

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING MINUTES

**HELD IN THE
War Memorial Hall, Cottesloe Civic Centre
109 Broome Street, Cottesloe
7.00 PM, Tuesday 26 September 2017**

MAT HUMFREY
Chief Executive Officer

6 October 2017

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Town for any act, omission, statement or intimation occurring during council meetings.

The Town of Cottesloe disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation occurring during council meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a council meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Town of Cottesloe during the course of any meeting is not intended to be and is not taken as notice of approval from the Town.

The Town of Cottesloe wishes to advise that any plans or documents contained within the agenda or minutes may be subject to copyright law provisions (*Copyright Act 1968*, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction.

Members of the public should note that no action should be taken on any application or item discussed at a council meeting prior to written advice on the resolution of council being received.

Agenda and minutes are available on the Town's website www.cottesloe.wa.gov.au

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS.....	5
2	DISCLAIMER	5
3	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	5
4	PUBLIC QUESTION TIME	5
4.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	5
5	PUBLIC STATEMENT TIME.....	12
6	ATTENDANCE	18
6.1	APOLOGIES	18
6.2	APPROVED LEAVE OF ABSENCE	18
6.3	APPLICATIONS FOR LEAVE OF ABSENCE	18
7	DECLARATION OF INTERESTS	18
8	CONFIRMATION OF MINUTES.....	19
8.1	ORDINARY COUNCIL MEETING MINUTES – 22 AUGUST 2017	19
8.2	SPECIAL COUNCIL MEETING MINUTES – 13 SEPTEMBER 2017	19
9	PRESENTATIONS	19
9.1	PETITIONS.....	19
9.2	PRESENTATIONS	19
9.3	DEPUTATIONS	20
10	REPORTS	20
10.1	REPORTS OF OFFICERS	20
	PLANNING.....	21
10.1.1	NORTH COTTESLOE SURF LIFE SAVING CLUB – LIQUOR LICENCE PROPOSAL – PRELIMINARY REQUEST FOR CERTIFICATES	21
10.1.2	28 AVONMORE TERRACE AND 20A DEANE STREET – CROSSOVERS CONFIDENTIAL	29
10.1.3	PLANNING APPLICATIONS DETERMINED UNDER DELEGATION	30

	ADMINISTRATION	32
	10.1.4 LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2017	32
	10.1.5 COTTESLOE OUTDOOR FILM FESTIVAL 2018 – 2020	40
	10.1.6 CELEBRATION OF THE MOTORCAR – 2017	48
	10.1.7 NORTH COTTESLOE SURF LIFE SAVING CLUB INC. – SUPPORT FOR 2018 CENTENARY CELEBRATION	54
	10.1.8 ROTTNEST CHANNEL SWIM – 2018	57
	ENGINEERING	60
	10.1.9 COTTESLOE FORESHORE RENEWAL – SUMMARY STRATEGY ADVERTISING	60
	10.1.10 NAPOLEON STREET – STREET TREE SPECIES	64
	10.1.11 STACK STREET WORKS DEPOT - LEASE RENEWAL OPTION	67
	10.1.12 ADOPTION OF STREET TREE MASTERPLAN	69
	10.1.13 COTTESLOE PYLON TENDER	71
	EXECUTIVE SERVICES	74
	10.1.14 RELOCATION OF SCHOOL DROP OFF AT NORTH COTTESLOE PRIMARY SCHOOL	74
	FINANCE.....	79
	10.1.15 FINANCIAL STATEMENTS FOR THE MONTH ENDING 31 AUGUST 2017	79
	10.1.16 NORTH COTTESLOE PRIMARY SCHOOL – FUNDING FOR ROAD PROJECT	82
	10.2 REPORTS OF COMMITTEES	85
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:.....	86
	11.1 ELECTED MEMBERS	86
	11.1.1 CR BOULTER – NOTICE OF MOTION: NRM AND COASTAL CONFERENCE 2017	86
	11.1.2 CR BOULTER – NOTICE OF MOTION: TOWN OF COTTESLOE BUILDING ACT LOCAL LAW	88
	11.1.3 CR RODDA – NOTICE OF MOTION: COTTESLOE SKATEPARK	89
	11.2 OFFICERS	91
12	MEETING CLOSED TO PUBLIC	91
	12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED	91

	10.1.2	28 AVONMORE TERRACE AND 20A DEANE STREET – CROSSOVERS CONFIDENTIAL	92
	12.1.1	INDIANA – UPDATE ON OFFER FROM LESSEE - CONFIDENTIAL	94
	12.1.2	CEO PERFORMANCE REVIEW 2016-17: SUMMARY REPORT TO COUNCIL - CONFIDENTIAL	96
13		MEETING CLOSURE.....	98

1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 7.04 PM

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Presiding Member announced that the meeting is being recorded. The Presiding Member also thanked the Administration and all Councillors for their hard work, commitment and assistance throughout her term as Mayor.

4 PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****QUESTIONS PROVIDED BY CR PYVIS - EMAILED 17 AUGUST 2017**

Q1. Since LPS3 was gazetted, how many BED AND BREAKFAST approvals have been applied for, refused and granted by ToC?

A1. One has been applied for and conditionally approved.

Q2. Since LPS3 was gazetted, how many SERVICED APARTMENTS approvals have been applied for, refused and granted by ToC?

A2. One has been applied for and refused.

Q3. Since LPS3 was gazetted, how many SHORT STAY ACCOMMODATION approvals have been applied for, refused and granted by TOC?

A3. None.

Q4. How many complaints relating to the operation of

- BED AND BREAKFASTS
- SERVICED APARTMENTS
- SHORT STAY ACCOMMODATION

in Cottesloe has ToC received in each of the years since LPS3 was gazetted?

A4. Detailed data is not available; however, over that time several complaints have been received in relation to short-term accommodation generally, which tended to be in relation to Airbnb-type letting.

Q5. Since 2014, how much has ToC spent on legal advice relating to the properties at 21 Deane Street and 28 Avonmore Terrace (please list: dates, legal firms and costs)?

- A5. For these matters, the Town has used Borrello Graham Lawyers, now LSV Borrello Lawyers, with costs accruing during 2016 and 2017. For 28 Avonmore Terrace the total cost is \$3,696.36 (including GST). For 21 Deane Street the total cost is \$34,780.55 (including GST), which included services for representing the Town in a substantial State Administrative Tribunal review.

QUESTIONS TAKEN ON NOTICE - 22 AUGUST 2017 ORDINARY COUNCIL MEETING

Adrian Moore, 21 Deane Street, Cottesloe – Various

- Q1. What permits does the Town require me to obtain for delivery to my land via ROW 63 and/or traversing Council verges of any items which do not require a building permit (such as, but not limited to, Transportable Homes)?
- A1. To obstruct a right of way or to access a part of the road reserve which is not as of right, requires written authority from the Town. Depending on the duration, percentage obstruction or the area of road reserve to be accessed, differing permits and plans would be required. In such cases, residents should contact the Town outlining what they wish to do and the Town can then advise what specific permits and plans are required.
- Q2. Could the Town please provide a list of all such permits and copies of relevant application forms?
- A2. As stated above, the duration, percentage obstruction and the area of road reserve to be accessed will require different plans and permits. If a resident wishes to obstruct a right of way or access a part of the road reserve that is not as-of-right, they should contact the Town in writing so that the appropriate forms and ultimately permissions can be given.
- Q3. Do the residents of 11 Pearse Street have permits for the material stored on the Council verge outside their property, for the shipping container at the unfenced rear of their property and/or assorted building materials?
- A3. No, and the Town is dealing with that as a non-compliance matter, with rectification underway.
- Q4. What are the exact words, quoted from our correspondence, of the threats that CEO Mat Humfrey accused me in writing (cc Mayor Dawkins and Cr Rodda) on June 12th this year, and again on June 19th this year, of making against the Town and/or its staff?
- A4. As explained to Mr Moore previously in an email, it was taken as a threat when actions or specific answers were demanded in emails and references made to legal action or reports to third parties if the specific answers demanded or actions demanded were not provided.

Some examples are provided below;

) This is not a debate. The Town provided incorrect advice, either wittingly or unwittingly, and the Town is liable for the cost.

) Should I submit invoices to your attention for remittance?

) I draw to your attention that this email traffic does not reflect well on the professionalism of Shire Officers.

) I must now consider repeated failure of Shire Officers to answer these questions to constitute refusal.

) I will submit invoices for payment to you next week, and request prompt remittance.

) I have incurred costs as a result of this false information, allegedly provided by XXXX XXXX. I intend to recover those costs from the Town.

) Please answer the questions by return email, or I will involve the Mayor and the Ombudsman again. I'm sure you are aware that interfering with the honest or impartial performance of the functions of a Public Officer is a very serious matter. This email traffic does not reflect well on Town Of Cottesloe Shire Officers.

) I will forward this email traffic to Cr Rodda and to the Mayor, and express our disappointment with your handling of this matter.

Q5. Has Mr Humfrey been advised to comply with my numerous written requests to either substantiate or retract his allegations?

A5. No – attention should be drawn to the Local Government (Rules of Conduct) 2007, Regulation 10(1)(a) which would prevent an Elected Member issuing such an instruction.

Q6. How many written requests for the above information has the Town received?

A6. 17 emails were received over a period of 11 days, all of which were responded to.

Q7. Why haven't I received answers to those written requests?

A7. As stated above, all emails were responded to.

Q8. Why has the Town failed to comply with a written request, sent over 8 weeks ago on June 23rd, to rectify the defective crossover the Town built (drawing on my \$7,000 bond to do so) to my property at 28 Avonmore Terrace?

A8. The Town has received correspondence from Mr Moore's solicitors (who Mr Moore has confirmed are acting for him) and the Town's solicitors have provided responses accordingly. The Town is currently considering its position in this matter.

Q9. Who will to cover the costs I have incurred and which I continue to incur a result of the Town's error and its subsequent failure to rectify that error?

A9. Refer to answer to Q8.

Q10. If I provide you with a copy of them, will you ensure that these questions are included in full in the minutes of this meeting?

A10. Yes.

Claire Orb, 49 Brighton Street, Cottesloe – 10.1.10 North Cottesloe Primary School – Funding for Road Project

Q1. What was the full amount that the engineer's plans cost, which I believe were paid for by the Council?

A1. The Town has spent \$34,250 (excluding GST) on this project to date for the provision of a concept plan and detailed engineering drawings.

Q2. Will the Council recoup these funds from the North Cottesloe Primary School so that ratepayers will not have to bear the cost?

A2. There are no plans to recoup the costs from North Cottesloe Primary School.

Kirsty Barrett, 45 John Street, Cottesloe – 10.1.10 North Cottesloe Primary School – Funding for Road Project

Q1. Could the Administration please clarify whether Councillors Rob Thomas and Sandra Boulter were given specific authority by the Town to make personal contact and representations to North Cottesloe Primary School staff and parents on behalf of the Council?

A1. Council has not resolved to appoint any elected members as representatives on this issue to date.

Jodie Manning, 226 Marmion Street, Cottesloe – 10.1.10 North Cottesloe Primary School – Funding for Road Project

Q1. Why can't you find a middle ground that doesn't result in 1.5 million dollars of hard fought resources being handed back?

A1. Council resolved not to proceed with the project in its previous form following feedback received from the community. As the funds were provided for a specific project, it does not appear possible at this stage that the funds will be able to be retained.

