019
64 Broome Street	Broome Street Developments Pty Ltd	Timesright Pty Ltd t/as R K Brine Master Builders	Multiple dwellings	04/10/2019	18/10/2019
44 Brighton Street	M L Cashmore	Schlager Building Services Pty Ltd	Two-storey dwelling and ancillary accommodation	04/10/2019	21/10/2019
8 Marine Parade	L & F Heitz	Tascone Design	Ground and first floor alterations and additions	04/10/2019	24/10/2019
2/10 Avonmore Terrace	D Buswell	Owner	Alterations to front and side fence	19/08/2019	24/10/2019

Please note that Council will be provided with an up-to-date list of all outstanding Development Applications with the OCM Agenda.

#### VOTING REQUIREMENT

Simple Majority

#### OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler

Seconded Cr Harkins

**THAT Council receive this report on the planning applications determined under delegation for the month of October 2019.**

**Carried 9/0**

**10.1.3 PROPOSED COTT VILLAGE DRAFT PRECINCT PLAN NOVEMBER 2019**

<b>File Ref:</b>	<b>SUB/2798</b>
<b>Attachments:</b>	<b>10.1.3(a) Cott Village draft Precinct Plan Nov 2019 [under separate cover]</b>
	<b>10.1.3(b) Cott Village draft Precinct Plan Annexure 1 - Community Engagement and Values Report [under separate cover]</b>
	<b>10.1.3(c) Cott Village draft Precinct Plan Annexure 2 - Economic Sustainability Assessment [under separate cover]</b>
	<b>10.1.3(d) Cott Village draft Precinct Plan Annexure 3 - Movement and Access Study [under separate cover]</b>
<b>Responsible Officer:</b>	<b>Mat Humfrey, Chief Executive Officer</b>
<b>Author:</b>	<b>Jana Joubert, Coordinator Strategic Planning</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

Cr Angers declared a FINANCIAL INTEREST in item 10.1.3 by virtue "my wife and I have a business in the Town of Cottesloe."

Mayor Angers left the meeting at 6:14pm during consideration of item 10.1.1 and did not return until after this item had been considered.

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**SUMMARY**

Council is being asked to approve for advertising a draft Precinct Plan for the Cottesloe Activity Centre, or Cott Village. The purpose of the Cott Village Precinct Plan (the Precinct Plan) is to guide the comprehensive and coordinated redevelopment of the Cott Village Precinct (the Precinct) as a whole.

The draft Precinct Plan, which includes the associated Cott Village Local Planning Policy (the Policy) is **attached** at Attachment (a). The details of and the justification for the draft plan in the form of an additional three Annexures, are **attached** at Attachments (b), (c) and (d).

**BACKGROUND**

In November 2018 Element presented to Council their intention to present a scheme amendment for 7 and 11 Station Street, the purpose of which was to seek a substantial increase to the permissible building height from the current 3 storey (11.5m) limit.

In April 2019 the proponents refined their proposal and were advised by officers that the proposal for a 10 storey (35m) redevelopment at a density of R-AC0 would be classified as a complex amendment. The reason for this classification was the proposal was inconsistent with the Town of Cottesloe's Local Planning Scheme, Strategy and related local planning policies.

At the same time the, Town and the Shire of Peppermint Grove were in early discussions about developing a long term strategic vision and associated planning documents for Cott Village to guide its coordinated redevelopment over time.

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An officer report presented to Council at the June Ordinary Council meeting (which included the proposed scheme amendment report) recommended that Council defer consideration of the scheme amendment until a comprehensive strategic framework had been established for the Precinct.

At the June Ordinary Council Meeting, Council resolved as follows:

*That Council:*

- 1. Resolve to defer consideration for a period of up to six months to allow progress to be made on a local area plan for the Town of Cottesloe centre precinct, including community consultation, in order to guide an informed comprehensive future redevelopment of the area.*
- 2. Notify the Western Australian Planning Commission of Council's decision to defer the proposed scheme amendment to LPS3, and provide the Commission with a copy of the scheme amending documentation in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.*
- 3. Note the Administration's intention to commence the development of an Integrated Local Area Plan for the Town Centre Precinct in collaboration with the Shire of Peppermint Grove.*

The Town subsequently commenced the development of an Integrated Local Area (ILAP) for the Precinct in collaboration with the Shire of Peppermint Grove. The term ILAP has since been amended to Precinct Plan to accord with the terminology adopted by the recently advertised draft State Planning Policy 7.2 – Precinct Design (SPP 7.2).

The draft Precinct Plan will be able to guide the redevelopment of the Precinct and any incoming scheme amendment will be able to be assessed against the provisions of the associated Policy.

### **STRATEGIC IMPLICATIONS**

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

Priority Area 4: Managing Development

### **POLICY IMPLICATIONS**

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

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Planning and Development Act 2005*

*Planning and Development (Local Planning Schemes) Regulations 2015*

State Planning Policy 7.0 - Design of the Built Environment

Draft State Planning Policy 7.2 - Precinct Design

State Planning Policy 7.3 Volume 2 - Apartment Design

Town of Cottesloe Local Planning Strategy (2008)

Station Street Cottesloe Place Making Strategy (2017)

Town of Cottesloe Town and Local Centre Design Guidelines (2014)

### FINANCIAL IMPLICATIONS

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

The development of the draft Precinct Plan required the engaging of specialist consultants, which Council has made an allocation for in the 2019/2020 budget.

### STAFFING IMPLICATIONS

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

### ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

### CONSULTATION

Consultation measures relating to the proposed 7 and 11 Station Street amendment proposal included the following:

- )] A preliminary Council briefing was presented by Element in November 2018;
- )] An independent public community workshop was hosted by Element in March 2019; and
- )] A second Council briefing was provided by Element in April 2019.

Council conducted the following preliminary research and initial consultation as part of the preparation of the draft Precinct Plan:

- )] A facilitated Residents' Workshop was conducted on 24 October at the Grove Centre Community Room; and
- )] A facilitated Business Owners and Operators' Workshop was conducted on 29 October at the Grove Centre Community Room.

The findings of the workshops, which were conducted by the Curtin University Research Team, are **attached** at [Attachment \(b\)](#).

Detailed community consultation and engagement will be undertaken during the 90 day advertising period of the draft Precinct Plan in the form of further workshops, information sessions and information distribution.

### OFFICER COMMENT

The Cottesloe Town Centre (commonly referred to as Cott Village) is classified as a District Activity Centre in the WAPC's *Directions 2031 and Beyond*. The Precinct itself forms part of a larger commercial node that includes the Cottesloe Central Shopping Centre (Cott Central) and retail premises on the eastern side of Stirling Highway in the Shire of Peppermint Grove, together with the Shire's administration offices and library. The land within the boundaries

of Cottesloe is zoned Town Centre Zone and has a density coding of R100, whereas the land within the boundaries of Peppermint Grove is zoned District Centre Zone and redevelopment is to be informed by an approved activity centre plan.

The residual railway lands to the west of the Precinct between Curtin Avenue and Railway Street (Development Zone E) also represent a major consideration in any future development of the precinct, specifically in terms of east-west connectivity, transit-orientated development opportunities and the implementation of a targeted density approach. The railway lands have therefore been included in the study area boundary of the Precinct Plan.

The Town Centre Zone that forms part of the Precinct (and neighbouring vacant railway land) has been the subject of a number of studies, strategies and policies, including an Enquiry by Design exercise undertaken in 2009, the Town and Local Centre Design Guidelines Policy adopted by Council in 2014 and the more recent Station Street Cottesloe Place Making Strategy adopted by Council in May 2017.

These strategic documents as well as LPS3 currently limit the redevelopment potential of lots within the Town Centre Zone to a maximum of 3 storeys (up to 11.5m) and a density of up to R100.

Additionally, there are a number of planning and development issues and considerations throughout the Precinct that require focussed attention, including pedestrian connectivity north-south and east-west, parking and vehicular access and movement, ownership, infrastructure provision, et cetera.

In order to guide and direct future redevelopment of Cott Village and address the development issues and considerations within the Precinct in a comprehensive and coordinated manner, an overarching strategic planning framework is needed in the form of a Precinct Plan for the Cott Village Precinct.

An Integrated Precinct Planning approach will seek to provide a comprehensive planning and development framework, both spatially and temporally, through the application of best practice land use planning, landscape architecture and urban designing tools that positively shape the physical (natural and built), social and economic environments found within the Precinct.

The purpose of the draft Precinct Plan is to establish, as a policy position, the vision and desired developmental outcomes for the Cott Village Precinct, and in doing so, to provide the context and framework for more detailed studies and consequential scheme amendments to follow.

The development process of the Precinct Plan will consist of four Parts. Each part will feed the next to refine and focus information and options towards more clearly defined and measurable outcomes.

During Part 1, which is now complete, initial work drew together information, identified gaps in knowledge and assembled this into a consolidated spatial database. The collated information will be made available to stakeholders during workshops and meetings to engage and interest participants and encourage collaborative design ideas. It will inform decision-making on how the Centre will redevelop and function as a social and business

community. The bulk of Part 1 is summarised in three technical reports that form the attachments to the draft Precinct Plan:

- ) Community Engagement and Value Mapping Report (Curtin University);
- ) Cott Village Access and Movement Discussion Paper (CSP Consult); and
- ) Cott Village Economic Sustainability Assessment (Pracsys).

1. During the second part of the project, which is now in progress, the above data will culminate into a single broader plan/principal strategy for the study area, including a detailed local planning policy for each of the local government areas. Each sub-precinct identified by the draft Precinct Plan will be further assessed and detailed provisions will be developed to address the unique challenges and opportunities that each sub-precinct present.

The final Precinct Plan when complete will also include broader issues such as hard and soft infrastructure planning and service delivery.

The third part of the project will involve preparing supporting schedules and plans to facilitate the implementation of the Precinct Plan, including a schedule of basic scheme amendments for each local government, conservation and water management plans where required.

The Precinct Plan will also be forwarded to the Western Australian Planning Commission at this point for their consideration and approval in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and draft State Planning Policy No. 7.2 - Precinct Design.

Lastly, a detailed capital works program and action plan will comprise the final step in the completion of the Precinct Plan, and it is anticipated that this will include the specification of the role of each relevant responsible authority. This phase will therefore include extensive liaison and consultation with a number of State Agencies and bodies for their support and commitment in implementing the finalised Precinct Plan.

### **Conclusion**

There is a significant amount of redevelopment that may occur in the near future in Station Street, as well as across the remainder of the Precinct. It is important to define a clear direction and controls in regard to built form for this precinct in general and these lots in particular, to ensure they are well-designed, that pedestrian connectivity is maintained and enhanced, that there is ground floor activation and vibrancy are achieved and that the needs of residents and local businesses are met.

The attached draft Precinct Plan sets out the general design requirements in the form of building heights, setbacks and built form appearance in its Policy (statutory component), and provides for more detailed guidance for each Strategic Site that has been identified as part of the development of the Precinct Plan.

It is considered that any subsequent scheme amendment and development proposals are able to be effectively assessed against the vision and design requirements of the draft Cott Village Precinct Plan as attached.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Sadler**

**Seconded Cr Masarei**

**THAT Council RESOLVES to initiate for advertising the draft Cott Village Precinct Plan for community comment and further consultation for a period of not less than 90 days.**

**Carried 8/0**

Mayor Angers returned to the meeting at 6:18pm and resumed the Chair.

**10.1.4 LOCAL PLANNING STRATEGY REVIEW - DISCUSSION PAPER**

**File Ref:** SUB/2798  
**Attachments:** 10.1.4(a) LPS Discussion Paper Nov 2019 [under separate cover]  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Jana Joubert, Coordinator Strategic Planning  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is being asked to initiate for public advertising a Local Planning Strategy Review Discussion Paper (LPS Discussion Paper).

The purpose of the LPS Discussion Paper is to open up a dialogue with the community regarding the challenges and opportunities that a review of the existing Local Planning Strategy document presents. The comments and suggestions received during the advertising of the LPS Discussion Paper will ultimately inform a revised Town of Cottesloe Local Planning Strategy.

The LPS Discussion Paper, which includes details of the review approach, is attached at Attachment (a).

**BACKGROUND**

The Town has a legislative responsibility under the *Planning and Development Act 2005* (the Act) to generally provide for an efficient and effective land use planning system and to promote the sustainable use and development of land in the local government area as part of the State.

To help realise these purposes, the Act enables a local government to prepare a Local Planning Scheme (a Scheme) in order to administer the suitable improvement, development and use of land within its municipality. Schemes that envisage the zoning of land and associated planning controls must be accompanied by a Local Planning Strategy (Strategy or LPS).

The Strategy is a particularly important instrument because it not only comprises the underlying rationale for the Scheme but, under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations); determinations of the local government made under the Scheme must be consistent with the LPS.

The Town's existing LPS was prepared in 2008 and is now more than ten years old, which necessitates a review in accordance with the Regulations.