QUESTIONS PROVIDED BY CR BOULTER - EMAILED 3 SEPTEMBER 2017

In relation to the report "TOC Vulnerability of the Cottesloe Foreshore to the Potential Impacts of Climate Change" (the Report)

Q1. What was the cost of the Report?

Q2. Has the Report been updated, and if so when? And if not, when will the Report be reviewed and updated?

Q3. Has the Report been drawn to the attention of the Foreshore Redevelopment Committee?

Q4. What modifications to the information in the Report have been suggested by the Coastal Monitoring currently being undertaken for the TOC?

- Q5. How has the mode of planning identified in the report been incorporated into council decision-making? see page 6 of the Report
- Q6. What adaptation planning has been undertaken by the TOC since the Report? see page 82 of the Report
- Q7. Which actions have been undertaken by the TOC as identified in the Report to be done at 3 months, 3-12 months and over 12 months? see page 84-86
- Q8. What information has been gathered by the TOC about the location of sub-surface rock? see page 80 of the Report
- Q9. If the subsurface rock has been identified where is the information kept?

QUESTIONS TAKEN ON NOTICE 19 SEPTEMBER 2017 AGENDA FORUMShirley Primeau, 38 Marine Parade, Cottesloe – 10.1.14 Relocation of School Drop Off at North Cottesloe Primary School

- Q1. Is it possible to come up with an alternative plan that doesn't remove any trees and impinge on public open space?

Heidi Hardisty, 12A Myera Street, Swanbourne – 10.1.14 Relocation of School Drop Off at North Cottesloe Primary School

- Q1. Why isn't public consultation being done?
- Q2. Why isn't there an environmental and/or active transport expert recommended as part of the committee?
- a. Will you appoint one?
- Q3. Has an alternative plan encouraging active transport been considered?
- a. If not, why not?
- b. If yes, is the plan available to the public to view?
- Q4. Why are there more parking spaces proposed than the last plan?
- Q5. Wouldn't it be better to deter the number of cars that park in the area and encourage children to get to school by alternative methods than the car?
- Q6. Has the 5 year natural management plan been considered in this or an alternative plan?
- a. If not, why not?
- b. If yes, how?
- Q7. Will any of the green space identified in the 5 year natural management plan be eroded?
- a. If yes, how much?

- Q8. Have the impacts of the new road on the roots and viability of the mature trees been considered?
- If yes, what are the results?
 - If not, why not?

Yvonne Hart, Cottesloe Residents and Ratepayers Association – 10.1.14 Relocation of School Drop Off at North Cottesloe Primary School

- Q1. Are the proposed new car bays on Education Department land, or on the Town of Cottesloe's land?
- Q2. How far north of the North Cottesloe Primary School do the proposed road works extend? Do they go as far as Greenham Street, or do they go up to John Street?
- Q3. The proposed car park with 38 extra car bays, appears to require significant road works. Who will cover the cost of these roadworks?
- Q4. Why has 'kiss and drop' not been implemented on a trial basis in the Eric Street car park?
- Q5. What is envisaged for the current Eric Street car park?
- Q6. Will Council please request a fully costed business plan, with funding sources clearly identified and itemised, before this item is considered?

Greg Reudavey, 156B Marine Parade, Cottesloe – 10.1.7 North Cottesloe Surf Life Saving Club Inc. – Support for 2018 Centenary Celebration

- Q1. Will Council defer approval or reconsider the Town's executive recommendation to provide the North Cottesloe Surf Life Saving Club Inc. (NCSLSC) a \$10,000 grant in view of recent correspondence from NCSLSC (Lavan) with respect to issuance of S39 and S40 Certificates (Ref Item 10.1.1) for the Restricted Club Licence application and if not why not?

4.2 PUBLIC QUESTIONS

Mark Powell, 43 Lyons Street, Cottesloe – 10.1.14 Relocation of School Drop Off At North Cottesloe Primary School

- Q1. Can it be confirmed that Councillors appointed to the proposed committee will deal with the traffic and safety issues at North Cottesloe Primary in line with the Town of Cottesloe Strategic Plan and Corporate Business Plan, and not solely as a "school/parent" problem as implied by Cr Boulter, whose alternate solution was '*...and if they don't like it they can move*'?

A1. Question taken on notice.

Catherine Ackerman, 14 Burt Street, Cottesloe – 10.1.14 Relocation of School Drop Off At North Cottesloe Primary School

- Q1. Can the council please tell us in this meeting how many letters of

support to the change of location to the North Cottesloe Primary School drop off/pick up area have been received by the Town?

A1. 79

Yvonne Hart, Cottesloe Residents and Ratepayers Association – 10.1.14 Relocation of School Drop Off at North Cottesloe Primary School

Q1. Is Eric Street to be widened? If so, when?

A1. Question taken on notice.

Claire Orb, 49 Brighton Street, Cottesloe – 10.1.14 Relocation of School Drop Off At North Cottesloe Primary School (Funding Matters)

Q1. Can the Town of Cottesloe please confirm if \$550,000 or only \$500,000 was received by the Department of Education at the end of June 2017?

A1. See below.

Q2. Prior to the 22 August Council Meeting, the figure of only \$500,000 was used, however in the Minutes, it suddenly changed to \$550,000 (including GST) but only \$500,000 was transferred to the reserves. If this was a \$550,000 grant why was \$50,000 not transferred to the reserve account and where was it put?

A2. See below.

Q3. Why was GST paid on a transfer from one government department to another government department?

A3. See below.

Q4. Has the money been returned?

A1-4. The additional \$50,000 can be explained by GST. When grants are received from any government department, be it state or federal, they remit to the Town the amount of GST payable on all contracts that would be awarded under that particular funding agreement. This portion of the funding is kept in a GST holding account, subject to it being paid. Therefore if the funds were to be returned to the department of education, the amount of \$550,000 would be returned; \$500,000 from the reserve account and \$50,000 from the holding account.

Q5. While the Department of Education's money was held in the Town of Cottesloe's accounts, what was the total amount accrued in interest?

A5. See below.

Q6. Who has ownership of that interest?

A6. See below.

Q7. If the Town of Cottesloe is not going to return the Department of Education's interest, who are they going to give it to?

A7. See below.

Q8. If the Town of Cottesloe has already made the decision to keep the interest accrued, was this decision made before or after it decided to retain the funds for a further month enabling another month of interest to be accrued?

A5-8. Information regarding the exact amount of interest accrued during this period is not at immediately at hand. The Department of Education has not invoiced the Town for any amount of interest, therefore indications are that it will stay with the Town.

Janet Reudavey, 156B Marine Parade, Cottesloe – Proper Council Procedures

Q1. As the Mayor and two of the Councillors present are not standing for re-election will Council be deferring any items that could have a bearing on the finances or policy of our future Council?

A1. That is a procedural action that may be taken by the current Council if it wishes.

Peter Rattigan, 9 Grant Street, Cottesloe - 10.1.1 North Cottesloe Surf Life Saving Club – Liquor Licence Proposal – Preliminary Request For Certificates and 11.1.3 Cr Rodda – Notice Of Motion: Cottesloe Skatepark

Q1. Will the Council get its own independent advice regarding its powers and duties under the Liquor Control Act in relation to the North Cottesloe Surf Life Saving Club?

A1. Question taken on notice.

Q2. Will the Council establish a Reserves and Playgrounds Committee to examine the best way of developing a skatepark in the Town?

A2. Question taken on notice.

5 PUBLIC STATEMENT TIME

Gerard Siero, Studio 5A Teague Street, Burswood - 10.1.14 Relocation Of School Drop Off At North Cottesloe Primary School

Spoke in regards to potential ecological and environmental impacts of the proposal to relocate the North Cottesloe Primary School drop off zone. Would like Council to conduct a landscape and ecological assessment of the area before proceeding any further with this plan.

David Ulbrick, 12A Mengler Ave, Claremont - 10.1.1 North Cottesloe Surf Life Saving Club – Liquor Licence Proposal – Preliminary Request For Certificates

Spoke in support of the proposal to endorse the issuance of the Section 39 and 40 Certificates to the North Cottesloe Surf Life Saving Club.

Michael Beech – 5A Avonmore Terrace, Cottesloe - 10.1.1 North Cottesloe Surf Life Saving Club – Liquor Licence Proposal – Preliminary Request for Certificates and 10.1.7 North Cottesloe Surf Life Saving Club Inc. – Support for 2018 Centenary Celebration

Confirmed that the North Cottesloe Surf Life Saving Club have not applied for a liquor licence, and are only applying for the issuance of the Section 39 and 40 Certificates to the North Cottesloe Surf Life Saving Club.

Greg Reudavey, 156B Marine Parade, Cottesloe - 10.1.1 North Cottesloe Surf Life Saving Club – Liquor Licence Proposal – Preliminary Request for Certificates

Expressed a number of concerns regarding the potential issuing of Certificates 39 and 40 to North Cottesloe Surf Life Saving Club.

Barbara Pascoe, 17 Deane Street, Cottesloe – 10.1.2 28 Avonmore Terrace and 20A Deane Street – Crossovers Confidential

Spoke with concern regarding decisions being made in relation to item 10.1.2 so close to the Local Government Elections, as an effected resident of Deane Street. Despite being a confidential item, consultation should be carried out with the residents of neighbouring properties.

Vivienne Jagger, 20 Deane Street, Cottesloe – 20 Deane Street, Cottesloe – 10.1.2 28 Avonmore Terrace and 20A Deane Street – Crossovers Confidential

Spoke with concern regarding several planning and consultation matters relating to item 10.1.2. Despite being a confidential item, consultation should be carried out with the residents of neighbouring properties.

Meryl Jewell, 31 Hermione Way, Coolbellup – 10.1.4 Local Government Property Amendment Local Law 2017

Thanked the Council for their initiative to ban the releasing of gas-filled balloons.

Lisa Hills, 25 Hulbert Street, South Fremantle – 10.1.4 Local Government Property Amendment Local Law 2017

Thanked the Council for their initiative to ban the releasing of gas-filled balloons.

Shirley Primeau, 38 Marine Parade, Cottesloe – 10.1.10 Napoleon Street – Street Tree Species and 10.1.14 Relocation of School Drop Off at North Cottesloe Primary School

Requested additional consultation periods for both items 10.1.10 and 10.1.14. Commented that the Street Tree Masterplan is only a species list. The concept plan has been developed at short notice at relies on funding that is no longer available.

Catherine Ackerman, 14 Burt Street, Cottesloe 10.1.10 Napoleon Street – Street Tree Species and 10.1.14 Relocation of School Drop Off at North Cottesloe Primary School

Requested that the Chinese Elm Tree be removed from the Street Tree Species list due to its effect on asthmatics and those with allergies. Spoke with concern

regarding the behaviour of motorists in the vicinity of North Cottesloe Primary School, and fully supports location changes to the drop off zone.

Greg van Schie, 39 Griver Street, Cottesloe – 10.1.14 Relocation of School Drop Off at North Cottesloe Primary School

Referred to a statement provided by an unnamed traffic expert, suggesting that the new proposal is an improved on the first, however still falls short in several areas including bicycle and pedestrian access.

Helen Sadler, 39 Griver Street, Cottesloe – 10.1.14 Relocation of School Drop Off at North Cottesloe Primary School

Urged Councillors to vote against the concept plan proposed by the Town of Cottesloe. Suggested that the concept plan is reactionary and will only invite more traffic.

Lara Bucher, 140 Broome Street, Cottesloe – 10.1.14 Relocation of School Drop Off at North Cottesloe Primary School

Spoke in support of the proposed concept plan for item 10.1.14. Walking and cycling children to school every day is not always possible when factoring in work and other commitments faced by parents today.

Kirsty Barrett, 45 John Street, Cottesloe – 10.1.14 Relocation of School Drop Off at North Cottesloe Primary School

Spoke in support of the proposed concept plan and urged Councillors to vote in favour of the Officer Recommendation. This project has been over two years in the making and not developed at short notice. Multiple alternatives have been investigated to increase safety and ease traffic congestion, this plan is the solution.

George Crisp, 47 Kimberley Street, West Leederville – 10.1.14 Relocation of School Drop Off at North Cottesloe Primary School

Spoke against the proposed concept plan and recommended an active transport alternative, and that a thorough health impact assessment be carried out. Expressed concerns that if the plan is carried out it will result in more trees than expected being removed, and increase urban heat in Cottesloe.

Elizabeth Sprivulis, 51 Brighton Street, Cottesloe – 10.1.14 Relocation of School Drop Off at North Cottesloe Primary School

Spoke against the proposed concept plan for item 10.1.14. Expressed concerns that the concept is outdated and has been rushed with minimal consultation; walking and riding should be prioritised.

Justin Boyce Cam, 2 Finey Street, Cottesloe – 10.1.14 Relocation of School Drop Off at North Cottesloe Primary School

Spoke in support of the proposed concept plan for item 10.1.14. The plan will dramatically improve safety and traffic in the area, reducing unassisted crossings, and with minimal impact on the environment, increasing the number of trees in the area by nine.

Finola Evers, 97 Eric Street, Cottesloe – 10.1.14 Relocation of School Drop Off at North Cottesloe Primary School

Spoke against the proposed concept plan for item 10.1.14. A plan to reduce the traffic and encourage walking is what is needed; as traffic will never be eliminated. Sustainable values ought to be the focus; not situational values, responding only to what the situation allows.

John Hammond, 90 Railway Street, Cottesloe – 10.1.14 Relocation of School Drop Off at North Cottesloe Primary School

Spoke against the proposed concept plan for item 10.1.14 and expressed concerns that it represents outdated thinking. Previously a written invitation sent to North Cottesloe Primary School regarding participating in a tree planting program on Railway Street went unanswered.

Mark Goodlet, 8 Dalgety Street, Cottesloe – 10.1.14 Relocation of School Drop Off at North Cottesloe Primary School

Spoke in support of the proposed concept plan for item 10.1.14. Addressed concerns that tree root damage may occur as a result of infrastructure and road works. Spoke in relation to the immature peppermint tree that falls beneath the powerlines on Railway Street.

Robyn Timms, 89 Eric Street, Cottesloe – 10.1.14 Relocation of School Drop Off at North Cottesloe Primary School

Commented that a code of conduct needs to be implemented to regulate the behaviour of parents dropping off/picking up children, after having her own driveway blocked by a vehicle in this zone during pick-up time. The use of sustainable transport and increased walking/biking should be considered to avoid this unnessecary cost.

Mark Powell, 43 Lyons Street, Cottesloe – 10.1.14 Relocation of School Drop Off at North Cottesloe Primary School

Spoke in support of the proposed concept plan for item 10.1.14, and the multiple benefits it provides for the Town; in particular increasing the urban forrest, safety for children, and bringing the school into alignment with the Department of Education's recommendations for parking.

Camilla Rea, 18 Jarrad Street, Cottesloe – 10.1.14 Relocation of School Drop Off at North Cottesloe Primary School

Spoke in support of the proposed concept plan for item 10.1.14, and commented on the dangers of Railway Street and the number small children crossing this road daily assisted by their busy working parents.

Lorraine Young, 117 Grant Street, Cottesloe – 10.1.14 Relocation of School Drop Off at North Cottesloe Primary School

Spoke in support of the proposed concept plan for item 10.1.14. During the consultation process for the Town's Strategic Community Plan Eric/Railway Street congestion was identified as a high priority area. Corporate Business Plan adopted in July this year also itemises and prioritises this project.

Jack Newall, 145 Broome Street, Cottesloe – 10.1.14 Relocation of School Drop Off at North Cottesloe Primary School

Spoke in support of the proposed concept plan for item 10.1.14. The new proposal has little environmental impact and provides for ten new trees at the site. Commented that some residents have received calls/letters linking the proposed concept plan with a 'secret' greater plan by Council to widen Eric Street and Curtin Ave. Urged Councillors to disregard these unfounded rumours.

Kate Wood, 333 Marmion Street, Cottesloe – 10.1.14 Relocation of School Drop Off at North Cottesloe Primary School

Spoke in support of the proposed concept plan for item 10.1.14. Urged Councillors to support the concept plan and disregard media hype surrounding this item. The School currently falls short of the Department of Education's recommendation for parking, and even parking for teachers is insufficient.

Jodie Manning, 226 Marmion Street, Cottesloe – 10.1.14 Relocation of School Drop Off at North Cottesloe Primary School

Spoke in support of the proposed concept plan for item 10.1.14. Commented on the perpetuation of misinformation and the strength of the current community in Cottesloe and within the School. Urged Councillors to support the concept plan.

Sue Moffat, 50 Napier Street, Cottesloe – 10.1.14 Relocation of School Drop Off at North Cottesloe Primary School

Spoke in support of the proposed concept plan for item 10.1.14. Commented on the other alternatives that have already been considered, such as active transport. The concept plan will bring the School into alignment with the Department of Education's recommendations on parking.

Barry Garvy, 99 McCabe Street, Amana Care, Mosman Park – 10.1.14 Relocation of School Drop Off at North Cottesloe Primary School

Spoke against the proposed concept plan for item 10.1.14. Expressed concern that residents have not been properly consulted on the concept plan, and that creating a car park in the proposed area will only be utilised by train commuters.

Rachael Torre, 24 Broome Street, Cottesloe – 10.1.14 Relocation of School Drop Off at North Cottesloe Primary School

Spoke in support of the proposed concept plan for item 10.1.14, as an ex-student and now parent of a child the School and as a Cottesloe resident.

Melissa Harkins, 68 John Street, Cottesloe – 10.1.14 Relocation of School Drop Off at North Cottesloe Primary School

Spoke in support of the proposed concept plan for item 10.1.14. The two main problems for Councillors to address are safety for children on Railway Street, and the easing of traffic congestion in this area. The concept plan presented, provides a solution for these.

Simon Yeo, 27 Margaret Street, Cottesloe – 11.1.3 Cr Rodda – Notice of Motion: Cottesloe Skatepark

Spoke in support of item 11.1.3 Cr Rodda – Notice of Motion: Cottesloe Skatepark and presented visual slideshow of potential sites, including the benefits for the Town and the long term advantages for the youth of Cottesloe.

Isaac Yeo, 27 Margaret Street, Cottesloe – 11.1.3 Cr Rodda – Notice of Motion: Cottesloe Skatepark

Spoke in support of item 11.1.3 Cr Rodda – Notice of Motion: Cottesloe Skatepark. Commented on the benefits for the Town of introducing a skatepark and the immediate and long term advantages for the youth of Cottesloe.

Max Yeo, 27 Margaret Street, Cottesloe – 11.1.3 Cr Rodda – Notice of Motion: Cottesloe Skatepark

Spoke in support of item 11.1.3 Cr Rodda – Notice of Motion: Cottesloe Skatepark. Commented on the benefits for the Town of introducing a skatepark and the immediate and long term advantages for the youth of Cottesloe.

Jake Yeo, 27 Margaret Street, Cottesloe – 11.1.3 Cr Rodda – Notice of Motion: Cottesloe Skatepark

Spoke in support of item 11.1.3 Cr Rodda – Notice of Motion: Cottesloe Skatepark. Commented on the benefits for the Town of introducing a skatepark and the immediate and long term advantages for the youth of Cottesloe.

Alex Dewar, 36 Hawkstone Street, Cottesloe 27 Margaret Street, Cottesloe – 11.1.3 Cr Rodda – Notice of Motion: Cottesloe Skatepark

Spoke in support of item 11.1.3 Cr Rodda – Notice of Motion: Cottesloe Skatepark. Commented on the benefits for the Town of introducing a skatepark and the immediate and long term advantages for the youth of Cottesloe.

Jack Walsh, 35 Grant Street, Cottesloe – 11.1.3 Cr Rodda – Notice of Motion: Cottesloe Skatepark

Spoke in support of deferring item 11.1.3 Cr Rodda – Notice of Motion: Cottesloe Skatepark until the new Council has been instated. The skatepark in principle is a good initiative for the Town, however the preferred location of Grant Marine Park is well used by families currently and is not suitable.

Peter Rattigan, 9 Grant Street, Cottesloe – 10.1.1 North Cottesloe Surf Life Saving Club – Liquor Licence Proposal – Preliminary Request For Certificates

Spoke in regards the letter sent by Lavan Legal relating to item 10.1.1 and urged Council to obtain independent legal advice on this matter.

Geoff Backshall, 4 Webb Street, Cottesloe – 11.1.3 Cr Rodda – Notice Of Motion: Cottesloe Skatepark

Spoke in support of item 11.1.3 Cr Rodda – Notice of Motion: Cottesloe Skatepark, and recommended the area around Isolator's Reef as a good location.

Helen Sadler, 39 Griver Street, Cottesloe – 11.1.3 Cr Rodda – Notice Of Motion: Cottesloe Skatepark

Spoke in support of the concept of a skatepark in the Town, but recommended that Council defer the decision on a location at this point. Urged Cr Rodda to amend his motion to endorse the concept only.

The Presiding Member adjourned the meeting at 9.08 PM.

The Presiding Member reopened the meeting at 9.13 PM.

6 ATTENDANCE

Present

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

Officers Present

Mr Mat Humfrey	Chief Executive Officer
Mr Nick Woodhouse	Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Ms Samantha Hornby	Governance Coordinator

6.1 APOLOGIES

Officer Apologies

Mr Garry Bird	Manager Corporate & Community Services
---------------	--

6.2 APPROVED LEAVE OF ABSENCE

Nil.

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

7 DECLARATION OF INTERESTS

Cr Pyvis declared an impartiality interest in Item 10.1.12 Adoption of the Street Tree Masterplan as a member of West Tree Canopy.

Cr Thomas declared an impartiality interest in Item 10.1.12 Adoption of the Street Tree Masterplan as a member of West Tree Canopy.

Cr Downes declared an impartiality interest in items 10.1.1 North Cottesloe Surf Life Saving Club – Liquor Licence Proposal – Preliminary Request for Certificates, Item 10.1.7 North Cottesloe Surf Life Saving Club Inc. – Support for 2018 Centenary Celebration and Item 10.1.6 Celebration Of The Motor Car.

Cr Angers Declared an Impartiality Interest in Items 10.1.1 North Cottesloe Surf Life Saving Club – Liquor Licence Proposal – Preliminary Request for Certificates, Item 10.1.7 North Cottesloe Surf Life Saving Club Inc. – Support for 2018 Centenary Celebration

Mr Mat Humfrey declared a financial interest in Item 12.1.2 CEO Performance Review 2016-17: Summary Report to Council – **Confidential** and left the room prior to the commencement of voting on this Item.