**STRATEGIC IMPLICATIONS**

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

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

Priority Area 2: Achieving connectivity between east and west Cottesloe

Priority Area 3: Enhancing beach access and the foreshore

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Priority Area 4: Managing Development

Priority Area 5: Providing sustainable infrastructure and community amenities

Priority Area 6: Providing open and accountable local governance

### **POLICY IMPLICATIONS**

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

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Planning and Development Act 2005*

*Planning and Development (Local Planning Schemes) Regulations 2015*

*Directions 2031 and Beyond*

Full suite of State Planning Policies

State Development Control Policies

Town of Cottesloe Local Planning Strategy (2008)

### **FINANCIAL IMPLICATIONS**

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

An independent community engagement facilitator has been engaged by the Town to work alongside planning staff in preparing and undertaking community engagement, the cost of which is able to be met within the Town's approved 2019/2020 budget.

### **STAFFING IMPLICATIONS**

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

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

The LPS Discussion Paper has been developed as the first step in an extensive public advertising campaign as part of the review of the existing Town of Cottesloe LPS.

It is recommended that the LPS Discussion Paper be advertised for a period of no less than 90 days (three months), during which time comprehensive public and stakeholder engagement activities will occur, including community workshops, community information sessions, surveys and questionnaires, and the distribution of flyers and other information.

Three community workshops and one youth workshop have been arranged to take place on the following dates:

)) Community Workshop 1 – Saturday 16 November;

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- )] Community Workshop 2 – Saturday 23 November;
- )] Community Workshop 3 – Wednesday 27 November; and
- )] Youth Workshop – Saturday 23 November

The purpose of the workshops is to involve key stakeholders and interest groups in the preliminary phase of engagement, or ‘pre-advertising’.

An independent engagement facilitator has been engaged to work alongside the Town’s executive and planning staff in preparing and undertaking the community workshops.

At the conclusion of the initial consultation phase, officers will collate and consider public submissions received to be used in informing the draft Local Planning Strategy, which will again be released for public consultation in accordance with the Regulations.

#### **OFFICER COMMENT**

The Town of Cottesloe’s existing LPS was prepared in 2008. The LPS had been prepared during the course of the review of the then Local Planning Scheme No. 2, and had focused on several planning issues including residential densities, heritage, the beachfront, Curtin Avenue and traffic generally.

The LPS is now required to be reviewed in light of the following key factors:

- )] A changing local planning framework, including revised Local Planning Scheme No. 3,
- )] A revised Town of Cottesloe Strategic Community Plan, the review process of which has outlined six new key priority areas,
- )] An evolving social and demographic environment which creates similarly evolving community needs and expectations, and
- )] The revised Regulations in 2015, which has produced a new Model Scheme Text (MST), including a number of new zones and revised land use classes.

A local planning strategy’s scope is principally set by the Act and the accompanying Regulations. The Planning Scheme’s Manual – Western Australia: Guidance on the Format of Local Planning Strategies (July 2000) provides further guidance and includes advice to help with all aspects of strategy preparation, from project planning to context and consultation.

Additionally, the Town’s Strategic Community Plan identifies six priority areas on which Council wishes to focus within the next ten year timeframe. These priority areas can be translated into five strategic objectives for the Town, and further broken down into ten land use planning themes. The revised Strategy will therefore address the following:

1. Population and Housing Density;
2. Mixed Use Development and Urban Design;
3. Heritage and Character;
4. Integrated Transport;
5. Recreation and Open Space;
6. Environment and Biodiversity;



7. Tourism (new);
8. Economy and Employment (consolidated);
9. Community Facilities; and
10. Emergency Management.

These themes incorporate the previous themes from the existing LPS, as well as three new themes that will be explored as part of the review as these have become topical and relevant during the last few years.

Additionally, the Western Australian Planning Commission will require the Town to address the following issues as part of the LPS review process:

- ) Housing choice and changing housing needs;
- ) Ageing in place opportunities;
- ) Infill development opportunities, including higher density in strategic locations such as adjacent to transport corridors and in and around activity centres;
- ) More housing choice in and around the Town Centre and close to existing community infrastructure such as parks, public transport and medical facilities;
- ) Heritage protection;
- ) Providing for connected and sustainable communities; and
- ) Identifying specialised precincts and centres.

The State's Central Sub-Regional Planning Framework (2018) also requires the Town to plan for a population increase of approximately 2140 people by the year 2050 by accommodating an additional 970 dwellings.

This may result in significant changes in the built form within our Town and we therefore need to have a proactive approach to accommodating increased density in strategic locations whilst maintaining the amenity of our residential neighbourhoods.

It is anticipated that once the LPS has been finalised and endorsed, a need will be identified to produce a preliminary strategic assessment that would involve an evaluation of the capacity of the existing Scheme (LPS3) to serve as the primary implementation tool for the realisation of the revised Strategy.

#### **VOTING REQUIREMENT**

Simple Majority

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

**Moved Cr Sadler**

**Seconded Cr Harkins**

**THAT Council resolve to advertise the attached LPS Discussion Paper for public comment for a period of not less than 90 days, in order to inform the preparation of the draft revised Local Planning Strategy.**

**Carried 9/0**

**ADMINISTRATION****10.1.5 BEACHES AND BEACH RESERVE LOCAL LAW 2012 AMENDMENT - USE OF WIRE TRACE**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Neil Hartley, Acting Deputy Chief Executive Officer  
**Author Disclosure of Interest:** Not Applicable

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**SUMMARY**

The potential of the Town banning the use of wire traces for fishing along Cottesloe beaches has been investigated and community consultation sought. The option of modifying a Town local law to enable the Town to manage the ban has been considered but deferred.

The 18 June Special Council Meeting approved the award of the Shark Barrier Supply Installation and this service is now operational.

The Department of Fisheries; Department of Local Government; and RecfishWest; were all invited to offer input into the question on alternatives.

This report provides information that will enable Council to consider the options available to it on how to control shark fishing, and protect swimmers, along the Town's beaches.

**BACKGROUND**

The 26 March 2019 Ordinary Council Meeting resolved in regard to a protected swimming enclosure at Cottesloe Beach, that the necessary permits be sought; the procurement process be endorsed; a budget amendment be progressed; feedback from other councils be obtained; and community and stakeholder consultation be undertake.

In addition to the above, a June 2018 briefing forum item was presented for consideration of an amendment to the existing local law, to prohibit fishing with a line containing metal within the Town of Cottesloe. The February 2019 ordinary council meeting considered draft local law and resolved to advertise for public submissions. Statewide public notice (May 2019) was given of the proposed amendment and a total of 50 submissions were received, with 42 opposing the proposed ban. The 23 July Ordinary Council Meeting agreed to defer consideration of the advertised local law amendment to consider alternatives to reduce the occurrence of shark fishing; seek advice on alternatives from the Department of Fisheries, Department of Local Government and RecfishWest that do not penalise legitimate fishing uses. Department of Fisheries; Department of Local Government; and RecfishWest; have all been invited (2 October 2019) to offer input into that question.

The 18 June Special Council Meeting approved the award of the Shark Barrier Supply, Installation and Five Year Maintenance Contract for the Supply and Installation of the Barrier and this service is now operational.

The Department of Fisheries; Department of Local Government; and RecfishWest; were all invited (2 October 2019) to offer input into the question on alternatives that do not penalise legitimate fishing uses.

### **STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

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

Priority Area 6: Providing open and accountable local governance.

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

### **POLICY IMPLICATIONS**

There may be implications for the Council's Beach Policy.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

The Local Government Act provides the capacity for a local government to make and amend local laws. It also provides a general competence power for local governments to manage public places, like beaches.

Beaches Local Law clause 7.1(a) - no person shall fish for sharks by any means (from beaches and 200m).

### **FINANCIAL IMPLICATIONS**

The cost to advertise, adopt and submit the proposed Local Law amendment is estimated to be approximately \$10,000. If adopted, the Local Law amendment prescribes penalties for non-compliance. Council very rarely issues infringements under the powers of this Local Law, and any increase to the prescribed penalties will have a negligible impact on Council's revenue. Depending on the level of policing required by Council of a ban on the use of wire trace, additional staff resources may also be required.

Alternative options of control, like CCTV will also incur additional capital and operational costs (although no cost assessment of this option has been undertaken thus far).

### **STAFFING IMPLICATIONS**

Rangers will be responsible for compliance activities. Shark fishing is generally undertaken outside of regular patrol hours, with infrequent patrols scheduled at peak times to monitor the activity. Regular additional hours to patrol outside of normal rostered hours would incur additional staffing costs and would therefore require additional funding.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Responses to the proposed local law amendment (advertised in May 2019) drew out 50 submissions, with 42 opposing the proposed ban. A summary of the submissions was provided as part of the 23 July 2019 Council Agenda. Of the submissions which oppose the ban on the use of wire trace, some supported the objectives of the amendment and suggested alternative wording to achieve the same effect. Others were adamant that such an amendment is not the responsibility of local government and should be managed by the State.

Department of Fisheries; Department of Local Government; and RecfishWest were invited to comment on *"What options might the Town of Cottesloe be able to implement, which successfully reduces the occurrence of shark fishing along Cottesloe beaches, but will not penalise legitimate fishing uses?"*. Their respective feedback is outlined hereunder:

- Department of Fisheries: No response provided.
- Department of Local Government: Had no suggestions on alternative approaches but highlighted that Cottesloe might consider approaching other WA or eastern states local governments that we were aware had dealt with similar issues.
- RecfishWest: Recfishwest provide the following response – *"Thanks for your clarification that it is primarily the Town of Cottesloe's current concerns about the likelihood of shark fishing attracting sharks to the beach, with the consequential added potential of shark attacks that is why the Town is looking at measures to prevent fishing for sharks."*

*Banning the use of wire trace because a few fishers are catching sharks is akin to banning cars capable of going over the speed limit from driving in Cottesloe in order to deal with the few people who choose to drive at unacceptably fast speeds. I am pleased to see the Town looking to find solutions to their problems which don't impact on the majority of fishers and I am pleased the Cottesloe Council has acknowledged that the vast majority of those who choose to fish in Cottesloe do so lawfully and with regard for the local environment.*

*It should be noted there is more evidence of marine protected areas attracting sharks than fishing activity and there is zero evidence supporting the notion that shark fishing will result in an increased likelihood of a shark attacks. In fact, many groups ideologically opposed to the killing of sharks often promote the concept of shark tourism involving swimming and diving with sharks although given the Town of Cottesloe's history of shark attacks and the deep seated community perception associated with sharks I can appreciate the council's concern about the safety of residents and visitors to the area.*

*In 2001 the Cottesloe Fish Habitat Protection Area (FHPA) was established and one of the management arrangements for this area was a prohibition on shark fishing. The rationale for this prohibition was driven by the desire to protect Port Jackson Sharks as*

*this area was regarded as a nursery ground for these sharks. The FHPA prohibition on shark fishing was never implemented in an attempt to prevent the capture of large sharks as they were not considered a significant environmental value of the area.*

*The drivers for changing the Town of Cottesloe's Local Laws on Beaches and Beach Reserves in May 2012 remain unclear as does the rationale for the recommendations that emanated from the Feb 2011 councillor workshop that discussed and recommended the revised local law. This makes it impossible to determine whether the Town's 2012 prohibition on shark fishing was primarily driven in an attempt to protect a Port Jackson nursery area or whether it was to prevent the capture of large sharks from the beach.*

*The reason for the 2012 prohibition on shark fishing is important because challenges in enforcing the current Local Law was a primary justification for a recent proposal for a complete ban on wire trace however the current local laws can only be deemed to be ineffective if it was originally intended to prevent fishing for large shark not if it was intended to provide protection for Port Jackson sharks as was the intent of the FHPA restrictions. A local Law cannot reasonably be seen to be ineffective if it is not achieving something for which it was never designed. For argument sake I will proceed on the assumption the current local law was designed to prevent fishing for large sharks unlike the FHPA which placed restrictions on shark fishing over concerns for a shark nursery area.*

*In Recfishwest's submission to the recent proposals to prohibit the use of wire trace Recfishwest made it clear we do not support Local Laws that relate to the management of recreational fishing. Recfishwest believe it is not in the remit of local government to manage for recreational fishing nor do we believe local government authorities are best placed or have the required fishery knowledge, experience or skills to manage the state's aquatic resources.*

*Recfishwest acknowledge the Town of Cottesloe has requested advice on options the Town of Cottesloe might be able to implement, which would successfully reduce the occurrence of shark fishing along Cottesloe beaches without penalising legitimate fishing uses.*

*Recfishwest believe one option the Town of Cottesloe should consider is making the Town a favoured destination for recreational fishers who are not trying to catch sharks. If the Town of Cottesloe became renowned as a popular fishing location for families chasing the nearshore fish species like whiting and herring it is likely the large shark fishers would find other areas to fish as they generally do not tend to fish in well-lit and well utilised areas. As a general rule the more people that fish in a given area the less likely shark fishers will be able to utilise the area.*

*In interstate jurisdictions there have been a variety of measures used to limit the catch of large sharks. South Australia is a good example of where hook, trace and time restrictions have been used in an attempt to prevent fishing for large sharks and I would encourage you to have a look at the following link to their fishing rules as they relate to sharks. [https://pir.sa.gov.au/fishing/sharks/recreational\\_fishing\\_for\\_sharks\\_and\\_rays](https://pir.sa.gov.au/fishing/sharks/recreational_fishing_for_sharks_and_rays)*

*What is important about the restriction in South Australia is that they have been*

*implemented at a state level through the governing state fisheries legislation. Recfishwest believe any regulations governing fishing should be pursued through state legislation rather than via local laws and this includes any efforts by the Town of Cottesloe to prevent the capture of large sharks. I have attached a copy of our Position on this matter."*

#### **OFFICER COMMENT**

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

- The catching of sharks can often be an unintended consequence of other recreational fishing (and particularly during the seasons when large numbers of tailor, salmon and other species are prevalent) which can be used as a defence; and
  - Those fisherpersons who choose to target sharks generally do so in the late hours of the evening or in the early morning when the beaches are not regularly patrolled.
- )] In addition to these compliance challenges, there are also other considerations that might be preferable to a purely legislative and Ranger patrol based solution, namely:
- The use of CCTV and selective/strategic physical patrols would be hoped to be a more cost effective method of control. Also, a more strategic approach should lower the risk potential of staff being placed in an unsafe environment; and
  - The installation of the shark barrier (in position from early November 2019 for each summer period into the future) will eliminate the risk for swimmers in that precinct.

It is suggested that the local law amendment process be deferred in light of the installation of the shark barrier and that beachgoers be encouraged to utilise the swimming area inside of the shark barrier area where that is practical. In addition, that costs be sought (for consideration as part of the 2020/21 budget) for the installation of CCTV and additional staff hours for a selective/strategic patrol program, to provide the resources necessary to discourage as best as possible, the practice of shark fishing along Cottesloe beaches. Several cameras at and between the Groyne and North Cottesloe Beach is considered to be the most likely precinct area where cameras would be beneficial.

#### **VOTING REQUIREMENT**

Simple Majority

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

Moved Cr Young

Seconded Cr Barrett

**THAT Council:**

1. **NOTES the community feedback on the proposed local law amendment, and the recent installation of the shark barrier for Cottesloe Beach;**
2. **Agrees to DEFER the amendment process for the Beaches and Beach Reserve Local Law in favour of the alternative control mechanisms; and**

3. Requests that costs be sought (for its consideration as part of the 2020/21 budget) for the selective installation of additional CCTV coverage along the beach areas of the Town, plus an estimate of additional staff/contractor hours for a limited “as required” additional patrol program.

Carried 9/0

**10.1.6 COMMUNITY ENGAGEMENT POLICY AND GUIDELINES 2019**

<b>File Ref:</b>	<b>SUB/2798</b>
<b>Attachments:</b>	<b>10.1.6(a) Draft Community Engagement Policy and Guidelines 2019 [under separate cover]</b>
	<b>10.1.6(b) Community Feedback - Draft Community Engagement Policy and Guidelines 2019 [under separate cover]</b>
<b>Responsible Officer:</b>	<b>Neil Hartley, Acting Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Ann-Marie Donkin, Governance Officer</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**SUMMARY**

The Community Engagement Policy and Guidelines 2019 were developed in conjunction with an Engagement Training and Policy Review workshop which was conducted in November 2018 by consultants Wicked Strategies.

The Policy has been advertised for public comment and Council now has the opportunity to view that comment and make a final decision on the make-up of the policy.

**BACKGROUND**

The Community Engagement Policy and Guidelines 2019 were developed in conjunction with an Engagement Training and Policy Review workshop which was conducted in November 2018 by consultants Wicked Strategies.

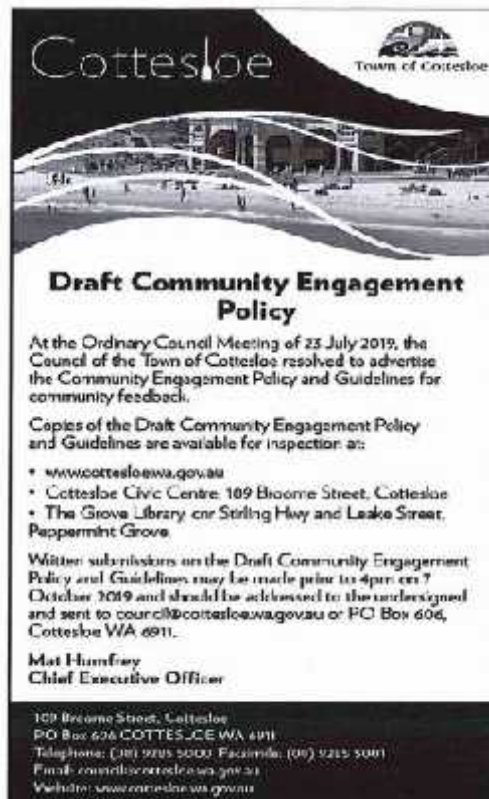
Following the workshop recommendations were received from the consultants and a revision was undertaken of the Community Consultation Policy with the following key recommendations applied:

- )] The Policy is based on the International Association of Public Participation (IAP2) Spectrum, core values and ethics, and noted as such in the policy;
- )] That the term 'Community Consultation' is replaced with 'Community Engagement' to reflect accepted industry language and IAP2 practice; and
- )] The Introduction or Aim is expanded to reflect the Purpose of the Policy and encompass references to decision making, organisational culture and legislation.

The draft Community Engagement Policy was presented to Elected Members at the Briefing Forum held 7 May 2019 for feedback. The IAP2 Public Participation Spectrum was subsequently included in the Policy and that the Submission Template included in the Policy Guidelines and Procedures. The amended draft policy was then presented to Council on 23 July 2019 where it resolved to advertise the Community Engagement Policy and Guidelines 2019 for community feedback.

Advertising, public notices and notifications on the Town's website were issued (see example below) opening the invitation for public submissions from 16 September 2019 to 7 October 2019.





## STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

## POLICY IMPLICATIONS

The proposal is to adopt a Community Engagement Policy and Guidelines policy.

## STATUTORY ENVIRONMENT

*Local Government Act 1995* – Section 2.7(2)(a) (Role of council) outlines that one of the roles of a local government Council is to determine the local government's policies.

At the time the Policy went out to the community for feedback, a table referencing the minimum requirements of the *Local Government Act 1995* relating to minimum notification requirements (Local Public and Statewide) had not been included, due to the Act being under review.

Since the development of this policy the *Local Government Legislation Amendment Act 2019* has received Royal Assent with some amendments taking effect immediately. Related to this policy are the amendments to public notices.

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

**STAFFING IMPLICATIONS**

The process of community engagement is very employee resource intensive. Community engagement is however, incorporated into the Town's resource levels, so resourcing should not be impacted. An exception would be where sizeable or complex projects are being progressed, in which case additional resourcing is likely to be warranted.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

- )] Elected Members
- )] Community

**OFFICER COMMENT**

At the close of the consultation period, 4pm 7 October 2019, two submissions had been received.

The respondents' feedback has been collated into a table with the officer's responses and is attached for the Council's consideration.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

That Council:

1. Note the community submissions received and thank the respondents for their contributions;
2. ADOPT the Community Engagement Policy and Guidelines; and
3. SET a review period for the Community Engagement Policy (and Guidelines) of two years.

**COUNCILLOR MOTION**

**Moved Cr Young**

**Seconded Cr Harkins**

That Council:

1. NOTES the community submissions received and thank the respondents for their contribution;

2. ADOPTS the Community Engagement Policy and Guidelines subject to the following changes:
- i. Amend the 2<sup>nd</sup> row of the matrix under para 3, Communication Tools, as shown in red, below:

<p>Cottesloe Council News and other Council communications:</p> <ul style="list-style-type: none"> <li>▪ Social media</li> <li>▪ Mayor’s newsletter</li> <li>▪ Email database</li> </ul>	<p>Cottesloe Council News is the regular publication of Council, published in the local Press. It can carry articles on a policy or issue. If it is used for community engagement, then the article must inform and encourage feedback.</p> <p>The Mayor’s newsletter is an important means of advising the community about the matter under consultation and how the community might have input.</p> <p>The Town’s email database is an important vehicle to communicate with engaged residents and ratepayers on issues concerning the Town.</p>
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- ii. Amend the third Column and add a new fourth column in the Community Engagement – Communication Matrix at 3.1 as shown in red, below:

Mayor’s News letter	Town’s Email database
1	1
2	2
2	2
1	1
1	1
1	1

3. SETS a review period for the Community Engagement Policy (and Guidelines) of two years.

**COUNCILLOR AMENDMENT**

Moved Cr Sadler

Seconded Cr Tucak

Amendment to 4.1 on page 9

**4.1 Wherever the Act prescribes community consultation, the Town will**

- ) Ensure community has a variety of accessible ways in which to provide their feedback
- ) Keep community informed about the process
- ) Acknowledge community concerns and expectations
- ) Thank and provide summary feedback to residents via press release and email newsletter
- ) Provide the community with how public input influenced the decision
- ) Thank and provide summary feedback direct to consultation participants where contact details are available.

Carried 9/0

**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

That Council:

1. NOTES the community submissions received and thank the respondents for their contribution;
2. ADOPTS the Community Engagement Policy and Guidelines subject to the following changes:
  - i. Amend the 2<sup>nd</sup> row of the matrix under para 3, Communication Tools, as shown in red, below:

<p><b>Cottesloe Council News and other Council communications:</b></p> <ul style="list-style-type: none"> <li>▪ Social media</li> <li>▪ Mayor’s newsletter</li> <li>▪ Email database</li> </ul>	<p>Cottesloe Council News is the regular publication of Council, published in the local Press. It can carry articles on a policy or issue. If it is used for community engagement, then the article must inform and encourage feedback.</p> <p>The Mayor’s newsletter is an important means of advising the community about the matter under consultation and how the community might have</p>
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	<p>input.</p> <p>The Town’s email database is an important vehicle to communicate with engaged residents and ratepayers on issues concerning the Town.</p>
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- ii. Amend the third Column and add a new fourth column in the Community Engagement – Communication Matrix at 3.1 as shown in red, below:

Mayor’s News letter	Town’s Email database
1	1
2	2
2	2
1	1
1	1
1	1

SETS a review period for the Community Engagement Policy (and Guidelines) of two years.

Amendment to 4.1 on page 9

**4.1 Wherever the Act prescribes community consultation, the Town will**

- ) Ensure community has a variety of accessible ways in which to provide their feedback
- ) Keep community informed about the process
- ) Acknowledge community concerns and expectations
- ) Thank and provide summary feedback to residents via press release and email newsletter
- ) Provide the community with how public input influenced the decision
- ) Thank and provide summary feedback direct to consultation participants where contact details are available.

Carried 9/0

**10.1.7 EVENT APPLICATION - COTTESLOE PARK RUN**

**File Ref:** SUB/2798  
**Attachments:** 10.1.7(a) Event Application, map and cover letter - Cottesloe Parkrun [under separate cover]  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Gabrielle Hall, Events Coordinator  
**Author Disclosure of Interest:** Nil

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.7 by virtue "members of that group are known to me."

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**SUMMARY**

This item was deferred from the October 2019 Council Meeting, to enable a review of the standard conditions, so that they better fitted a "multi-week" style event application.

Cottesloe Parkrun is seeking approval to host its running event at Cottesloe Beach on Wednesday, 25 December 2019 and each Saturday from 8.00am to 9.00am until June 2020.

Parkrun has been held in Cottesloe since 2014, however permits have not been issued since 2016 as the event did not comply with the Event and Facility Classification policy.

Cottesloe Parkrun has now been able to comply with the policy and officers suggest that the application be approved, and that the bond be waived for this application (with Parkrun being invited to apply for a 2020/21 Community Grant for the money required for the \$300 bond for its 2021/22+ event applications).

**BACKGROUND**

Cottesloe Parkrun is a free weekly five kilometre timed event for runners of all standards, which has been taking place every Saturday at 8:00am on Marine Parade, Cottesloe. There are currently 270 patrons participating.

It offers an opportunity for all the local community, male or female, young or old, to come together on a regular basis to enjoy and get physically active. Parkrun encourages people to jog or run together irrespective of their ability. Every week runners grab a post parkrun coffee in Cottesloe to chat to other runners and be a part of the running community.

Parkrun has been held in Cottesloe since 2014. Valid annual event permits were held by Cottesloe Parkrun in 2014 and 2015. Since 2016 however, annual permits have not been issued as the event did not comply with the Event and Facility Classification policy. Several conversations have been had with the organisers in an endeavour to resolve the barriers for it to attain a valid permit in accordance with the Town's policy.

**STRATEGIC IMPLICATIONS**

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

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

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

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

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

Major Strategy 1.11: Help families flourish and connect in Cottesloe.

## **POLICY IMPLICATIONS**

### **Beach Policy**

Thought has been given to the following beach policy items: consideration of how timing, location and activities may affect other beach users and residents and 'using discretion to ensure that the prime usage of Cottesloe and North Cottesloe beaches remains passive recreation.' As this is a weekly event, this could adversely impact other beach and beach path users, which is not consistent with the intended outcomes of the Beach Policy.

### **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 Buildings) Regulations 1992*

*Food Act 2008*

*Town's Health Local Law 1997*

*Health (Miscellaneous Provisions) Act 1911*

*Environmental Protection (Noise) Regulations 1997*

## **FINANCIAL IMPLICATIONS**

These figures are broken down as stated in the 2019/20 Schedule of Fees and Charges, Beach Community event with under 500 patrons;

Bond            \$300.00, per event

Hire            \$80.00, per hour per event

Cottesloe Parkrun, on behalf of Parkrun Australia request the above fees are waived.