8 CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING MINUTES – 22 AUGUST 2017

8.2 SPECIAL COUNCIL MEETING MINUTES – 13 SEPTEMBER 2017

That the Minutes of the Ordinary Meeting of Council held on Tuesday 22 August 2017 and the Special Council Meeting held 13 September 2017 be confirmed

**Moved Cr Rodda, seconded Cr Burke
CARRIED 8/0**

9 PRESENTATIONS

9.1 PETITIONS

- 9.1.1** A petition containing over 1000 signatures was presented before Council supporting the development of a skatepark in the Town of Cottesloe.

That the Town of Cottesloe Council accepts the above petition as presented.

**Moved Mayor Dawkins, seconded Cr Burke
CARRIED 8/0**

- 9.1.2** A petition containing 290 signatures was presented before Council supporting the relocation of the drop off area at North Cottesloe Primary School to Railway Street.

That the Town of Cottesloe Council accepts the above petition as presented.

**Moved Mayor Dawkins, seconded Cr Burke
CARRIED 8/0**

9.2 PRESENTATIONS

Nil.

9.3 DEPUTATIONS

Nil.

10 REPORTS**10.1 REPORTS OF OFFICERS**

For the benefit of the members of the public present, the Mayor determined to consider Items 11.1.3, 10.1.14, 10.1.1 and 10.1.7 first and then return to the published order of the agenda.

Items 10.1.1, 10.1.2, 10.1.4, 10.1.5, 10.1.6, 10.1.7, 10.1.10, 10.1.14, 11.1.1, 11.1.2 and 11.1.3 were withdrawn. Items 10.1.3, 10.1.11, 10.1.12, 10.1.13, 10.1.15, and 10.1.16 were dealt with 'en bloc'.

PLANNING

Crs Downes and Angers declared an impartiality interest in this Item.

10.1.1 NORTH COTTESLOE SURF LIFE SAVING CLUB – LIQUOR LICENCE PROPOSAL – PRELIMINARY REQUEST FOR CERTIFICATES

File Ref: PR54385-02
Attachments: Letter from Lavan 22 August 2017
Letter from Lavan 26 July 2017
Council Minutes 22 July 2013
Town's objection letter 24 June 2014
Town's Liquor (Licenced Premises) Policy
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Andrew Jackson, Manager Development Services
Proposed Meeting Date: 22 September 2017
Author Disclosure of Interest: Nil

SUMMARY

This report informs Council regarding a renewed request from the North Cottesloe Surf Lifesaving Club in relation to a proposed "Club" category of liquor licence.

The matter of a Club liquor licence has been previously considered by Council. Community concerns were expressed and Council formally objected to the proposal. Consequently the Surf Club did not pursue the liquor licence, but is now doing so.

This report was previously included in the 15 August 2017 Agenda Forum agenda; however, the item was withdrawn at the request of the Surf Club. Additional information is now provided at the end of this report.

BACKGROUND

The previous proposal by the Surf Club was considered by Council at its 22 July 2013 meeting. A copy of the report is attached and explains a Club liquor licence, the assessment/approval process and Council's deliberations at that early stage. Note that the proposal was for an unrestricted version of the liquor licence. Council initially resolved to support the proposal on a provisional basis as follows:

1. *Advise North Cottesloe Surf Life Saving Club that it supports the proposed liquor Club Licence, as an unrestricted version, subject to the hours applied for, being:*
 -) *Monday to Friday – noon to midnight.*
 -) *Saturday – 11am to midnight.*
 -) *Sunday – 11am to 10pm.*
 -) *Christmas Day, New Year's Eve, Good Friday and Anzac Day – nil.*

Council does not support the maximum, wide hours of liquor service for clubs that may be permitted under the Liquor Control Act, for the needs of the Surf Club.

2. *Authorise the Town's staff to issue the associated Liquor Control Act Sections 39 and 40 Certificates to the Club in support of the liquor licence application, subject to checks and inspections as required.*

Subsequently, when in 2014 the Surf Club submitted the formal liquor licence application to the liquor licensing authority and it was advertised as required, significant community concern was raised. In response, Council at its 23 June 2014 meeting resolved as follows:

That the Town write urgently to the Department of Racing, Gaming and Liquor, advising that Council objects to the application by the North Cottesloe Surf Life Saving Club for an unrestricted Club Liquor Licence.

A copy of covering letter for the official objection is attached.

The Surf Club withdrew the liquor licence application at that time. Since then the Surf Club has reconsidered the proposal and decided to pursue a Club Restricted liquor licence.

Recently solicitors for the Surf Club have written to the Town requesting the section 39 and 40 certificates required to accompany the application to the liquor licensing authority. (Refer to point 2 of the 22 July 2013 Council Resolution).

A copy of the letter from Lavan is attached. It refers to an intended Club Restricted liquor licence and requests unconditional section 39 (health, etc) and section 40 (planning) certificates. No additional information has been provided. The Surf Club is yet to make the full application to the liquor licensing authority for advertising and referral to the Town.

STRATEGIC IMPLICATIONS

Relates to Council's approach to control of liquor practices.

POLICY IMPLICATIONS

Relates to Council's Liquor (Licenced Premises) Policy

STATUTORY ENVIRONMENT

Liquor Control Act 1988.

Liquor Control Regulations 1989

FINANCIAL IMPLICATIONS

Nil.

STAFFING IMPLICATIONS

Nil.

SUSTAINABILITY IMPLICATIONS

Nil.

CONSULTATION

For liquor licences community consultation occurs pursuant to the Liquor Control Act as required to be undertaken by the liquor licensing authority.

The licensing authority refers liquor licence applications to the Town for support, comment or objection. In this respect the Town is familiar with community concerns about licenced premises over many years, to have regard to. The Town may undertake its own (informal) consultation if it wishes and time permitting.

STAFF COMMENTIndicative proposal

The Surf Club is seeking a permanent liquor licence for members, guests and Surf Club functions. The Surf Club holds several functions throughout the year (eg fundraising, awards, annual general meeting, landmark celebrations) for which it currently obtains an Occasional Liquor Licence in each instance. Under a Club Restricted Liquor Licence the Surf Club would continue these events in the same manner, but not have to apply for a liquor licence each time. In addition, the Club Restricted Liquor Licence would allow casual drinking by members and guests, which would most likely occur mainly on weekends.

The draft sections 39 and 40 certificates from Lavan nominate a Club Restricted liquor licence and state: *The applicant proposes to sell and supply liquor for consumption on the premises only, to adult member patrons and their guests and to people attending a function held at the club premises.* The accompanying plan shows the whole of the Surf Club premises at the Marine Parade level to be licenced (ie for practical purposes in using various rooms).

A Club Restricted liquor licence would exclude the sale of packaged liquor, as distinct from the Club liquor licence previously sought. At present the hours sought have not been nominated, which would be determined via the liquor licence application.

Liquor licenced clubs

Club and Club Restricted liquor licences cater for sporting and other clubs as lower-key social settings than commercial public drinking venues, and a Club Restricted liquor licence confines consumption to the premises so represents more responsible management of alcohol.

Such a Club Restricted liquor licence for the North Cottesloe Surf Life Saving Club would be similar to those existing for the Cottesloe Surf Life Saving Club, Cottesloe Tennis Club and Cottesloe Rugby Union Football Club (all Club Restricted liquor licences). The trading hours for a Club Restricted liquor licence are determined individually by the liquor licensing authority. Sea View Golf Club has a Club liquor licence (ie unrestricted).

All of these sports clubs are in proximity to residential properties and both surf clubs are in proximity to other licenced premises, but the sports clubs are not known to be a source of liquor-related anti-social behaviour.

Licenced premises context and Policy

The licenced premises context along Marine Parade and in the subject location is essentially the same as in 2013-2014. There are no new licenced premises. The Cottesloe Beach Hotel has been granted slightly extended trading hours for its alfresco area.

Council's Liquor (Licenced Premises) Policy, attached, provides a framework for the consideration of licenced premises matters, including sections 39 and 40 certificates. The Policy includes reference to the Club category of liquor licence, but does not specifically mention a Club Restricted liquor licence. Whilst Lavan has noted that, the Town is not prevented from considering a Club Restricted matter in connection with the Policy.

Certificates

Sections 39 and 40 Certificates are requisites for a liquor licence application. In themselves, they are a technical document certifying the premises' compliance, non-compliance or ability to achieve compliance with certain laws – health, food, sewerage, drainage (section 39) and planning (section 40).

Practically this is determined from approvals and inspections and the forms are issued by officers. These certificates do not cause a liquor licence to be approved, but advise the liquor licensing authority of the suitability of the premises. The process is administrative and does not involve consultation.

The Surf Club has a range of approvals in place and subject to checks appears to be in order for issue of these certificates.

Conclusion

A Club Restricted liquor licence is the appropriate category for local sports clubs generally and appears suitable for the Surf Club. The premises also appear fit for a liquor licence in terms of environmental health and planning compliance.

However, given Council's previous objection and assuming a degree of ongoing community concern, Council may wish to proceed with caution ahead of any liquor licence application being made, so as to consider the details and issues beforehand.

PREVIOUS OFFICER RECOMMENDATION

The recommendation in the report to the 15 August 2017 Agenda Forum agenda was as follows:

THAT Council advise North Cottesloe Surf Life Saving Club that:

- 1. Council is not prepared to issue the requested Liquor Control Act sections 39 and 40 certificates at this time.*
- 2. Council does not support an application for a Club Restricted Liquor Licence at this time.*

3. *To reconsider the matter, Council would require more information regarding the proposed Club Restricted Liquor Licence and how the Surf Club intends to operate it, including addressing community concerns raised in relation to the previously-proposed Club Liquor Licence and having regard to Council's Liquor (Licenced Premises) Policy.*

ADDITIONAL INFORMATION

The Surf Club has discussed this matter with the Town's executive officers, expressing concern regarding the previous recommendation and commenting as follows:

-) The liquor licensing authority has advised the Surf Club that a permanent liquor licence would be more appropriate than continually seeking occasional liquor licences.
-) The Surf Club considers that the Town should be prepared to issue the requested certificates as an administrative action separate from the future liquor licence application, as those certificates deal with compliance of the premises that are apart from liquor control aspects.
-) A local government is virtually compelled to issue such certificates and does not have the power to refuse them.
-) The Surf Club is relying on the formal liquor licence application process to carry-out the full advertising requirements, rather than undertaking any preliminary informal consultation. It is then that and the public and Town can submit any objections.

Subsequently the Club's solicitor, Lavan, on 22 August 2017 has written to the Town reinforcing the request that the certificates be issued, on the following grounds (summarised):

-) The certificates are a requirement of the Liquor Control Act.
-) The Town's report has noted that the premises appear to be in order.
-) The certificates relate to health, building and planning, etc requirements rather than directly to liquor considerations.
-) The Town's and community concerns about the previous liquor licence application are not relevant to the issue of the certificates.
-) Issuance of the certificates is an administrative exercise and where the premises are fit the Town is compelled to issue them.
-) The local government has a duty in this regard under section 3.21 of the *Local Government Act 1995*. [Officer note: that section actually reads in terms of avoiding physical obstruction or impacts rather than administrative obstruction as inferred.]
-) Issuing the certificates would not grant approval for the proposed liquor licence or represent support for the application; and the liquor licencing authority has discretion to determine an application with or without them.
-) The Town and public would still have the opportunity to raise concerns or objection to the liquor licence application.
-) The liquor licensing authority is the body empowered to determine liquor licence applications, which is outside the Town's mandate.
-) The Town's Liquor (Licensed Premises) Policy is seen as not covering this type of liquor licence application.