## **STAFFING IMPLICATIONS**

Outside of the normally expected event/administrative requirements, there are no unduly burdensome staffing implications arising from the officer's recommendation.

## **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Town of Cottesloe

Cottesloe Parkrun

Parkrun Australia Inc.

Cottesloe Surf Life Saving Club

Indiana Tea House

**OFFICER COMMENT**

Parkrun has been held on a weekly basis in Cottesloe since 2014. In the 2014/15 budget Cottesloe Parkrun were awarded a community grant for \$5000 which funded the start up of Cottesloe Parkrun.

The Christmas Day event has been formally applied for through the event application process since 2015 and has received approval each year. There was however, no Christmas Day event in 2018.

The necessary insurance documents have been received from Parkrun Australia with the Town of Cottesloe listed as an interested party.

As the event organisers have indicated that they would like the permit fee and bond waived, this item is required to be presented to Council for its consideration. Whilst the schedule of fees and charges outlines that for a 'Special event hire', the charitable bond is \$0 for beaches/reserves, it is rare for bonds to not be applied for most events, including for activities where the bond had not been applied in the past. Parkrun has specifically asked Council's consideration of a bond exemption, but approval would result in a rare exception to the existing standard.

Officers recommend that the bond be waived for this application but to ensure consistency of approach in regard to bonds (and eliminate the need for future Council reports seeking a bond waiver) that Parkrun be invited to apply for a 2020/21 Community Grant for the money required for the bond (\$300). If the application is successful, those funds would then be held in Trust by the Town to be available for future Event Permit bonds.

It is also proposed that as the area sought for the park run is a public place, that no "guarantee of exclusive use" of Cottesloe Beach or paths be offered. To assist Parkrun in managing its event logistics in that regard, it will be advised to regularly visit the Town's website where public events are listed, so it is aware of any future third party events that might also be approved are taking place at the same time/location as its own.

The officer recommendation has been updated to reflect the approval being for a "multi-week" style event.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

THAT Council APPROVE the application to hold the Cottesloe Parkrun at Cottesloe Beach on

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Wednesday, 25 December 2019 and from 8:00am to 9:00am each Saturday until 30 June 2020, subject to the following conditions:

1. Class these events as a 'Community' events and waive both the standard hire charge (of \$80.00 per hour) and the bond (of \$300).
2. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the first event.
3. Provision at least one month prior to the first event (and one month prior to any future event requiring a modification to that plan) for the approval of the Chief Executive Officer, of a transport or parking plan and appropriate access/signage to and from the events.
4. Neighbouring properties to be notified of the events taking place, and provided with a mechanism to provide feedback about the event, if required. The events must not impede on normal Surf Life Saving activities at Cottesloe Beach.
5. All signage to be approved by the Chief Executive Officer one month prior to the first event (and one month prior to any future event where changes to pre-approved signage is proposed).
6. The events complying with all noise management conditions imposed on the events by the Town of Cottesloe.
7. Compliance with the Town's *Beaches and Beach Reserves Local Law 2012*.
8. Compliance with relevant sections of the Town's *Beach Policy*.
9. The events complying with all requirements of the:
  - Health (Public Buildings) Regulations 1992*
  - Food Act 2008*
  - Town's Health Local Law 1997*
  - Town's Liquor (Licensed Premises) Policy*
  - Health (Miscellaneous Provisions) Act 1911*
  - Environmental Protection (Noise) Regulations 1997*
10. No alcohol is to be served unless a valid licence or permit from the Department of Racing, Gaming and Liquor is provided to the Town prior to the event(s).
11. Adequate arrangements being made for rubbish removal and collection, including the provision for recycling.
12. The Applicant (including by directing any parties under their control or supervision) using its best endeavours to minimise waste and litter production from the events.
13. Single use plastics including without limit balloons, plastic bottles, plastic bags that have a thickness of 35 microns or less, plastic takeaway containers and lids, plastic

lined coffee cups/lids, plastic straws, plastic lolly sticks, plastic cutlery and single plastic wrapped lollies not being used by the Applicant (and any parties under its control or supervision) in setting up, during or in clearing up after the events.

14. That the events being non-smoking.
15. That the Western Metropolitan Regional Council 'H2O to Go' Water Station facilities are investigated for use at the events.
16. That the Western Metropolitan Regional Council Event Waste Minimisation Checklist being provided to the event organisers, who are to complete the checklist and return it to the Town after the events (with the aim of reducing the amount of plastics used at the events).
17. The provision of a Disability Access and Inclusion Plan to the Town prior to the first event occurring.
18. The Applicant acknowledging that Council provides no guarantee of exclusive use of Cottesloe Beach or paths as it is a public place and will be also available for future third party events.
19. Dual use paths and in situ equipment can only be used as an incidental part of the events and cannot be 'reserved' in any way. The events must also not impede on the general public's and beachgoers using the beachfront paths.

#### ADVICE NOTE

##### Public Events on Town's website

As Council provides no guarantee of exclusive use of Cottesloe Beach or paths (as it is a public place and will also be available for future third party events), to best manage its event logistics Parkrun is encouraged to regularly visit the Town's website where public events are listed, so it is aware of any future third party events that might also be approved and are to take place at the same time/location as its own.

##### No Balloons

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

##### Single Use Plastics Medical Exemption

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

##### Fish Habitat Protection Area (FHPA)

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

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

### COUNCILLOR MOTION

**Moved Cr Tucak**

**Seconded Cr Young**

THAT Council APPROVE the application to hold the Cottesloe Parkrun at Cottesloe Beach on Wednesday, 25 December 2019 and from 8:00am to 9:00am each Saturday until 30 June 2020, subject to the following conditions:

1. Class these events as a 'Community' events and waive both the standard hire charge (of \$80.00 per hour) and the bond (of \$300), subject to Applicant agreeing in writing to remediate or pay the cost of any damage arising out of each event that could have been deductible from such a bond.
2. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the first event.
3. Provision at least one month prior to the first event (and one month prior to any future event requiring a modification to that plan) for the approval of the Chief Executive Officer, of a transport or parking plan and appropriate access/signage to and from the events.
4. Neighbouring properties to be notified of the events taking place, and provided with a mechanism to provide feedback about the event, if required. The events must not impede on normal Surf Life Saving activities at Cottesloe Beach.
5. All signage to be approved by the Chief Executive Officer one month prior to the first event (and one month prior to any future event where changes to pre-approved signage is proposed).
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7. Compliance with the Town's *Beaches and Beach Reserves Local Law 2012*.
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  - Town's Liquor (Licensed Premises) Policy*
  - Health (Miscellaneous Provisions) Act 1911*
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11. Adequate arrangements being made for rubbish removal and collection, including the provision for recycling.
12. The Applicant (including by directing any parties under their control or supervision) using its best endeavours to minimise waste and litter production from the events.
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14. That the events being non-smoking.
15. That the Western Metropolitan Regional Council 'H2O to Go' Water Station facilities are investigated for use at the events.
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Lost 1/8

**OFFICER'S RECOMMENDATION COUNCIL RESOLUTION (FORESHADOWED)**

Moved Cr MacFarlane

Seconded Cr Sadler

**THAT Council APPROVE the application to hold the Cottesloe Parkrun at Cottesloe Beach on Wednesday, 25 December 2019 and from 8:00am to 9:00am each Saturday until 30 June 2020, subject to the following conditions:**

- 1. Class these events as a 'Community' events and waive both the standard hire charge (of \$80.00 per hour) and the bond (of \$300).**
- 2. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the first event.**
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9. The events complying with all requirements of the:
  - Health (Public Buildings) Regulations 1992*
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17. The provision of a Disability Access and Inclusion Plan to the Town prior to the first event occurring.
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**ADVICE NOTE****Public Events on Town's website**

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**No Balloons**

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**Single Use Plastics Medical Exemption**

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

**Fish Habitat Protection Area (FHPA)**

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Carried 9/0

**10.1.8 INSTALLATION OF FLOUR MILL RESIDENTS ONLY PARKING SIGNS - 14 ATHELSTAN STREET, COTTESLOE**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Freya Ayliffe, Manager Compliance and Regulatory Services  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is being asked to consider authorising the installation of 'Flour Mill resident parking only' signage adjacent to the paved parking bays located at 14 Athelstan Street, Cottesloe, for a trial period of six months only.

**BACKGROUND**

Numerous complaints have been received from residents of 14 Athelstan Street, Cottesloe (the Flour Mill Apartments) regarding vehicles parking in the parking bays adjacent to the apartments. The parking bays are located on Council's verge however, a search of the Town's records indicate that these bays were approved as part of the planning approval (the bays were included on the approved plans).

The complainants are alleging that;

- ⌋ Vehicles are parked in the parking bays for up to four weeks whilst neighbours are on holidays;
- ⌋ Commercial vehicles are regularly parked in the bays;
- ⌋ Persons' living in the street often park in the bays;
- ⌋ Neighbours use the bays to wash their vehicles and;
- ⌋ Neighbours park their vehicles in the bays over night when their own garages remain empty.

To alleviate the issue it is proposed that Council consider authorising the installation of 'Flour Mill resident parking only' signage adjacent to the paved parking bays outside 14 Athelstan Street, Cottesloe for a trial period of six months only.

Correspondence has been received from Smithwick Strata Services acting on behalf of the residents, requesting the signs be installed. The Strata Company has explored alternative measures, such as erecting signage on the building, however, the building is heritage listed, and so this would require planning approval and potentially heritage council approval also.

The Rangers have been liaising with both the owners and the Strata Management Company, and will continue to do so until a resolution is found.

**STRATEGIC IMPLICATIONS**

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

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

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

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

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

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

### **POLICY IMPLICATIONS**

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

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Town's Parking and Parking Facilities Local Law 2009*

### **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation, as the signs will be installed by the Town's Works Department.

### **STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer's recommendation as these works are usually undertaken by the Works Department.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

Manager of Engineering Services

Elected Members

### **OFFICER COMMENT**

Rangers have been monitoring the area regularly and have observed cars parked in the bays however, it should be noted that parking bays have rarely been full on most occasions. Should Council not support the installation of the parking signs for a trial period of six months only, Rangers will act on a 'complaint' basis and issue infringements where appropriate however, it should be noted that the Town's Rangers have many other duties and may not always be available to assist.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**Moved Cr Sadler**

**Seconded Cr MacFarlane**

THAT:

1. Council APPROVE the installation of 'Flour Mill resident parking only' signage adjacent to the paved parking bays outside 14 Athelstan Street, Cottesloe, for a trial period of six months only.
2. The outcome of the trial shall be presented to Elected Members within two months of the trial being completed.

**COUNCILLOR AMENDMENT**

**Moved Cr Harkins**

**Seconded Cr MacFarlane**

**That the word 'resident' be removed from point 1.**

**Carried 9/0**

**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

THAT:

1. Council APPROVE the installation of 'Flour Mill parking only' signage adjacent to the paved parking bays outside 14 Athelstan Street, Cottesloe, for a trial period of six months only.
2. The outcome of the trial shall be presented to Elected Members within two months of the trial being completed.

**Carried 9/0**

**ENGINEERING****10.1.9 PROPOSED NAMING OF RIGHT OF WAY (ROW) 36**

<b>File Ref:</b>	<b>SUB/2798</b>
<b>Attachments:</b>	<b>10.1.9(a) CONFIDENTIAL - Resident Petition - ROW 36 [under separate cover]</b>
	<b>10.1.9(b) CONFIDENTIAL - Resident Petition - ROW 36 [under separate cover]</b>
	<b>10.1.9(c) CONFIDENTIAL - Resident Submission - Richard Ledger - 22 Jarrad Street [under separate cover]</b>
	<b>10.1.9(d) CONFIDENTIAL - Resident Submission - Richard and Nancy Paterson - 4 Barsden Street [under separate cover]</b>
<b>Responsible Officer:</b>	<b>Shaun Kan, Manager, Engineering Services</b>
<b>Author:</b>	<b>David Lappan, Engineering Technical Officer</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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**SUMMARY**

Council is being asked to consider a request from a resident to have Right of Way (ROW) 36 named. The Administration has consulted with Landgate and recommends two alternative names being Indiana Lane and Dyer Lane, approved by the Nomenclature Committee for Council's consideration should "Jacks Other Lane or "Jacks Lane" not be supported by the State Government in the formal application process.

**BACKGROUND**

Right of Way (ROW) 36 currently comprises of two laneway sections. One runs in an east-west direction between Curtin Avenue and Barsden Street. The other orientates in a north-south alignment from Finey Street, meeting the first section at a T-intersection.

The map below shows the location along with the recommended names.



Currently, there is a replica Town of Cottesloe street sign carrying the name 'Jacks Other Lane' on the Barsden Street end of the east-west laneway. The bricked section of this laneway was previously privately owned but has since reverted to Crown Land, which is vested in the Town.

The Administration has no records of approving this name following the change but has been told by residents that this relates to Jack Hodge, who for several years has been voluntarily brick paving private laneways within the Town. We have also been informed that this sign was commissioned on 30 June 2019 at an unveiling ceremony attended by ROW 36 residents.

Given the existing name is unapproved, the Administration enquired with Landgate to see if it was likely to receive approval if requested. Landgate were not supportive of 'Jacks Other Lane' on the basis that this comprised of two names. Hodges Lane would also be very unlikely approved.

Two names, previously approved by the Nomenclature Committee, being Indiana Lane and Dyer Lane were then suggested. These comply with Landgate's 'Policies and Standards for Geographical Naming in Western Australia'. Preliminary assessment through the State Government's database has also deemed them acceptable.

### **STRATEGIC IMPLICATIONS**

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

Priority Area 5: Providing sustainable infrastructure and community amenities

Major Strategy 5.2: Manage assets that have a realisable value.

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

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

Major Strategy 1.4: Continue to improve community engagement.

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Landgate Policies and Standards for Geographical Naming in Western Australia*

**FINANCIAL IMPLICATIONS**

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

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

A confidential document of the feedback received from residents along ROW 36 including a petition has been attached. The table below summarises the submissions provided:

<b>Submission</b>	<b>Comment</b>
1	Retain Jacks other lane or no name
2	Retain Jacks other lane - petition signature
3	Retain Jacks other lane - petition signature
4	Retain Jacks other lane - petition signature
5	Retain Jacks other lane - petition signature
6	Retain Jacks other lane - petition signature
7	concerns over laneway ownership, concern over indiana name and restaurant name, significance of the name 'Dyer', want recognition of Jack Hodge's work

8	lane currently is named 'Jacks other lane', is Dyer jacks surname. Suggestion of Elsie Curtin, John Curtins wife
9	No Objection

Department of Planning, Lands and Heritage (Landgate).

#### OFFICER COMMENT

Whilst 'Jacks Other Lane' has not been supported by Landgate, the Administration will discuss further in an attempt to obtain the required approval. Other names that provide the same recognition will also be explored with the State Government. Regardless of the outcome, the Administration appreciates the efforts of Mr Hodges.

However, should support not be received from Landgate, alternative names will provide equivalent historical significance.

Elsie Lane was put forward as an alternative name, requested by residents due to the location of Curtin House adjacent to the east-west porting of ROW 36. Elsie Curtin (John Curtin's wife) was not supported as Landgate Geographical Naming Policy restricts the use of first names.

Residents also requested that only the north-south portion be named and the east-west remains un-named. Landgate has advised that due to the lane forming a T-junction that if one were to be named then both required naming.

#### Indiana

Indiana Tea House was erected by Miss Donovan in 1910. Several additions were completed over the years to the building that is now situated prominently along Cottesloe Main Beach.

#### Dyer

Returned and Service League of Australia record states:

*'Born at Williamstown, Sth Aust. CoE. Enlisted 8 September 1914 age 21, horse driver. Nok mother, Mrs S. Dyer of Napier St, Cottesloe. Embarked at Fremantle 2 November 1914 per A11 Ascanius. Served at Gallipoli 1915, Egypt 1916-1917. RTA November 1918 per SS Port Darwin. Service medals: 1914-1915 Star, BWM and VM. A 1967 letter gives Dyer's address as 18 Loma St, Cottesloe. Service medals: 1914-1915 Star, BWM and VM.'*

A formal submission will be made to Landgate enclosing the attached confidential resident petitions received during the consultation period for further consideration by the State Government authorities to retain "Jacks Other Lane" as the preferred name. Should this be unsuccessful, the Nomenclature pre-approved names supported by Landgate will then be submitted.

In the interest of emergency service response and given both lanes fall under one title, the recommendation is for both sections of the laneway to be named.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

That Council;

1. AUTHORISE the submission of Jack's Lane and Jack's Other Lane to Landgate for consideration as names for Right of Way 36; and
2. In the event that either name is not accepted, Authorise the submission of Indiana Lane and Dyer Lane as required.

**COUNCILLOR MOTION**

Moved Cr Harkins

Seconded Cr Harben

That Council:

1. Authorise the submission to Landgate of Jacks Lane for the North/South section of ROW 36.
2. In the event that this name is not accepted by Landgate, authorise the submission to Landgate for Indiana Lane for the North/South section of ROW 36.
3. Authorise the submission to Landgate of Dyer Lane for the East/West section of ROW 36.

Carried 7/2

Cr MacFarlane left the meeting at 6:47pm and returned at 6:49pm.

**10.1.10 BEACH CLEANING TENDER RECOMMENDATION**

**File Ref:** SUB/2798  
**Attachments:** 10.1.10(a) Beach cleaning tender assessment summary  
[CONFIDENTIAL] [UNDER SEPARATE COVER]  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Shaun Kan, Manager, Engineering Services  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Tenders were recently advertised for Beach Cleaning Services for mechanical litter picking along our coastline.

Council is asked to consider the submissions received, the analysis undertaken by the Administration and consider a recommendation to award the tender.

**BACKGROUND**

The Town requires a contractor to provide ongoing mechanical beach cleaning along the Cottesloe Coastline.

The Town of Cottesloe's Purchasing Policy objectives are to:

- )] Provide compliance with the *Local Government Act 1995* and the *Local Government Act (Functions and General) Regulations 1996*.
- )] Deliver a best practice approach to all purchasing arrangements for the Town of Cottesloe, and accompanying procedures to assist staff.
- )] Ensure consistency for all purchasing activities that integrate all of the Town of Cottesloe's operational areas.

Depending on the value of works, the administration either obtains quotes or seek tenders for individual works to comply with the Purchasing Policy.

However, many local governments, in order to provide an efficient, effective, economical and sustainable service to rate payers, procure through a public tender process to establish a fixed term contract with a supplier to provide the necessary goods and services. Bids received will be assessed against quantitative and qualitative criteria to ensure that competence and value for money outcomes are achieved by the preferred supplier.

The recommended contractor was identified through this process. Only one compliant tender was received through the process. The bid submitted was assessed accordingly.

A summary of the results are attached.

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

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**POLICY IMPLICATIONS**

The officer's recommendation is compliant with the Purchasing Policy. If the tender is awarded, it would be considered a preferred supplier for the purposes of the Purchasing Policy.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

Section 3.57(1) requires a Local Government to invite tenders before entering into a contract of a prescribed kind under which another person is to supply goods or services.

*Local Government (Functions and General) Regulations 1996*

Part 4 Division 2 – Tenders for Providing Goods and Services

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation with allowance being made within the approved maintenance budget to undertake the beach cleaning works.

**STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer's recommendation. Council's approval will improve staff efficiency and effectiveness with the option to utilise one sole supplier to deliver works within the contract scope.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There are no perceived sustainability implications arising from the officer's recommendation. This service will ensure that the beach is kept clean of litter, avoiding the pollution to our marine environment.

**CONSULTATION**

Town of Cottesloe Staff

**OFFICER COMMENT**

Due to the size of the tenders, one hard copy set is available for Elected Members to review at the Council office.

The single submission has been assessed against the Request for Tender Specifications and Selection Criteria.

Whilst only one bid was received, the recommended tenderer (refer to confidential attachment) has been determined to represent value for money as per the attached tender assessment. Further research by the Administration has found that the proponent is the only supplier within Western Australia that provides such a mechanical cleaning service.

Rates provided are competitive in comparison with the cost of other methods of cleaning previously obtained. Responses to the qualitative criteria have demonstrated potential to deliver high quality outcomes.

Reference checks indicate that the recommended contractor is a competent, professional and skilled company that have completed previous works to the highest standards with excellent consideration to council budgets and timeframes.

Whilst acceptance of the recommendation establishes a preferred supplier arrangement, there is no requirement to utilise the preferred supplier for all works and public tenders maybe advertised for projects should Council wish to do so.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Masarei**

**Seconded Cr Young**

**THAT Council**

- 1. APPROVE awarding the three year contract for Mechanical Beach Cleaning Services to the recommended tenderer.**
- 2. NOTES that this award will be under a preferred supplier arrangement and subject to the restrictions contained within the Purchasing Policy for such arrangements.**

**Carried 9/0**

**10.1.11 ADDITIONAL MOTORCYCLE BAYS AT OCEAN BEACH HOTEL CARPARK**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Shaun Kan, Manager, Engineering Services  
**Author:** Sukhbaj Brar, Engineering Technical Officer  
**Author Disclosure of Interest:** Nil

**SUMMARY**

The installation of an ACROD bay has resulted in the loss of motorcycle bays within the Ocean Beach Hotel (OBH) Carpark. Through a public member request, an opportunity has been identified for additional motorcycle parking bays to be installed within a restricted parking area on the north eastern corner of the carpark that compensates this loss.

Council is asked to approve conversion of the 'no stopping area' within the Ocean Beach Hotel carpark into motorcycle bays.

**BACKGROUND**

The ACROD bay was constructed in OBH car park to comply with contemporary disability access requirements. This design has incorporated adjacent motorcycle bays, thus reducing the available bays by two. This proposed change, shown in Figure one below, will compensate for that net loss.



Figure 1: Proposed location of new motorcycle bays

**STRATEGIC IMPLICATIONS**

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

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

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

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

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

Major Strategy 1.2: Continue working with licensed premises to manage noise, parking and anti-social behaviour.

### **POLICY IMPLICATIONS**

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

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

Parking and Parking Facilities Local Law 2009

### **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

### **STAFFING IMPLICATIONS**

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

The works will be completed by a linemarking contractor.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

Town of Cottesloe Staff

Elected Representatives

### **OFFICER COMMENT**

The conversion of the 'no stopping area' will cater for motorcycles which avoids the use of car bays by motorcycles. Parking has been restricted in the proposed area as its dimensions would be insufficient for a car bay but would abundantly cater for motorcycle parking without affecting the manoeuvrability of vehicles in adjacent lots.

### **VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

**Moved Cr Sadler**

**Seconded Cr Harkins**

**THAT Council APPROVES the conversion of the 'no stopping area' area shown in figure one within the Ocean Beach Hotel car park into motorcycle bays.**

**Carried 9/0**

**10.1.12 BEACH ACCESS PATH - ENDORSEMENT OF CONCEPT DESIGNS FOR PUBLIC CONSULTATION**

**File Ref:** SUB/2798  
**Attachments:** 10.1.12(a) Stair section [under separate cover]  
10.1.12(b) Concept design [under separate cover]  
10.1.12(c) Draft community engagement plan [under separate cover]  
**Responsible Officer:** Shaun Kan, Manager, Engineering Services  
**Author:** Sukhbaj Brar, Engineering Technical Officer  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council at the August 2019 Ordinary Meeting endorsed N4, S4 and S15 to be the priority paths for upgrade this financial year. Tim Davies Landscaping (TDL), our design consultants, have developed draft concepts based on the approved style guide principles, which are now ready for public consultation.

Council is asked to accept these concept designs for community consultation, noting that feedback received will be taken into consideration when developing the detailed design. The final construction plans and specifications will be brought back to Council for endorsement prior to advertising the tender to engage a contractor for the works.

**BACKGROUND**

\$420,000 has been allocated within the approved 2019/2020 budget for Beach Access Path Upgrades.

At the August 2019 Ordinary Council Meeting, following the completion of paths N6, N7, S10 and S12 in the 2018/2019 financial year, Council resolved for the next seven paths to be upgraded in the priority below:

1. N4 (North Cottesloe Surf Life Saving Club)
2. S15 (The Cove)
3. S4 (Wearne)
4. N9 (Vera View)
5. N2 (Van Eileen)
6. N8 (Birn)
7. S1 (Cables)

In August 2019, TDL was appointed to develop the design and have prepared concept designs for Council's acceptance for public consultation.

**STRATEGIC IMPLICATIONS**

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

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Priority Area 3: Enhancing beach access and the foreshore

Major Strategy 3.2: Continue to improve access to beach facilities.

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

Priority Area 5: Providing sustainable infrastructure and community amenities.

Major Strategy 5.2: Manage assets that have a realisable value.

### **POLICY IMPLICATIONS**

There are no perceived policy implications arising from the officer's recommendation. The works will be put out to open tender for a preferred contractor to be recommended for Council approval, in accordance with the Town's Purchasing Policy.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

Local Government Regulations 1996

### **FINANCIAL IMPLICATIONS**

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

### **STAFFING IMPLICATIONS**

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

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

An appropriate environmental management plan will be in place for all paths, particularly for S15 where works will be within the vicinity of rising and falling tides. All cutting of replas materials will be done off site and the tender specifications will place an emphasis on waste management onsite to ensure all debris and especially plastics are dispose off appropriately.