-) The Club reserves the right to take action against the Town in this regard, including seeking cost recovery. [Officer note: this matter does not need to come to that and the Town's position is defensible.]
-) There was no valid reason for the request for the certificates to be included in the Agenda and to potentially complicate the liquor licensing process.

The Surf Club's and Lavan's comments explaining their approach to and views on the matter are noted. In this respect, to be clear about the requirement for the certificates, the *Liquor Control Act 1998* in summary provides as follows:

Section 39 certificate

-) A liquor licence application is to be accompanied by this certificate, unless the licensing authority otherwise determines.
-) The licensing authority may condition a licence to be subject to submitting this certificate.

Section 40 certificate

-) A liquor licence application is to be supported by this certificate, unless the licensing authority otherwise determines.
-) The certificate is not required to be provided with the application, but the liquor licence cannot be granted until it is, unless the licensing authority otherwise determines.
-) The licensing authority may condition a licence to be subject to submitting this certificate.

Therefore, whilst the Liquor Control Act requires the applicant to seek and submit the certificates, it provides discretion for the liquor licensing authority as described, and does not force local governments to issue the certificates. Although the liquor licensing authority's preference is to receive the certificates before determining a liquor licence application, the certificates are not an essential prerequisite to an application or an absolute barrier to the granting of a licence.

Further, the absence or waiving of a certificate for the purpose of liquor licensing does not exempt the applicant from having to comply with the subject local government requirements in themselves.

This report recognises the role of the certificates in the liquor licensing process, and it is appreciated that the Surf Club has sought them in order to make a liquor licence application. The Town has viewed the request for the certificates more holistically in the context of the previous liquor licence application and the community concern and Council consideration that arose then, hence the previous recommendation. Local governments are closely involved in liquor licence applications and monitoring licenced premises, whereby it is legitimate for the Town to have regard to this context.

The Town is not obligated to issue the certificates and ought not have to deal with the request under duress. However, Council could in this case agree to issue the certificates on the basis of being without prejudice to consideration of the intended liquor licence application, as set out in a revised recommendation below. Qualifying issuance of the certificates in this manner would avert interpretation that the Town has implied support for the intended liquor licence application.

Issuing the certificates would verify whether or not the local government requirements comply, and would facilitate the making of a liquor licence application, but the determination of an application is dependent upon the liquor-related public interest assessment and management controls of the Act rather than the certificates per se.

Upon a subsequent liquor licence application being referred to the Town by the liquor licensing authority and advertised for public comment by the applicant in accordance with the authority's requirements, Council would be able to consider the overall proposal for a submission or objection.

ADDITIONAL INFORMATION FOLLOWING AGENDA FORUM

As confirmed above, several other local sport clubs have Club Restricted liquor licences and the golf club has a Club liquor licence.

In planning terms, applying a liquor licence to a sport or other social club is not treated as a change of land use, whereby no further planning approval is required. In terms of the *Liquor Control Act 1998*, a section 40 certificate advises whether a property complies/would comply with relevant planning laws – that is a check for the liquor licensing authority, so as to grant a liquor licence to a property only if consistent with the approved land use and development.

The Surf Club has a Crown lease via the Minister for Lands – not from the Town – for its life-saving purpose ("Surf Club and Supporting Activities"); and any other use requires the approval of the lessor. In seeking a liquor licence the Surf Club is not proposing to change the purpose under the lease or the land use

The lease requires compliance with all relevant statutes, whereby a liquor licence can be applied for, and that does not require the lessor's consent. Like the other sport clubs, the Surf Club is at liberty to seek a liquor licence.

The lease refers to the avoidance and abatement of nuisance in relation to occupiers/owners of adjoining lands/properties. Were a liquor licence found to be a cause of nuisance, then in addition to liquor control remedies those lease requirements could be enforced by the lessor.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Angers

That Council:

1. Authorise officers to issue the requested Liquor Control Act sections 39 and 40 certificates for administrative purposes only and without prejudice to Council's consideration of the intended liquor licence application.
2. Advise North Cottesloe Surf Life Saving Club that:
 - a. Council is not in a position to support the proposal for a Club Restricted Liquor Licence ahead of a formal liquor licence application being referred to the Town for consideration; and

- b. to reconsider Council's previous objection, Council would require more information regarding the proposed Club Restricted Liquor Licence and how the Surf Club intends to operate it, including addressing community concerns raised in relation to the previously-proposed Club Liquor Licence and having regard to Council's Liquor (Licenced Premises) Policy.

PROCEDURAL MOTION**Cr Boulter, seconded Cr Thomas**

That Council defer consideration of this Item pending the upcoming election, so as not to bind future the Council to this decision.

LOST 3/5**For: Crs Pyvis, Boulter and Thomas****Against: Mayor Dawkins, Crs Rodda, Angers, Downes and Burke****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION****Moved Cr Rodda, seconded Cr Angers****That Council:**

1. Authorise officers to issue the requested Liquor Control Act sections 39 and 40 certificates for administrative purposes only and without prejudice to Council's consideration of the intended liquor licence application.
2. Advise North Cottesloe Surf Life Saving Club that:
 - a. Council is not in a position to support the proposal for a Club Restricted Liquor Licence ahead of a formal liquor licence application being referred to the Town for consideration; and
 - b. to reconsider Council's previous objection, Council would require more information regarding the proposed Club Restricted Liquor Licence and how the Surf Club intends to operate it, including addressing community concerns raised in relation to the previously-proposed Club Liquor Licence and having regard to Council's Liquor (Licenced Premises) Policy.

CARRIED 5/3**For: Mayor Dawkins, Crs Rodda, Angers, Downes and Burke****Against: Crs Pyvis, Boulter and Thomas**

10.1.2 28 AVONMORE TERRACE AND 20A DEANE STREET – CROSSOVERS
CONFIDENTIAL

This Item was considered after the meeting was closed to public.

10.1.3 PLANNING APPLICATIONS DETERMINED UNDER DELEGATION

File Ref: SUB/2040
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services

Proposed Meeting Date: 26 SEPTEMBER 2017
Author Disclosure of Interest: Nil

SUMMARY

This report provides details of the planning applications determined by officers acting under delegation, for the month of August 2017.

BACKGROUND

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

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

STRATEGIC IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Nil.

STAFFING IMPLICATIONS

Nil.

SUSTAINABILITY IMPLICATIONS

Nil.

CONSULTATION

Nil.

STAFF COMMENT

During August 2017 the following planning applications were determined under delegation:

Address	Description	Date Determined
48 Forrest Street	Minor alterations and additions	14 August 2017
259 Marmion Street	Alterations and additions	15 August 2017
3 Rosser Street	Alterations and additions	16 August 2017
30 Griver Street	Alterations and additions	18 August 2017
2 Nailsworth Street	Alterations and additions	18 August 2017
32 Hawkstone Street	Subdivision residential	18 August 2017
116 Grant Street	Carport	18 August 2017
1 Athelstan Road	Alterations and additions	18 August 2017
6 Margaret Street	Re-approval for two-storey dwelling	18 August 2017
4 Vera Street	Two-storey dwelling	18 August 2017
9 Melville Street	Front fence and parapet wall	18 August 2017

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Burke

That Council receive this report on the planning applications determined under delegation for the month of August 2017.

CARRIED 8/0

ADMINISTRATION**10.1.4 LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2017**

File Ref: SUB/2015
Attachments: Draft Local Government Property Amendment
Local Law 2017 *(to be tabled)*
Schedule of Submissions
Department of Local Government, Sport and
Cultural Industries Comment
McLeods Advice on Draft Local Law *(to be tabled)*
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Garry Bird
Manager Corporate and Community Services
Elizabeth Nicholls
Senior Administration Officer
Proposed Meeting Date: 26 September 2017
Author Disclosure of Interest: Nil

SUMMARY

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

BACKGROUND

In March 2015, a Councillor motion was presented by Cr Pyvis to implement a permanent ban on smoking.

NOTICE OF MOTION

Moved Cr Pyvis, seconded Cr Downes

That Council in view of the significant adverse environmental impacts of cigarette butts and in the interest of better community health and amenity that Council support a permanent ban on smoking at all Cottesloe beaches to be implemented by the 2015/2016 summer season.

AMENDMENT

Moved Cr Walsh, seconded Cr Pyvis

That these words be added after the word 'season' '...and that this be done by amending the Town of Cottesloe's Property Local Law as outlined in staff comment'.

CARRIED 7/1

COUNCIL RESOLUTION

That Council in view of the significant adverse environmental impacts of cigarette butts and in the interest of better community health and amenity that Council support a permanent ban on smoking at all Cottesloe beaches to be implemented

by the 2015/2016 summer season and that this be done by amending the Town of Cottesloe's Property Local Law as outlined in staff comment.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

CARRIED 6/2

Under the *Local Government Act 1995*, Section 3.16, periodic reviews of local laws must be carried out eight years from the day when a local law commenced. A report was presented to the Works and Corporate Services Committee Meeting to perform a periodic review of the Local Government Property Local Law 2001 and to investigate ways that smoking could be banned.

At the Ordinary Council Meeting held in April 2016, Council considered the public submissions received and resolved to advertise an amendment to the Local Law that would have the purpose and effect of;

Purpose To improve the amenity of beaches in Cottesloe by reducing litter from cigarette butts, eliminating exposure to cigarette smoke by beach users and reducing the risk to marine life of ingesting the cigarette butts.

Effect Smoking would effectively be prohibited on all beach and beach reserves as determined by Council.

The following resolution was adopted:

That Council, following the advertising of the review of the Local Government Property Local Law 2001:

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

CARRIED 8/0

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

A total of seven submissions from the public were received. All of these submissions supported the proposed ban.

In addition to these submissions received, a further submission was received from the Department of Local Government and Communities. It was recommended that the Local Law amendment be redrafted to reflect current best practice and so that the amendment is in a format that is acceptable to the Joint Standing Committee on Delegated Legislation. It was also recommended that the Town seek confirmation that the all of the beaches and beach reserves are within the local government boundary as typically jurisdiction ceases at the low water mark.

The Department of Local Government and Community raised doubt about whether the proposal to ban smoking from all beaches and beach reserves would be approved by the Joint Standing Committee on Delegated Legislation, suggesting it may be viewed as an inappropriate use of the powers conferred on local government.

At the April 2016 Ordinary Council Meeting, a Councillor motion was proposed by Cr Boulter in relation to the banning of balloons.

COUNCILLOR MOTION & COUNCIL RESOLUTION

1. *Use of balloons and balloons inflated with a gas that causes them to rise in the air is prohibited for use by the Town of Cottesloe for its own events.*
2. *All events approved by the Town of Cottesloe will be conditioned to prohibit the use of balloons and balloons inflated with a gas that causes them to rise in the air.*
3. *That the Town of Cottesloe administration produce a report to Council about making a by-law to prohibit balloons and the intentional release of balloons inflated with a gas that causes them to rise in the air in the Town of Cottesloe, having regard to NSW Schedule 1 Amendment of Protection of the Environment Operations Act 1997 (Section 3) and Local Law No. 3 (Community Health and Environment Management) 2011 by October 2016 Council meeting.*

THE SUBSTANTIVE MOTION WAS PUT

CARRIED 8/0

At the October 2016 Ordinary Meeting of Council, a report was presented to Council. The advice received from the Department of Local Government and Communities raised doubt as to whether the proposed amendment would receive the necessary approval from the State Government. It was resolved:

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

That Council:

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

THE SUBSTANTIVE MOTION WAS PUT

CARRIED 6/3

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

To amend the Local Law to ban smoking and balloon releases, McLeods Barristers and Solicitors were engaged, taking into consideration the advice provided by the Department of Local Government and Communities and the other proposed amendments.

At the May 2017 Ordinary Meeting of Council, it was resolved:

That Council, in regards to the proposed amendments to the Local Government Property Local Law 2001:

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

CARRIED 7/0

In accordance with the Resolution of Council, this proposal was advertised locally and state-wide in June 2017, with public submissions closing on 18 July 2017.

A total of thirteen submissions were received from the public. Of these, four specifically support prohibiting the release of balloons, some from people living interstate and some petitioning for a nationwide ban. The other seven support the proposed amendment to the *Local Government Property Local Law 2001* to ban smoking and balloon releases. These submissions have been included for the Elected Members information along with the seven submissions received for the proposal advertised in July 2016 in relation to the smoking ban.

The Department of Local Government and Communities advised that the state-wide notice did not allow for sufficient time. As such, the *Local Government Property Amendment Local Law 2017* was required to be readvertised for the required 42 days in a state-wide public notice.

One submission was received from the public, supporting the ban. This submission has been included for Elected Members information.

The Department of Local Government, Sport and Cultural Industries have again provided comment in regards to the proposed amendments about the use of a determination to effectively ban smoking and balloons. They have cited recent examples where similar legislation proposing the use of a determination has been disallowed. That said, the *Town of Cottesloe Local Government Property Local Law 2001* is constructed on the basis of the use of determinations and staff are of the view that the proposed amendments should be adopted as drafted.

McLeods Barristers and Solicitors have been asked to provide comment on the feedback received from the Department of Local Government, Sport and Cultural Industries, which will be provided at the Agenda Forum for consideration by Elected Members.

The Department of Local Government, Sport and Cultural Industries have also suggested some minor edits which have been incorporated into the Amendment Local Law (attached).

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013-2023

Priority Area 3: Enhancing Beach Access and Foreshore

POLICY IMPLICATIONS

The Town's Beach Policy contains numerous provisions relevant to maintaining and improving the beach environment. The proposal to prohibit the release of balloons would be in keeping with this Policy.

The Beach Policy states that a secondary objective of the policy is to ‘...provide a level of essential amenity on the beach reserves which meets the expectations of residents of Cottesloe, the people of Western Australia and visitors to the metropolitan region’. The banning of smoking on all beaches would be in keeping with this Policy objective by ensuring that they were kept relatively free of cigarette butts and beach users are able to enjoy these facilities free of cigarette smoke.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Town of Cottesloe Local Government Property Local Law 2001

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

3.5 Legislative power of local governments

- (1) *A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.*
- (2) *A local law made under this Act does not apply outside the local government’s district unless it is made to apply outside the district under section 3.6*
- (3) *The power conferred on a local government by subsection (1) is in addition to any power to make local laws conferred on it by any other Act.*
- (4) *Regulations may set out –*
 - (a) *matters about which, or purposes for which, local laws are not to be made; or*
 - (b) *kinds of local laws that are not to be made, and a local government cannot make a local law about such a matter, or for such a purpose or of such a kind.*
- (5) *Regulations may set out such transitional arrangements as are necessary or convenient to deal with a local law ceasing to have effect because the power to make it has been removed by regulations under subsection (4).*

3.12. Procedure for making local laws

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
 - (a) *give Statewide public notice stating that —*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice,*

being a day that is not less than 6 weeks after the notice is given;

and

- (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
- © provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.
* Absolute majority required.*
- (5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) After the local law has been published in the Gazette the local government is to give local public notice —
 - (a) stating the title of the local law; and*
 - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - © advising that copies of the local law may be inspected or obtained from the local government's office.**
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) In this section —
making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

Regulation 3 of the Local Government (Functions and General) Regulations 1996 provides the following:

3. Notice of purpose and effect of the proposed local law – s.3.12(2)

For the purpose of section 3.12, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that –

- (a) the purpose and effect of the proposed local law is including in the agenda for that meeting; and*
- (b) the minutes of the meeting of the council include the purpose and effect of the proposed local law.*

FINANCIAL IMPLICATIONS

The Local Law prescribes various penalties for non-compliance, with two of the submissions stating that these penalties should be increased to the maximum monetary value.

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

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

STAFFING IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Town of Cottesloe Staff

Department of Local Government and Communities

Western Australian Local Government Association

McLeods Barristers and Solicitors

Community Consultation

A copy of the draft local law was sent to the Minister for Local Government

STAFF COMMENT

From the public submissions received it would appear there are no objections from the community to amend the *Local Government Property Local Law 2001* to ban smoking and balloon releases from all beaches and beach reserves.

Amendment to Town of Cottesloe Local Government Property Local Law 2001

Purpose:

The purpose of the Amendment Local Law is to specify additional activities which may be prohibited on specified local government property by way of a determination under cl. 2.8(1), such activities being:

- (a) smoking within a 5 metre radius of any entrance, exit or aperture of premises (cl. 2.8(1)(a));
- (b) releasing an unsecured balloon inflated with a gas that causes it to rise in the air (cl. 2.8(1)(i));
- (c) smoking in contravention of a sign which prohibits the act of smoking (cl. 2.8(1)(j)).

Effect:

The effect of the Amendment Local Law will be that Council may make a determination under cl. 2.8(1) that a person is prohibited from undertaking the following activities on specified local government property:

- (a) smoking within a 5 metre radius of any entrance, exit or aperture of premises (cl. 2.8(1)(a));
- (b) releasing an unsecured balloon inflated with a gas that causes it to rise in the air (cl. 2.8(1)(i));
- (c) smoking in contravention of a sign which prohibits the act of smoking (cl. 2.8(1)(j)).

VOTING

Absolute Majority

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Thomas

That Council, by Absolute Majority:

1. In accordance with s3.12(4) of the *Local Government Act 1995*, adopt the *Local Government Property Amendment Local Law 2017* as presented;
2. In accordance with s3.12(5), publish the local law in the Government Gazette and send a copy to the Minister for Local Government;
3. After Gazettal, in accordance with s3.12(6), give local public notice:
 - a) Stating the title of the local law;
 - b) Summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - c) Advising that copies of the local law may be inspected or obtained from the Town Administration and website.
4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 7 November 2005, provide a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and the Chief Executive Officer to the WA Parliamentary Joint Standing Committee on Delegated Legislation.
5. Authorise the Mayor and Chief Executive Officer to execute all necessary documentation as may be required to adopt the Town of Cottesloe *Local Government Property Local Law 2017*.
6. Thank all those respondents who provided a submission to the proposed Town of Cottesloe *Local Government Property Local Law 2017*.

CARRIED 8/0

10.1.5 COTTESLOE OUTDOOR FILM FESTIVAL 2018 – 2020

File Ref: SUB/2470
Attachments: Proposal
Indicative Budget for the 2018 film season
Letter of Support from Cottesloe Coastcare Association
Responsible Officer: Garry Bird
Manager Corporate and Community Services
Author: Sherilee Macready
Community Development Officer
Proposed Meeting Date: 26 September 2017
Author Disclosure of Interest: Nil.

SUMMARY

Miranda Edmonds from Cottesloe Films is seeking approval and support from Council to hold the second, third and fourth Cottesloe Outdoor Film Festival at Cottesloe Civic Centre for specific dates in: January and February 2018, February 2019, and January and February 2020.

BACKGROUND

The first Cottesloe Outdoor Film Festival was held in February 2017, and consisted of four nights of films screened at the Lower Lawn at Cottesloe Civic Centre. Films were screened on a mobile cinema system and offered residents an opportunity to come together and enjoy the stunning views of the Indian Ocean, listen to acoustic musicians perform, hear filmmakers introduce the films and participate in Q&A sessions while watching world class films.

Due to the popularity of the first film festival, organisers are keen to repeat and establish the festival in 2018, 2019 and 2020, extending the number of film nights and requesting the use of the Main Lawn venue with its larger patron capacity.

Cottesloe Films is owned by Miranda Edmonds, a Cottesloe resident and filmmaker whose short films have played on Qantas Airlines, SBS television, and United Airlines, and screened at festivals around the world. For the 2018 film festival, Miranda Edmonds has partnered with Estelle Buzzard from Buzz Productions who has extensive experience in publicity, event management and film promotion through her Public Relations company, Buzz Communications.

The 2018 Cottesloe Outdoor Film Festival will consist of six nights of films screened on an inflatable screen on the Main Lawn, scheduled for the following dates: 27 January, 28 January, 2 February, 3 February, 9 February and 10 February 2018.

The 2019 Cottesloe Outdoor Film Festival will consist of nine nights of films, scheduled for the following dates: 1 February, 2 February, 3 February, 8 February, 9 February, 10 February, 15 February, 16 February and 17 February 2019.

The 2020 Cottesloe Outdoor Film Festival will consist of nine nights of films, scheduled for the following dates: 31 January, 1 January, 2 February, 7 February, 8 February, 9 February, 14 February, 15 February and the 16 February 2020.

Each film night event will open at 5.30pm and be concluded by 11.00pm. Organisers are expecting a maximum of 450 patrons to attend each film night in 2018. The patron capacity for the 2019 and 2020 film festivals will be determined closer to the bookings but is expected to be similar.

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

Projected ticket prices for the 2018 film season are:

) Children/Concession	\$15
) Adults*	\$22

*\$2 from each adult ticket will be donated to a local not-for-profit organisation.

The inflatable screen and equipment used to show the films is entirely portable and will be installed in less than three hours, and will be removed at the conclusion of each night. The remainder of the equipment will be left in place between the two screenings each weekend and will be removed for the remainder of the week to allow for other bookings to take place. Noise minimisation measures will be employed to reduce impacts to nearby residents, including the employment of Council noise monitoring devices. Solo acoustic musicians will be employed to entertain guests as part of the picnic portion of each evening.

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

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

Existing public toilets located in the grounds of the Cottesloe Civic Centre will be adequate for the number of patrons attending the film events. Organisers will provide additional bins to cater for the additional number of patrons attending the event. The Cottesloe Civic Centre has adequate parking available in the streets, and local residents will be encouraged to walk to the event.

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

educational messages, including from the Town of Cottesloe, is an aspect the organisers wish to promote.

Organisers have stated that as part of the community engagement aspect of the Cottesloe Film Festival, they are committed to making a formal donation to a not-for-profit organisation of their choice engaged in a charitable project specifically benefiting the suburb and residents of Cottesloe. In addition, the not-for-profit organisation will also be able to promote their organisation to patrons attending the film festival in the form of screen advertising and possibly a small stall. Cottesloe Coastcare Association was the beneficiary for the 2017 film festival. A letter of support from Cottesloe Coastcare Association has been provided in support of the 2018 Cottesloe Outdoor Film Festival season.

The organisers have written to Council as part of this application requesting Council waive the hire fees, noise monitoring fees, food stallholder fees and bin hire fees for the 2018, 2019 and 2020 film seasons. In addition, they have requested a donation of funds from Council of \$5,000 per annum to assist in covering the costs of providing this community event to the Cottesloe community.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013 – 2023

Priority Area 1 – Protecting and enhancing the wellbeing of residents and visitors.

Major Strategy 1.4 – Continue to improve community engagement.

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

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.