### **CONSULTATION**

Town of Cottesloe Staff

Elected Members

Public Consultation following Council acceptance of concepts

Cottesloe Coastcare

Department of Planning, Lands and Heritage

The Gidgup Family (S15) – due to the proximity of a significant site

**OFFICER COMMENT**

The design profiles for the paths are summarised as follows:

- )] S4 is directly opposite Gibney Street and utilised by residents of South Cottesloe. The upgrade will follow the current alignment and the intent would be to reuse the current timber stair frame that appears to be in a good condition. This avoids having to reinstall piers into rock foundations and will be further investigated by Structural Engineers.
- )] S15 is adjacent to the carpark at The Cove. The steps will follow the current alignment and built over the existing concrete steps. Such an approach has been certified by Structural Engineers and provides an ideal platform for the construction works. A viewing platform (at a point to be determined during detailed design) will provide a place for viewing the culturally significant site adjacent. The path leading to the Sundial Sculpture will also be removed.
- )] N4 are the access steps leading down from the shared path just below Barchetta to the beach and is used by North Cottesloe residents. The new path will be built over the existing concrete steps. This has been certified by Structural Engineers. Routine maintenance will be undertaken for the stairs to the east as part of the works.
- )] All existing threads will be replaced with a replas type material, similar to S10 and S12. This will be designed to meet Building Codes of Australia (BCA) standards
- )] All top of stairs area (Nodes) will be designed to include appropriate amenities

It is intended that public consultation will occur over the first two weeks of December 2019 prior to the Summer School Holidays between 2 and 20 December 2019. Feedback will be obtained by written submissions, the same approach adopted for developing the path designs for S10, S12, N6 and N7, instead of a structured survey questionnaire. An engagement plan detailing the process has been attached. Other stakeholders such as Barchetta Café, Long Board Club and the North Cottesloe Surf Life Saving Club will also be approached for feedback. The consultation will also be mentioned in the Monthly Mayoral Newsletter to ensure there is sufficient advertising coverage.

Comments received will then be taken into consideration when carrying out the detailed design. A summary of all feedback received and the lessons learnt register together with the construction plans and specifications will then be provided to the Public Open Space Working Group before presenting to Council for acceptance. The upgrade scheme for the three paths will then be put out to tender.

The construction is anticipated to occur in Autumn 2020 and is expected to be completed by the end of Winter 2020.

**VOTING REQUIREMENT**

Simple Majority



**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Sadler

Seconded Cr Harkins

**THAT Council:**

1. **ACCEPT** the following attached concept plans prepared by Tim Davies Landscaping for public consultation:
  - I. N4 – North Cottesloe Surf Life Saving Club;
  - II. S4 – Wearne;
  - III. S15 – The Cove.
2. **ACCEPT** the community engagement plan for wider public consultation through written submissions between 2 December 2019 and 20 December 2019.

Carried 9/0

**10.1.13 SHARED DEPOT CONSTRUCTION – BUDGET AMENDMENT**

**File Ref:** SUB/2798  
**Attachments:** 10.1.13(a) Total variations approved to date  
[CONFIDENTIAL] [UNDER SEPARATE COVER]  
**Responsible Officer:** Shaun Kan, Manager, Engineering Services  
**Author:** David Lappan, Engineering Technical Officer  
**Author Disclosure of Interest:** Nil

**SUMMARY**

Council accepted Building for Solution as the preferred builder for the construction of the Town's new depot facility. \$588,750 has been allocated to the project in the 2019/2020 financial year. The lease area and site layout has been illustrated in the above diagram.

Council is asked to approve a budget amendment of \$56,000 to the Shared Depot Project to cover the costs of unforeseen additional works required to complete the building. This will be funded through cost savings for the 2019/2020 Capital Works Program, such that no net change will occur to the adopted Engineering Services budget for this financial year.

**BACKGROUND**

Additional costs have been incurred from design changes required by the Town of Mosman Park to avoid the removal of five trees and unexpected rock encountered onsite during the earthworks. Additional miscellaneous components such as alarm systems and boundary fencing were still being determined at the time of tender and were not allowed for. A ten percent contingency originally requested by the Administration at the time of tender award was declined by Council. This would have covered the additional works required.

A budget amendment of \$56,000 will be required for this necessary expenditure. The Variation Register (confidential attachment) provides a detailed breakdown of the additional contract scope required to complete the works.

**STRATEGIC IMPLICATIONS**

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

Priority Area 4: Managing Development

Major Strategy 4.2: Consider undeveloped Government owned land for higher density development provided there is both public support and benefit for the Cottesloe community.

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

Priority Area 6: Providing open and accountable local governance.

Major Strategy 6.3: Implement technologies to enhance decision making, communication and service delivery.

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

A budget amendment of \$56,000 will be required for this necessary expenditure based on the financial summary below:

<b>A</b>	Approved Budget (2019/2020)	\$588,750.00
<b>B</b>	Total Expenditure to Date Including Commitments	\$569,870.28
<b>C</b>	<b>Budget Remaining (A-B)</b>	<b>\$18,879.72</b>
<b>D</b>	Total Variations Approved to Date (Refer to Confidential Attachment)	\$59,099.97
<b>E</b>	Allowance for Contingency to Project Completion	\$15,000.00
	<b>Additional Budget Required (C-D-E)</b>	<b>-\$55,220.25</b>

**STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer's recommendation. The works are being carried out by Solution for Buildings, the Council appointed contractor.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There are no perceived sustainability implications arising from the officer's recommendation. Avoiding the removal of five trees at the Town of Mosman Park's depot site is consistent with the principles of the Town of Cottesloe's Street Tree Policy.

**CONSULTATION**

Town of Cottesloe Staff

Town of Mosman Park Staff

Heritage Arborist

**OFFICER COMMENT**

To accelerate the completion of the Shared Depot Project and minimise the constraints on the Town's resources, a design and construct tender was advertised and awarded to Solution for Buildings. A concept plan within the Department of Lands approved agreement to lease and lease agreement accepted by both Councils was provided during tender. No geotechnical testing had been undertaken at that stage as such site verifications normally occur prior to or at detailed design.

Samples obtained by Solution for Buildings at various earthworks location had not identified significant tree roots and rocks. These were only found during construction excavation when areas surrounding the test bores had been exposed.

At the time, the decision was made for the rock to be removed in order to continue with constructing the approved structural footing plans. This would have been more cost effective than design modifications to mitigate this unforeseen risk.

Conversely, an engineering re-design of the north-eastern section of the workshop involving the relocation of retaining walls, changes to footing levels and floor layouts were required to avoid the removal of the five trees in this section. The ceiling height to this building was also reduced to offset the additional contract expenditure. Any other approach would have resulted in a delay cost probably in the same order of magnitude as being charged by the builder.

It would be important for Council to note that a building permit was issued by the Town of Mosman Park for the original single level workshop design. The design was revised at the request of the Town of Mosman Park to preserve good working relationships in addition to avoiding any detrimental effects to the surrounding trees within the leased area. As such, the additional cost incurred would be considered as latent conditions and out of scope under the lump sum contract awarded given these risks could not be reasonably foreseen at the time of tender.

Accordingly, the recommendation is for Council to approve a budget amendment of \$56,000 to cover these additional works and provide a contingency component for any other similar unforeseen risk to the end of the construction. Council is asked to note that the \$56,000 will be sourced through combined cost savings from the sundial sculpture refurbishment (account 45.9000.2), Civic Centre Air conditioner replacement (account 35.4050.2) and Indiana Toilets Electric Compliance (account 35.4130.2) projects within the Town's Capital Works Program as these works have either been completed or will be funded by an external source.

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION**

**Moved Cr Young**

**Seconded Cr MacFarlane**

THAT Council by absolute majority APPROVE The budget amendment of \$56,000 for Account 35.4122.2 – Town of Cottesloe Works Depot Construction from \$588,750 to \$644,750.

**COUNCILLOR AMENDMENT**

**Moved Cr Sadler**

**Seconded Cr Masarei**

**Add a point 2 as follows:**

**That Council requests the administration to pursue the Town of Mosman Park for a contribution in respect of the additional costs incurred due to the contract variation.**

**Carried 9/0**

**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

**That Council:**

- 1. By absolute majority APPROVE the budget amendment of \$56,000 for Account 35.4122.2 – Town of Cottesloe Works Depot Construction from \$588,750 to \$644,750.**
- 2. REQUESTS the administration to pursue the Town of Mosman Park for a contribution in respect of the additional costs incurred due to the contract variation.**

**Carried 8/1**

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**10.1.14 BIKE PLANNING COMMITTEE JULY AND AUGUST 2019 COMMITTEE RECOMMENDATIONS**

**File Ref:** SUB/2798  
**Attachments:** 10.1.14(a) Minutes - Bike Planning Committee 9 July 2019 [under separate cover]  
10.1.14(b) Minutes - Bike Planning Committee 13 August 2019 [under separate cover]  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Shaun Kan, Manager, Engineering Services  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

The Bike Planning Committee unanimously recommended the Marine Parade On Road Cycle Lane Trial and the Town's proposed Long Term Cycle Network (LTCN) for Council's approval at the respective July and August 2019 Committee Meetings.

The intent of the cycle lane trial would be to improve the safety of cyclist whilst sharing the road with other users. The LTCN adoption by Council allows the Administration to progress the strategy with the Department of Transport (DoT) for the State Government to consult residents on the draft network.

Council is asked to approve to the recommendations within the attached July and August 2019 Bike Planning Committee Minutes.

**BACKGROUND**

There have been a number of cyclist safety concerns raised along Marine Parade from either incidents or near misses with other road users along Marine Parade. In July 2019, the Bike Planning Committee identified the opportunity for an on road cycle lane trial following the completion of the road resurfacing along Marine Parade (Vera View Slow Point to North Street) that required the road to be re-line marked.

In August 2019, the Administration identified a draft LTCN based on the results from a resident route aspiration survey. The respondents' preferred primary, secondary and local hierarchy routes were discussed with DoT and were considered by the committee in recommending the proposed locations of the various classifications of paths to Council:

- )) Primary Routes – Marine Parade and Curtin Avenue
- )) Secondary Routes – Eric Street, Forrest Street (West of Curtin Avenue) and Napoleon Street
- )) Local Routes – Broome Street, Marmion Street (between North Street and Eric Street), Grant Street, Salvado Street, Railway Street and Pearse Street (including the Pedestrian Bridge over Stirling Highway)

The rationale behind this recommendation is detailed in the attached Committee Minutes.

Council is asked to approve the committee recommendations for both the LTCN and the linemarking trial along Marine Parade.

**STRATEGIC IMPLICATIONS**

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

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

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

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

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

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

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation. Co-contribution grant funding is available from the DoT. Applications will be made once the LTCN is finalised by the State Government.

**STAFFING IMPLICATIONS**

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

The works will be completed either by contractors or consultants.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There are no perceived sustainability implications arising from the officer's recommendation. Both projects will promote cycling as a sustainable option for travel.

**CONSULTATION**

Town of Cottesloe Staff

Elected Members

Cottesloe residents and the wider community

**OFFICER COMMENT**

Council's acceptance of the committee recommendations will allow the Administration to work with the DoT to develop a draft LTCN for further engagement with the community.

Application for jointly funded projects with the State Government will occur once the strategy is finalised. Similarly, the linemarking works can also be organised following the development of a plan for Main Roads Western Australia approval.

Further Officer comments associated with each item is detailed within the attached minutes for July and August 2019.

Accordingly, a recommendation has been made for Council to accept the recommendation of the community.

### **VOTING REQUIREMENT**

Simple Majority

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

Moved Cr Sadler

Seconded Cr Harkins

**THAT Council APPROVE the following Bike Planning Committee recommendations from the July and August 2019 Committee Meetings;**

- 1. Support the recommendations of GTA traffic engineering consultants for the road treatment on Marine Parade north of Vera View to be based on Safe Active Streets Design by using on road bike symbols to reflect a shared bike and car environment;**
- 2. Adopts an increased buffer width of 0.8 metres from the car bays to prevent 'dooring' (painted on the road);**
- 3. Develops a design strategy for all sections of marine Parade that provides a safety environment for cyclist to share the road with all road users;**
- 4. The following routes for submission to the Department of Transport to progress the Long Term Cycle Network for local community consultation:**
  - i. Primary routes being the PSP along the train line and Marine Parade;**
  - ii. Secondary routes being Eric St, Forrest St (west of Curtin) and Napoleon St;**
  - iii. Local routes as being Broome St, Marmion St (Eric St to North St), Grant St, Salvado St, Railway St and Pearse St including the pedestrian bridge.**
  - iv. Town of Cottesloe identified wayfinding routes as being MacArthur and Napier St.**
- 5. That prior to going out to the community consultation referred to in point four, the administration prepares an engagement plan consistent with the Town's Engagement Policy outlining the consultation process for Council's approval.**
- 6. THAT Council NOTES the above recommendations have been unanimously supported by the Bike Planning Committee.**

Carried 9/0



**10.1.15 STREET TREE REMOVAL REQUEST - 63 ERIC STREET COTTESLOE**

**File Ref:** SUB/2798  
**Attachments:** 10.1.15(a) Minutes - Item 10.1.5 OCM 24 April 2018 [under separate cover]  
10.1.15(b) Minutes - Item 10.1.11 - OCM 23 July 2019 [under separate cover]  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Mat Humfrey, Chief Executive Officer  
**Author Disclosure of Interest:** Nil

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.15 "a member of that family is known to me."

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**SUMMARY**

This matter was last considered by Council at the July 2019 Ordinary Council Meeting. It was deferred to allow for further information to be provided by the Administration in relation to the damages caused by the roots.

The information previously requested is detailed within this report and Council is asked to re-consider the request for the removal of a Norfolk Island Pine Tree located in the verge adjacent to 63 Eric Street, Cottesloe.