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

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

POLICY IMPLICATIONS

Event Classification Policy

This event is classified as a Commercial Event under this policy, however, officers are of the view some dispensation could be provided as it was in 2017. The event has the potential to significantly add benefit to the Cottesloe community. In addition, organisers have stated they will make a formal donation to local not-for-profit organisation for example Cottesloe Coastcare Association. Cottesloe businesses will be engaged to sponsor the festival and promote their services by way of advertising on the film screen, which in turn has a flow on effect of stimulating our local economy.

Liquor (Licensed Premises) Policy

As the applicant would like a liquor license for the film festival then this policy is applicable.

Donations Policy

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

STATUTORY ENVIRONMENT

Local Government Act 1995.

Food Act 2008.

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

FINANCIAL IMPLICATIONS

If Council charges the projected fees for this event under Commercial classification, it would total approximately \$1,050 for each film night. This would be in addition to other costs that the organiser will have.

These figures are broken down as follows, as stated in the Schedule of Fees and Charges 2017-2018:

)	Commercial bond	\$300
)	Commercial daily venue hire fee	\$690
)	Noise monitoring fee per event	\$166.67 (\$1,000 fee apportioned per night)
)	Food permits	\$60 per day
)	Additional bin hire	\$20 per bin

Organisers have provided an indicative Budget for the 2018 film season, which shows a loss of \$8,445.02 for the 2018 season. It is noted there is some scope for increased revenue from ticket sales.

As one of the primary purposes of the film festival is to provide an opportunity for Cottesloe residents to come together and enjoy a local outdoor cinema in the beautiful grounds of the Cottesloe Civic Centre, the officer recommendation is to waive the fees stated above for all six film nights in 2018. This would add support the event and assist the organisers in establishing the event in Cottesloe. The organiser has the option of submitting an application to Council requesting a fee waiver ahead of the 2019 and 2020 film seasons.

Officers recommend organisers pay a \$300 bond for use of the Main Lawn to cover the duration of each Cottesloe Film Festival, in 2018, 2019, 2020 respectively, as per the Schedule of Fees and Charges 2017-2018.

STAFFING IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

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

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

CONSULTATION

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

STAFF COMMENT

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

-) The Town's Environmental Health staff have advised that the 2017 Cottesloe Outdoor Film Festival complied with the noise management conditions imposed by the Town.
-) Noise minimisation measures will be in place, including noise monitoring undertaken by the Town's Environmental Health staff. The employment of acoustic musicians to perform at the event will reduce the likelihood of noise breaches.
-) Alcohol permits will be in place prior to the event.
-) Organisers will write to local residents in the proximity to the Civic Centre advising them of the Cottesloe Film Festival taking place.
-) Sanitary facilities and bins will be provided for patrons.
-) Parking facilities in the adjacent streets will be adequate to cover the additional 450 patrons accessing the Cottesloe Civic Centre.

Officers recognise the benefit to the Cottesloe community of the Cottesloe Outdoor Film Festival, particularly the benefits of it becoming an annual event moving forward. Therefore, the officer recommendation is to waive all hire fees, noise monitoring fees, food stallholder fees, and bin hire fees for the 2018 film season, in an effort to assist the organisers in providing this community based event in Cottesloe.

The request from the organiser for Council to provide a \$5,000 per annum donation is not supported by the administration as it is felt that the waiving of the Council fees is an adequate contribution.

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

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Thomas

That Council approve the application to hold The Cottesloe Outdoor Film Festival on the Main Lawn at Cottesloe Civic Centre on: Saturday 27 January, Sunday 28 January, Friday 2 February, Saturday 3 February, Friday 9 February, and Saturday 10 February 2018; Friday 1 February, Saturday 2 February, Sunday 3 February, Friday 8 February, Saturday 9 February, Sunday 10 February, Friday 15 February, Saturday 16 February, and Sunday 17 February 2019; Friday 31 January, Saturday 1 January, Sunday 2 February, Friday 7 February, Saturday 8 February, Sunday 9 February, Friday 14 February, Saturday 15 February, and Sunday 16 February 2020; from 5.30pm to 11.00pm respectively, subject to the following conditions:

1. That the venue hire fees, noise monitoring fees, stallholder fees and bin hire fees be waived for the 2018 film season, subject to this support being appropriately acknowledged;
2. A bond of \$300 is paid for use of the Main Lawn for the duration of each Cottesloe Outdoor Film Festival season, in 2018, 2019 and 2020 respectively;

3. That the request from the organiser to Council for a \$5,000 per annum donation towards the Cottesloe Outdoor Film Festival be denied;
4. Neighbouring properties to the Cottesloe Civic Centre are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required;
5. All signage to be approved by the Chief Executive Officer one month prior to the event;
6. The event complies with all noise management conditions imposed on the event by the Town of Cottesloe;
7. The event complies with all requirements of the:
 -) *Health (Public Buildings) Regulations 1992*
 -) *Food Act 2008*
 -) *Town's Health Local Law 1997*
 -) *Town's Liquor (Licensed Premises) Policy*
8. No alcohol is to be served unless a valid licence or permit from the Department of Racing, Gaming and Liquor is provided to the Town prior to the event;
9. Adequate arrangements for rubbish removal and collection, including the provision for recycling;
10. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event;
11. No balloons to be used during the event;
12. That the event is a non-smoking event;
13. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event; and
14. That the Western Metropolitan Regional Council 'Earth Carers' Event Waste Minimisation Checklist is provided to the event organisers, who are to complete the checklist and return to Council after the event with the aim of reducing the amount of plastics used at the event.

AMENDMENT

Moved Cr Boulter, seconded Cr Pyvis

That the conditions of approval for item 10.1.5 include the following Advice Note:

ADVICE NOTE

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

CARRIED 8/0

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda, seconded Cr Thomas

That Council approve the application to hold The Cottesloe Outdoor Film Festival on the Main Lawn at Cottesloe Civic Centre on: Saturday 27 January, Sunday 28 January, Friday 2 February, Saturday 3 February, Friday 9 February, and Saturday 10 February 2018; Friday 1 February, Saturday 2 February, Sunday 3 February, Friday 8 February, Saturday 9 February, Sunday 10 February, Friday 15 February, Saturday 16 February, and Sunday 17 February 2019; Friday 31 January, Saturday 1 January, Sunday 2 February, Friday 7 February, Saturday 8 February, Sunday 9 February, Friday 14 February, Saturday 15 February, and Sunday 16 February 2020; from 5.30pm to 11.00pm respectively, subject to the following conditions:

1. That the venue hire fees, noise monitoring fees, stallholder fees and bin hire fees be waived for the 2018 film season, subject to this support being appropriately acknowledged;
2. A bond of \$300 is paid for use of the Main Lawn for the duration of each Cottesloe Outdoor Film Festival season, in 2018, 2019 and 2020 respectively;
3. That the request from the organiser to Council for a \$5,000 per annum donation towards the Cottesloe Outdoor Film Festival be denied;
4. Neighbouring properties to the Cottesloe Civic Centre are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required;
5. All signage to be approved by the Chief Executive Officer one month prior to the event;
6. The event complies with all noise management conditions imposed on the event by the Town of Cottesloe;
7. The event complies with all requirements of the:
 -) *Health (Public Buildings) Regulations 1992*
 -) *Food Act 2008*
 -) *Town's Health Local Law 1997*
 -) *Town's Liquor (Licensed Premises) Policy*
8. No alcohol is to be served unless a valid licence or permit from the Department of Racing, Gaming and Liquor is provided to the Town prior to the event;
9. Adequate arrangements for rubbish removal and collection, including the provision for recycling;
10. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event;
11. No balloons to be used during the event;
12. That the event is a non-smoking event;
13. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event; and

14. That the Western Metropolitan Regional Council 'Earth Carers' Event Waste Minimisation Checklist is provided to the event organisers, who are to complete the checklist and return to Council after the event with the aim of reducing the amount of plastics used at the event.

ADVICE NOTE

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

CARRIED 8/0

Crs Downes declared an impartiality interest in this Item.

10.1.6 CELEBRATION OF THE MOTORCAR – 2017

File Ref: SUB/2094
Attachments: Event Application
Responsible Officer: Garry Bird
Manager Corporate and Community Services
Author: Elizabeth Nicholls
Senior Administration Officer
Proposed Meeting Date: 26 September 2017
Author Disclosure of Interest: Nil

SUMMARY

Celebration of the Motorcar is a motoring exhibition event held in the grounds of the Cottesloe Civic Centre. Automotive Events Management is seeking approval for the fifth Celebration of the Motorcar event to be held at the Cottesloe Civic Centre, on Sunday 3 December 2017, between 10.30am and 3.30pm.

BACKGROUND

The event invites members of the public to view an exhibition of Australia's classic, exotic and prestige cars in the grounds of the Cottesloe Civic Centre as part of a charity fundraising event. The specific locations of the public exhibition will be on the Main Lawn, Lower Lawn and Playground 2. The site map is currently in draft format and will be finalised prior to the event.

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

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

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

100% of admission fees, after costs, are donated to the organisation's chosen charity organisation. Wheels for Hope have provided their financial statements for the 2016 event which demonstrates that Automotive Events Management (a commercial event company) provided the proceeds of the event were provided to Wheels for Hope.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013-2023

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

Major Strategy 1.4 Continue to improve community engagement.

Corporate Business Plan 2017-2021

Priority Area One: Protecting and enhancing the wellbeing of residents and visitors
Major Strategy 1.4 Continue to improve community engagement.

The event is inline with the above strategies.

POLICY IMPLICATIONS

Outdoor Concerts and Large Public Events Policy

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

Events/Facility Classification Policy

Celebration of the Motorcar event is organised by a commercial entity, Automotive Events Management. The Town's recently updated Event/Facility Classification Policy it states:

Where a commercial or not for profit entity wishes to hold an event to raise funds for a registered charitable organisation, they must pay the relevant hire fee applicable.

The applicant can then make separate application to Council after the event for those fees to be reimbursed on the basis of the charitable nature of the event on the following conditions:

Detailed audited financial statement(s) for the event are submitted; and

Receipt(s) are submitted with the financial statement showing distribution of the funds to the nominated charity or charities.

To comply with the Policy, the Applicant would be required to pay a bond of \$3,000 and hire fees in excess of \$10,000 for the date of the event and for the set up and back down. This could then be passed to Council for consideration of reimbursement. Due to the charitable nature of the event and the long standing relationship the event has had with the Town, it is the Officer's Recommendation that the hire fees be waived and only a \$100 bond be charged.

STATUTORY ENVIRONMENT

Environmental Protection (Noise) Regulations 1997

Guidelines on the Application of the Health (Public Buildings) Regulations 1992

FINANCIAL IMPLICATIONS

These figures are broken down as follows, as stated in the Schedule of Fees and Charges year ending 30 June 2018 for a Commercial event with over 2000 to under 3000 attendees.

)	Commercial bond	\$3,000
)	Commercial daily venue hire fee	\$10,000 (additional fees charged for bump in and bump out)
)	Food permits	\$60 per day
)	Additional bin hire	\$20 per bin

The organisers are contributing 100% of the admission fees collected, after costs, to their chosen charity, Wheels for Hope. The Town has been provided with Wheels for Hope's Deductible Gift Recipient status and their Australian Charities and Not-for profits Commissions Charity Register Summary. As such it is recommended that Council classify this event as a 'charitable' event, which has no hire fees.

Officers recommend that the Applicant pay a \$100 bond as per the Schedule of Fees and Charges year ending 30 June 2018.

STAFFING IMPLICATIONS

There are no staffing implications arising from the Officers Recommendation.