**BACKGROUND**

In March 2018, the resident of 63 Eric Street requested for the removal of a Norfolk Island Pine verge tree to avoid further property wall damage by roots and at the same time allow sunlight into their home.

At the Ordinary Council Meeting of 24 April 2018, Council resolved as follows;

*COUNCILLOR MOTION*

*That Council authorise the owner/s of 63 Eric St to liaise with The Arbor centre to arrange for the removal (for transplanting) of the Norfolk Island Pine on the verge, as identified on page 24 (OCM Agenda) of the officer report.*

*PROCEDURAL MOTION*

*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.*

At the Ordinary Council Meeting of 24 April 2018, Council resolved as follows;

*COUNCILLOR MOTION AND COUNCIL RESOLUTION*

*That Council defers consideration of this item pending an updated report by the Administration to deal with:*

- 1. Details of remedial work taken to date (and cost) to contain the root system of the Norfolk Island Pine to the southern side of the verge at 63 Eric St (the NIP) in*

*order to prevent damage to the brick paving, front boundary wall and gates at the property;*

2. *Details of further remedial work anticipated in future (and cost) to contain the root system of the NIP to prevent further damage to the property at 63 Eric St;*
3. *Whether the Town's insurance policy will cover for any potential liability to make good property damage to 63 Eric St caused by the NIP; and*
4. *Details of the work that would be involved in making good the damage caused by the NIP, the program for proposed work and the anticipated future cost of steps required to ensure that the damage does not recur.*
5. *Options to relocate the NIP to a location within Cottesloe (for example the PSP route, adjacent to the rail reserve or west North Cottesloe Primary School), including likely cost and timeframes.*

Both full reports can be found in attachment 1.

The reports, in summary provided the following points:

- The Town initially received a complaint from the owner of 63 Eric Street that the trees roots were damaging their wall. Following a report from an arborist, the trees roots were trimmed;
- As officers formed the view that the tree was not dead, dying or dangerous, it was not recommended for removal.

### **STRATEGIC IMPLICATIONS**

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

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

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

### **POLICY IMPLICATIONS**

The Street Tree Policy has guided the recommendation for this item.

In particular, section 4.5 states;

#### *4.5 Tree Removal*

*The Town of Cottesloe is responsible for the removal of street trees. Unauthorised tree removal of any street tree is not permitted. The Council prioritises street tree retention and removal is only considered when no other reasonable alternative exists or has been exhausted. In the improbable occasion that no reasonable alternative exists, tree removal must be approved by Council*

*Notwithstanding the above, the Manager of Engineering Services can authorise the removal when a street tree is:*

- a. *Certified by a suitably qualified arborist as dead, damaged, post mature and diseased, or in decline and no further remedial techniques are appropriate.*

- b. Certified by a suitably qualified arborist as a noxious street tree or classified as an invasive weed, and found on the Cottesloe Coastcare website <https://cottesloecoastcare.org/dir/weeds>.*
- c. Causing significant damage to property or public utilities and the cost of ongoing remedial works becomes uneconomic, and there is no further alternative solution.*
- d. Causing an immediate safety hazard to the public.*
- e. Certified by a suitably qualified arborist as structurally unsound.*
- f. Unauthorised street tree (subjected to section 4.4 of the Street Tree Policy).*
- g. Has been affected by infrastructure works and the tree cannot be retained.*
- h. Identified within a property development plan that has been approved by Council.*

*The replacement trees must be of an appropriate size and species as determined by the Town of Cottesloe.*

As the tree in questions does not fit the criteria outlined above, it is not recommended for removal at this time.

The policy also lists the following as reasons that a tree removal request not be supported;

*The following do not justify the removal of street trees:*

- a. Tree litter/leaf fall ('messy' tree)*
- b. Restoration of a view*
- c. Alternative street tree requested by resident as planted species, shape or structure is disliked*
- d. In the way of verge development or a desire to re-landscape*
- e. House alterations requiring crossover relocation*
- f. Swimming pool installation – root or falling leaf problems*
- g. Large in size and perceived to be inappropriate for the location*
- h. Attracts birdlife or other fauna*
- i. Inconvenience during development works*
- j. Shading of lawns, pools etc.*
- k. Produces natural debris, which includes the dropping of leaf, flowers, fruit, nuts, bark, etc.*
- l. Perceived as dangerous or that a tree might fall in a storm*
- m. Causes health and allergy related issues*

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Street Tree Policy*

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**FINANCIAL IMPLICATIONS**

There are no perceived financial implications arising from the officer's recommendation. The cost of such works has been allowed for within the Town's tree maintenance budgets. The owner has previously offered to remunerate for the removal.

**STAFFING IMPLICATIONS**

There are no perceived staffing implications arising from the officer's recommendation. The works will be carried out by a qualified arborist.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

There are no environmental sustainability implications arising from the officer's recommendation. If it were resolved to remove the tree, there would be a resulting loss of canopy in the immediate area.

**CONSULTATION**

Town of Cottesloe Staff

Elected Members

Professional Tree Surgeons Arborist

**OFFICER COMMENT**

The original officer recommendation, as noted above, was that in light of the policy that the tree not be removed. If the wall at the front of the property is again damaged by tree roots, the cost of repairing the wall is able to be justified given the size and age of the tree in question. Any subsequent repair costs are not likely to be covered by the Town's insurers.

It should be noted by Council that the number of trees, and the impact on northern light, is not unique and there are other comparable examples close by. While the Town would not plant trees in this configuration now, there is no part of the Street Policy that allows this tree to be recommended for removal. This would be a decision for Council.

The Town's records show that the only works undertaken to date were at a cost of \$770 when an Arborist was engaged around February 2018 to prune the roots of this tree to avoid further damage to the property by its roots. This preventive measure would be required bi-annually at approximately the same cost.

Whilst installation of a concrete root barrier could be a solution, advice from the Arborist that viewed the extent, size and depth of the roots during the trimming suggests that this would only be short term and the structure would need to be installed up to five metres below the existing ground level.

Depending on the advice of a Structural Engineer, the property repair works could range from simple crack repairs to a full reconstruction of the wall. Patching of existing damages could take up to a month to complete whilst a rebuild would be in the order of three to six months. However, such cost could be referred to the Town's insurers for further investigation to determine whether this would be covered under our policy. An application

will be lodged once Council reaches a decision. If the tree is allowed to remain, it is likely that any future repairs will not be covered by the Town's current policies.

If Council were to consider granting the request for the tree to be removed, it should consider conditions that require the tree to be transplanted (if suitable) to a location within Cottesloe, or a replacement tree(s) to be provided within the immediate area.

It would be important to note that there has only been one transplant previously carried out within the Town. However, the tree failed to survive at its new location despite being provided with special care over a two year period by an Arborist. The approximate cost of transplanting would be in the order of \$20,000 and could take up to five months to complete. Such cost is equivalent to:

- )) Planting around 50 Norfolk Island Pine Trees of a considerable size to ensure that canopy cover in the area is maintained; and
- )) Applying the root cutting preventive measure approach for an anticipated period over forty years.

As a guide, a total of 15 Norfolk Island Pines Trees were planted at a cost of \$3000 along Broome Street in the 2019 planting season.

Given the parameters above and the approved Street Tree Policy provisions, the only recommendation that can be made to Council is to decline the request and approve the continuation with the preventive measure at this location. Council can resolve for the Administration to do otherwise should elected members wish to do so as a solution to the ongoing nuisance caused by the tree.

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER RECOMMENDATION**

That Council:

1. DECLINE the request to remove the Norfolk Island Pine adjacent to 63 Eric Street;
2. NOTES that should Point One be accepted the Administration will continue with the root pruning preventive measure and other repairs as required.

#### **COUNCILLOR MOTION**

**Moved Cr MacFarlane**

**Seconded Cr Young**

That Council:

1. APPROVES the removal of the Norfolk Island Pine on the verge adjacent to 63 Eric St, with the felling and root grinding works to be carried out by and at the expense of the Town, subject to the Administration obtaining agreement of the Owners of the property that the repair and/or replacement of the brick wall and gates at the property shall be at the Owners' expense.
2. Acknowledges that removal is approved because of the risk of the root growth

contributing to a loss of structural integrity to the wall and gates, potentially rendering the structure unsafe, and the cost of ongoing remedial work to the tree would be uneconomic.

**PROCEDURAL MOTION****Moved Cr Young****Seconded Cr Masarei**

**That this item be considered in a closed meeting due to issues of potential legal advice that could be required.**

**Carried 9/0**

*The public and members of the media were requested to leave the meeting at 7:15pm.*

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

- 1. APPROVES the removal of the Norfolk Island Pine on the verge adjacent to 63 Eric St, with the felling and root grinding works to be carried out by and at the expense of the Town, subject to the Administration obtaining agreement of the Owners of the property that the repair and/or replacement of the brick wall and gates at the property shall be at the Owners' expense.**
- 2. Acknowledges that removal is approved because of the risk of the root growth contributing to a loss of structural integrity to the wall and gates, potentially rendering the structure unsafe, and the cost of ongoing remedial work to the tree would be uneconomic.**

**Carried 8/1**

**For: Mayor Angers, Crs Young, Harben, Masarei, Harkins, Tucak, Barrett and MacFarlane  
Against: Cr Sadler**

**PROCEDURAL MOTION****Moved Mayor Angers****Seconded Cr Young**

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

**Carried 8/0**

*The public and members of the media returned to the meeting at 7:15pm.*

Cr Masarei left the meeting at 7:15pm.

Cr Masarei returned to the meeting at 7:16pm.

The resolution for item 10.1.15 was read aloud by the Chief Executive Officer.

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**10.1.16 PUBLIC OPEN SPACE AND PLAYGROUND STRATEGY - COMMUNITY CONSULTATION FEEDBACK**

<b>File Ref:</b>	<b>SUB/2798</b>
<b>Attachments:</b>	<b>10.1.16(a) POS Working group Meeting minutes</b>
	<b>10.1.16(b) POS and Playground Strategy Consultation Outcomes Report [under separate cover]</b>
	<b>10.1.16(c) POS and Playground Strategy [under separate cover]</b>
	<b>10.1.16(d) POS and Playground Strategy Appendix A [under separate cover]</b>
	<b>10.1.16(e) POS and Playground Strategy Appendix B [under separate cover]</b>
<b>Responsible Officer:</b>	<b>Shaun Kan, Manager, Engineering Services</b>
<b>Author:</b>	<b>Sukhbaj Brar, Engineering Technical Officer</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

Cr Young declared a PROXIMITY INTEREST in item 10.1.16 by virtue "the public open space and playgrounds strategy as it deals with the ordering of priorities of public open spaces and reserves and I live opposite Jasper Green Reserve."

Cr Tucak declared an PROXIMITY INTEREST in item 10.1.16 by virtue "I live adjacent to one of the parks mentioned in the report."

Crs Young and Tucak left the meeting at 7:22 pm.

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**SUMMARY**

The Town has completed the community consultation on the Public Open Space (POS) and Playground Strategy. This framework provides guidance around playground installation and upgrade within the Town's reserves, parks and playgrounds.

Council is asked to approve the proposed playground upgrade priorities for the project to progress into detailed design and implementation. This recommendation is based on information obtained through the attached community survey, consultant's report and advice from the Public Open Space Working Group.

**BACKGROUND**

At the August 2019 Council meeting, the Council accepted the UDLA POS and Playground Strategy for community consultation. The engagement occurred between 7 and 30 September 2019. Feedback was provided through a structured survey that included an option for additional comments to be submitted. A total of 166 responses were received over the consultation period. The officer's recommendation was reached based on careful consideration of community aspirations, specialist studies and engagement with the Public Open Space Working Group.

**STRATEGIC IMPLICATIONS**

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

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

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

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

Priority Area 5: Providing sustainable infrastructure and community amenities.

Major Strategy 5.5: Develop a long term asset management plan.

### **POLICY IMPLICATIONS**

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

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government Regulations 1996*

### **FINANCIAL IMPLICATIONS**

\$420,000 has been allocated to Public Open Space and Playground upgrade in the 2019/2020 financial year.

An order of magnitude estimate for the upgrade needs for each playground, prepared by UDLA, is attached with the report. This information combined with the asset condition rating will be used to prioritise the playground upgrades within our long term financial plan.

### **STAFFING IMPLICATIONS**

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

The detail design and implementation will be completed by either a consultant or a contractor. There are teams within our current structure that have the required skills for the installation works should this be required.

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

Town of Cottesloe Staff

Community consultation

Public Open Space Working group

Elected Members

### **OFFICER COMMENT**

The recommendation made was based on the key findings within the strategy and public feedback received. It delivers a balance between community aspirations and affordability,

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the two main competing factors. Such an approach ensures value for money outcomes are achieved when delivering the prioritised upgrade to our existing playgrounds.

- )] UDLA Consultants- Developed the POS and Playground Strategy identifying what the community needs.
- )] Community – Through a consultation process has informed the Town of their aspirations (what they want) based on the findings of the UDLA strategy.
- )] The Administration – In collaboration with the POS Working Group, carefully considered the UDLA strategy findings and community feedback to develop an affordable upgrade priority list such that this achieves a balance amongst competing factors, delivering best value outcomes.

Priority	UDLA Consultants	Community	Administration
1	Dutch Inn	Cottesloe Main Beach	Dutch Inn Reserve
2	Cottesloe Main Beach	Grant Marine Park	Purple Dinosaur and Railway & Albion Park
3	Purple Dinosaur	Civic Centre	Grant Marine Park
4	Vlamingh Memorial	Harvey Fields	Jasper Green
5	Civic Centre	Purple Dinosaur	Andrews Place
6	Railway and Albion	Dutch Inn Reserve	Civic Centre
7	Grant Marine Park	Jasper Green	Cottesloe Main Beach
8	Harvey Field	Railway and Albion	Harvey Fields
9	Jasper Green	Andrews Place	Vlamingh Memorial
10	Andrew’s Place	Vlamingh Memorial	

Dutch Inn Reserve is the highest priority identified by both the Administration and the UDLA strategy for safety reasons due to location conflicts with adjacent marine sports.

Purple dinosaur playground located along Railway Street currently has no play equipment within. The upgrade to this facility will provide the much needed second playground within the Cottesloe catchment east of the railway line, and may be able to be linked to a second playground nearby, which will increase the return on investment.

Cottesloe Main Beach, Harvey Fields and Vlamingh Memorial have been placed on a lower order as these parks have been considered under separate studies such as the Foreshore Masterplan, Recreation Precinct and the Vlamingh Nature Playscape.

The remaining playgrounds have been ranked predominantly based on community aspirations and equipment condition. The lower order playgrounds not covered by other studies will be included within the Town's Asset Management Plan and program for upgrade to the concepts proposed within the UDLA strategy when they either reach their end of life or start showing signs of deterioration beyond repair.

At a recent workshop with the POS Working Group there was strong support for both Albion Park and the Purple Dinosaur Playground to be integrated as one major facility along Railway Street. The design vision of the working group would be to incorporate a junior cycle and pump track that creates an area for children and youths of all ages. Whilst previous community feedback concurs and the Administration agrees with the aspiration, this would need to be built in stages over several years based on space activation principles and to ensure such investments are affordable.

Council is asked to note that the community has not been consulted on such an approach. Notwithstanding this and recognising that engagement feedback is only information that guides the decision making process, elected members can resolve for options and associated cost estimate to be developed first for further consideration before settling on a final concept for both these playgrounds along Railway Street. Council should they wish to do so at a separate Ordinary Council Meeting can then either ask the Administration to consult with the public or progress the preferred option through to detailed design and construction.

The POS Working Group Meeting Minutes have been attached to supplement the officer's comments.

In the meanwhile, it is recommended that the Dutch Inn playground proceed to detailed design and implementation for the 2019/2020 financial year.

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER RECOMMENDATION**

THAT Council:

1. Thanks the survey participants and the community for taking the time to provide feedback on the POS and Playground Strategy;
2. APPROVES the following playground upgrade priorities as follows:
  - a. Priority One – Dutch Inn Reserve;
  - b. Priority Two – Integration of Purple Dinosaur and Railway and Albion Park;
  - c. Priority Three - Grant Marine Park;
  - d. Priority Four - Jasper Green;
  - e. Priority Five - Andrews Place;
  - f. Priority Six – Civic Centre;
  - g. Priority Seven – Cottesloe Main Beach;

- h. Priority Eight – Harvey Fields;
  - i. Priority Nine - Vlamingh Memorial;
3. NOTES that subject to the approval of point 1, priority 1 in point 1(a) will commence in the 2019/2020 financial year;
4. NOTES that options to integrate two playgrounds would need to be developed for priority two in point 1(b) for public consultation.

**COUNCILLOR MOTION****Moved Cr Harkins****Seconded Cr Sadler****That Council:**

1. **Thanks the survey participants and the community for taking the time to provide feedback on the Public Open Space and the Playground Strategy.**
2. **Approves the following playground upgrade priorities as follows:**
  - a. **Priority One - Dutch Inn Reserve**
  - b. **Priority Two - Purple Dinosaur and Railway and Albion Park - Integration**
  - c. **Priority Three - Grant Marine**
  - d. **Priority Four - Civic Centre**
  - e. **Priority Five - Jasper Green**
  - f. **Priority Six - Andrews Place**
- Z **Cottesloe Main Beach playground upgrade will be incorporated into the Foreshore Masterplan**
- Z **Harvey Field playground upgrade will be incorporated into the Recreation Precinct Masterplan**
- Z **Vlamingh memorial is being carried out by Cottesloe CoastCare**
3. **Notes that subject to the approval of point 2, Priority One in point 2(a) will commence in the 2019/2020 financial year and others to follow as soon as possible.**
4. **Notes that designs to integrate the two playgrounds in Priority Two in point 2 (b) would need to be released for public consultation following consultation with the Public Open Space Working Group.**

**Carried 8/0**

Crs Young and Tucak returned to the meeting at 7:22pm.

**FINANCE****10.1.17 BAD DEBT WRITE OFF FOR INFRINGEMENT DEBTORS**

**File Ref:** SUB/2798  
**Attachments:** Nil  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Wayne Richards, Finance Manager  
**Author Disclosure of Interest:** Nil

**SUMMARY**

A recommendation is made to write off \$1,141.70 of bad debts.

**BACKGROUND**

The Chief Executive Officer has delegated authority to write off amounts up to \$500.00 however the debts listed below exceed the delegated authority. The debts recommended for write off are summarised as follows:

<b>Amount (as at 31 October 2019)</b>	<b>Description</b>	<b>Comment</b>
\$568.00	Infringement number 8408059	Debt sent to Fines Enforcement Registry. They have provided advice that demonstrates the debt is unable to be recovered.
\$573.70	Infringement number 8411362	Debt sent to Fines Enforcement Registry. They have provided advice that demonstrates the debt is unable to be recovered.

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

6.12 *Power to defer, grant discounts, waive or write off debts*

(1) *Subject to subsection (2) and any other written law, a local government may -*

- (a) *when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or*
- (b) *waive or grant concessions in relation to any amount of money; or*
- (c) *write off any amount of money, which is owed to the local government.*

*\* Absolute majority required.*

- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*

### **FINANCIAL IMPLICATIONS**

The total value of the debts to be written off is \$1,141.70 as at 31 October 2019. This amount is not considered as significant in the context of the overall Budget.

### **STAFFING IMPLICATIONS**

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

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

### **CONSULTATION**

Nil

### **OFFICER COMMENT**

The debts are being recommended for write off as it is highly unlikely that they will be able to be recovered. Having such debts shown on the Town's financial records after it is known that they will not be recovered is not in keeping with accounting standards.

### **VOTING REQUIREMENT**

Simple Majority

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

Moved Cr Sadler

Seconded Cr Harkins

**THAT Council write off the debts as presented, representing a total of \$1,141.70 as at 31 October 2019.**

**Carried 9/0**

**10.1.18 FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2019 TO 31 OCTOBER 2019**

**File Ref:** SUB/2798  
**Attachments:** 10.1.18(a) Monthly Financial Statements For The Period 1 July 2019 to 31 October 2019 [under separate cover]  
**Responsible Officer:** Mat Humfrey, Chief Executive Officer  
**Author:** Wayne Richards, Finance Manager  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

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

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

**BACKGROUND**

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

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

**STRATEGIC IMPLICATIONS**

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

Priority Area 6: Providing open and accountable local governance

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

**POLICY IMPLICATIONS**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

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*Local Government (Financial Management) Regulations 1996*

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with the existing budgetary allocation.

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

**STAFFING IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**CONSULTATION**

Senior staff

**OFFICER COMMENT**

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

- )] The net current funding position as at 31 October 2019 was \$8,421,156 as compared to \$8,181,286 this time last year. This is due to a range of factors including, but not limited to, year to date capital expenditure being less than year to date budget and also a larger brought forward surplus from 2018-2019 due mainly to uncompleted capital works projects.
- )] Rates receivables at 31 October 2019 stood at \$2,957,140 as shown on pages 2 and 25 of the attached Financial Statements.
- )] Operating revenue is more than year to date budget by \$29,001 with a more detailed explanation of material variances provided on page 21 of the attached Financial Statements. Operating expenditure is \$919,184 less than revised year to date budget with a more detailed analysis of material variances provided on page 21.
- )] The Capital Works Program is shown in detail on pages 33 to 36.
- )] Whilst Salaries and Wages are not reported specifically, they do represent the majority proportion of Employee Costs which are listed on the Statement of Financial Activity (By Nature and Type) on page 7 of the attached Statements. As at 31 October 2019 Employee Costs were \$34,111 more than the budgeted year to date amount. This was caused by several factors, including capital/operating costings, and staff departures and leave pay-outs.
- )] The balance of cash backed reserves was \$9,762,955 as at 31 October 2019 as shown in note 7 on page 27 of the monthly financial statements.

**List of Accounts for October 2019**

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

- ⌋ \$30,082.99 to the Australian Taxation Office for the monthly business activity statement.
- ⌋ \$220,000.00 to Eco Shark Barrier Pty Ltd being part payment for supply and install of a new shark barrier.
- ⌋ \$26,445.10 to West Tip Waste Control Pty Ltd for a green waste verge collection.
- ⌋ \$84,758.09 to Local Government Insurance Services for various insurance premiums.
- ⌋ \$100,649.55 to Major Motors Pty Ltd for a new truck.
- ⌋ \$121,272.78 to Procott for levies collected on their behalf to promote the town centre area of Cottesloe.
- ⌋ \$107,219.54, \$114,877.56 & \$114,613.96 to the 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 31% of funds invested with National Australia Bank, 25% with Bankwest, 34% with Commonwealth Bank of Australia and 10% with Westpac Banking Corporation. Council had a balance of \$9,762,955 in reserve funds as at 31 October 2019.

Information on borrowings is shown in note 10 on page 30 of the attached Financial Statements and shows Council had total principal outstanding of \$3,615,137 as at 31 October 2019.

**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 \$2,957,140 as compared to \$3,602,607 this time last year.

Sundry debtors are shown on note 6, page 25 of the attached Financial Statements. The sundry debtors show that 13% or \$6,164 is older than 90 days. Infringement debtors are shown on note 6 page 26 and stood at \$409,825 as at 31 October 2019.

**Budget Amendments**

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

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

THAT Council RECEIVE the Financial Statements for the period 1 July 2019 to 31 October 2019 as submitted to the 25 November 2019 meeting of Council.



**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

Moved Cr Sadler

Seconded Cr Harkins

**THAT Council RECEIVE the Financial Statements for the period 1 July 2019 to 31 October 2019 as submitted to the 25 November 2019 meeting of Council, noting that a replacement page #30 (Information on Borrowings) has been provided to Council.**

**Carried 9/0**

At this point in the meeting the En Bloc items were moved and resolved.

**COUNCILLOR MOTION**

Moved Cr Sadler

Seconded Cr Harkins

**Items 10.1.2, 10.1.4, 10.1.11, 10.1.12, 10.1.14, 10.1.17 be dealt with en bloc.**

**Carried 9/0**

**10.2 RECEIPT OF COMMITTEE MINUTES**

Nil

**10.3 REPORTS OF COMMITTEES**

Nil

**11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:****12.1 ELECTED MEMBERS****12.2 OFFICERS****13 MEETING CLOSED TO PUBLIC****13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED****MOTION FOR BEHIND CLOSED DOORS**

Moved Cr Young

Seconded Mayor Angers

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

Carried 9/0

*The public and members of the media were requested to leave the meeting at 7:25pm.*

**13.1.1 COMMUNITY CITIZEN OF THE YEAR AWARDS**

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (b) as it contains information relating to the personal affairs of any person.

**File Ref:** SUB/2792

<b>Attachments:</b>	<b>13.1.1(a)</b>	<b>Citizen of the Year nomination</b>	<b>1</b>
		<b>[CONFIDENTIAL] [UNDER SEPARATE COVER]</b>	
	<b>13.1.1(b)</b>	<b>Citizen of the Year nomination</b>	<b>2</b>
		<b>[CONFIDENTIAL] [UNDER SEPARATE COVER]</b>	
	<b>13.1.1(c)</b>	<b>Citizen of the Year nomination</b>	<b>3</b>
		<b>[CONFIDENTIAL] [UNDER SEPARATE COVER]</b>	

**Responsible Officer:** Neil Hartley, Acting Deputy Chief Executive Officer**Author:** Gabrielle Hall, Events Coordinator**Author Disclosure of Interest:** Nil

**COUNCILLOR MOTION AND COUNCIL RESOLUTION**

Moved Cr Young

Seconded Mayor Angers

**THAT Council:**

1. **AWARD the 2020 Community Citizen of the Year Award.**
2. **The name to remain confidential until after the Award is presented.**

**Carried 9/0****MOTION FOR BEHIND CLOSED DOORS**

Moved Mayor Angers

Seconded Cr Sadler

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

**Carried 9/0**

*The meeting was opened to the public at 7:30pm, however no members of the public returned.*

**13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC****13.1.1 COMMUNITY CITIZEN OF THE YEAR AWARDS**

As no members of the public returned to the meeting the resolution for item 13.1.1 was not read aloud.

**14 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 7:30pm.