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Noise limits will be put into place for activities on the Lower Lawn and in Playground 2, with no vehicle activity at the Civic Centre before 8.30am or after 6.00pm on Sunday 3 December 2017.

However it is still recommended that neighbouring properties be advised of the event taking place (if approved), and provide a mechanism for them to provide feedback if required.

STAFF COMMENT

On the Saturday 2 December 2017, between 2.00pm and 5.00pm, some cars will be delivered in preparation for their display placement. Event organisers will be required to keep the noise associated with this to a minimum. A security guard will be in place overnight to guard the vehicles.

On the morning of the event, the remainder of the display cars will enter the Main Lawn, Lower Lawn and Playground 2 from 8.30am. Event organisers will be required to keep the noise associated with this to a minimum. Cars will not be running during the event times which will assist in keeping noise levels to an acceptable level. Cars will come in the northern entry and leave from the gate close to the War Memorial Hall, keeping all traffic moving in one direction. Support vehicles will need to be parked offsite – with the most appropriate venue being Harvey Field.

The cars will leave the Civic Centre from 3.30pm on Sunday 3 December 2017. This should minimise noise impacts on nearby residents.

The event is open to the public between 10.30am and 3.30pm on Sunday 3 December 2017. It is expected that there will be minimal use of a public announcement system during the event for awards presentations and a charity auction. An unamplified classical trio will play from 10.30am until 2.30pm with a half hour break from 1.00pm.

Rubbish bins are required for the event, which were supplied by the Council at last year's event in support of this charitable event. No additional toilets are expected to be required as on site toilets have been sufficient in the past. The Principal Environmental Health Officer will ensure that the event complies with the *Guidelines on the Application of the Health (Public Buildings) Regulations 1992*, *Food Act 2008* and the *Town's Health Local Law 1997*.

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

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

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Angers, seconded Cr Burke

That Council approve the application to hold the Celebration of the Motorcar event at Cottesloe Civic Centre, on Sunday 3 December 2017, from 10.30am to 3.30pm, with the following conditions:

1. That the venue hire fees, noise monitoring fees, stallholder fees and bin hire fees be waived;
2. Provision of a transport or parking plan and appropriate access/signage to and from the event, which is to be provided at least 30 days prior to the event for the approval of the Chief Executive Officer.
3. That support vehicles are parked at Harvey Field and not in public parking areas;
4. No vehicle activity at the Civic Centre before 8.30am and after 6.00pm on Sunday 27 November 2016;
5. Neighbouring properties to the Cottesloe Civic Centre are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required;
6. All signage to be approved by the Chief Executive Officer one month prior to the event;
7. The event complies with all noise management conditions imposed on the event by the Town of Cottesloe;
8. The event complies with all requirements of the:
 -) *Health (Public Buildings) Regulations 1992*
 -) *Food Act 2008*
 -) *Town's Health Local Law 1997*
 -) *Town's Liquor (Licensed Premises) Policy*
9. No alcohol is to be served unless a valid licence or permit from the Department of Racing, Gaming and Liquor is provided to the Town prior to the event;
10. Adequate arrangements for rubbish removal and collection, including the provision for recycling;

11. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event;
12. No balloons to be used during the event;
13. That the event is a non-smoking event;
14. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event; and
15. That the Western Metropolitan Regional Council 'Earth Carers' Event Waste Minimisation Checklist is provided to the event organisers, who are to complete the checklist and return to Council after the event with the aim of reducing the amount of plastics used at the event.

AMENDMENT

Moved Cr Thomas, seconded Cr Boulter

That Point 1 of the Officer Recommendation be amended to include the following words *"upon receipt of documentation being received by Council showing all monies collected were passed onto 'Wheels for Hope' "* after the words *'be waived'*.

CARRIED 8/0

AMENDMENT

Moved Cr Boulter, seconded Cr Pyvis

That the conditions of approval for item 10.1.6 include the following Advice Note:

ADVICE NOTE

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

CARRIED 8/0

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Angers, seconded Cr Burke

That Council approve the application to hold the Celebration of the Motorcar event at Cottesloe Civic Centre, on Sunday 3 December 2017, from 10.30am to 3.30pm, with the following conditions:

1. That the venue hire fees, noise monitoring fees, stallholder fees and bin hire fees be waived upon receipt of documentation being received by Council showing all monies collected were passed onto 'Wheels for Hope'.
2. Provision of a transport or parking plan and appropriate access/signage to and from the event, which is to be provided at least 30 days prior to the event for the approval of the Chief Executive Officer.
3. That support vehicles are parked at Harvey Field and not in public parking areas;

4. No vehicle activity at the Civic Centre before 8.30am and after 6.00pm on Sunday 27 November 2016;
5. Neighbouring properties to the Cottesloe Civic Centre are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required;
6. All signage to be approved by the Chief Executive Officer one month prior to the event;
7. The event complies with all noise management conditions imposed on the event by the Town of Cottesloe;
8. The event complies with all requirements of the:
 -) *Health (Public Buildings) Regulations 1992*
 -) *Food Act 2008*
 -) *Town's Health Local Law 1997*
 -) *Town's Liquor (Licensed Premises) Policy*
9. No alcohol is to be served unless a valid licence or permit from the Department of Racing, Gaming and Liquor is provided to the Town prior to the event;
10. Adequate arrangements for rubbish removal and collection, including the provision for recycling;
11. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event;
12. No balloons to be used during the event;
13. That the event is a non-smoking event;
14. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event; and
15. That the Western Metropolitan Regional Council 'Earth Carers' Event Waste Minimisation Checklist is provided to the event organisers, who are to complete the checklist and return to Council after the event with the aim of reducing the amount of plastics used at the event.

ADVICE NOTE

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

CARRIED 8/0

Crs Downes and Angers declared an impartiality interest in this Item.

10.1.7 NORTH COTTESLOE SURF LIFE SAVING CLUB INC. – SUPPORT FOR 2018 CENTENARY CELEBRATION

File Ref: Sub/2338
Attachments: North Cottesloe Surf Life Saving Club Inc.
Covering Letter
North Cottesloe Surf Life Saving Club Inc.
Presentation
North Cottesloe Surf Life Saving Club Inc.
Supplementary information
North Cottesloe Surf Life Saving Club Inc.
Submission.
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Garry Bird
Manager Corporate and Community Services
Proposed Meeting Date: 26 September 2017
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider a proposal from the North Cottesloe Surf Life Saving Club Inc. for financial and in-kind support for events planned to celebrate the centenary anniversary of the foundation of the Club.

BACKGROUND

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

-) Production of History book;
-) Club video;
-) Surf Sports Event; and
-) Women in Surf Event.

Specifically, the Town of Cottesloe has been requested to support the planned celebrations in the following way:

-) \$10,000 cash contribution.
-) Assistance with securing high profile dignitaries to attend the event.
-) Assistance with necessary event approvals.
-) Assistance with community engagement and promotion of activities.
-) Traffic management for specific events.

In regards to the specific events planned, a separate application will be required for each event to ensure they will meet accepted standards for events in Cottesloe.

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS**Council Policy – Donations***Assessment Criteria*

Donation requests will not be considered where;

-) The applicant is a private and for profit 55inimize55ion or association.*
-) The applicant is an individual person.*
-) The application is in relation to general fundraising.*
-) The application is for funding for conferences and conventions.*

Priority will be given where;

-) The applicant is a registered not for profit 55inimize55ion and has a base or visible presence in Cottesloe or within the Western Suburbs;*
-) The applicant is a community group based in Cottesloe or has a visible presence within Cottesloe or has significant impact on residents of Cottesloe.*
-) The applicant can demonstrate that the funds will provide some benefit to Cottesloe residents.*
-) The funds are required for a new initiative or significant once off project.*
-) The applicant has not received a donation from Council within the previous two years.*
-) If the donation is for an event entry to the event is free of charge to Cottesloe residents to attend and participate.*
-) The application is made in the financial year prior to the funds being required in time for inclusion in the coming year's budget deliberations.*

From the above criteria, the request from the North Cottesloe Surf Life Saving Club Inc. is in keeping with this Policy.

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

The Town of Cottesloe allocates \$40,000 in the Budget each year for donations to community 55inimize55ions and similar to fund specific projects on an application basis. These funds have been allocated by Council for the 2017/2018 year when adopting the Budget.

The funds requested of \$10,000 could be included in the 2018/2019 Budget if Council was to approve the request.

STAFFING IMPLICATIONS

There will be some staff resources required to assess the individual event approval applications and to assist with traffic control and management.

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

North Cottesloe Surf Life Saving Club Inc.

STAFF COMMENT

Both the North Cottesloe and Cottesloe Surf Life Saving Clubs are important local organisations who provide invaluable life saving services at popular beaches. The history of the North Cottesloe Surf Life Saving Club Inc. is an important part of the history of the Town of Cottesloe and the celebration of this important anniversary is recommended for support by Council.

VOTING

Simple Majority for Officer Recommendation.

An Absolute Majority would be required if Council determined to support the request in the 2018/2019 Budget in which case a budget amendment is required.

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

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

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

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

That the cash contribution amount listed in Point 1 of the Officer Recommendation be reduced to \$5,000.

LOST 2/6

For: Crs Boulter and Pyvis

Against: Mayor Dawkins, Crs Rodda, Angers, Burke, Downes and Thomas

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**Moved Cr Downes, seconded Cr Angers**

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

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

CARRIED 6/2

For: Mayor Dawkins, Crs Rodda, Angers, Burke, Downes and Thomas

Against: Crs Boulter and Pyvis

The Presiding Member adjourned the meeting at 10.16 PM.

The Presiding Member reopened the meeting in the Council Chambers at 10.25 PM.

10.1.8 ROTTNEST CHANNEL SWIM – 2018

File Ref: SUB/2445
Attachments: Event Application
Startline Map
Course Map
Responsible Officer: Garry Bird
Manager, Corporate & Community Services
Author: Sherilee Macready
Community Development Officer
Proposed Meeting Date: 26 September 2017
Author Disclosure of Interest: Nil

SUMMARY

The Rottnest Channel Swim Association Inc. is seeking Council's approval to host the 2018 Rottnest Channel Swim from Cottesloe Beachfront on Saturday, 24 February 2018.

BACKGROUND

The Rottnest Channel Swim is an annual event, commencing from Cottesloe Beach to Rottnest Island, with approximately 2,500 swimmers participating, 900 of which are expected to depart from Cottesloe Beach from 5.45am.

Last year's event was successfully held on Saturday, 25 February 2017, again reaching its maximum participation capacity.

The 2018 Rottnest Channel Swim will be held on Saturday, 24 February 2018, with the first wave of Champions of the Channel swimmers leaving Cottesloe at 5.45am and the last wave of team swimmers expected to leave the beach by 7.45am. The event has five participation categories for competitors, which are: Champions of the Channel (elite Solo swimmers); Solo; Duo; Team (of 4); and Charity Challenge (teams of 4), with entries opening on the 23 October 2017 for two weeks.

The age requirement for the 2018 Rottnest Channel Swim is a minimum of 14 years of age (on the day of the event), in accordance with the FINA rules for open water swimming (OWS 1.2).

This year, organisers expanded the existing event to include an open water swim event as part of their 'Rottnest Festival of Swimming'. In recent years, demand has grown for the Rottnest Channel Swim event to be expanded, and this new element of the event is the result.

The open water swim will take place on the same day as the main event, commencing at 8.00am, and it is expected that it will take one hour for all the competitors to complete the swim. Organisers are expecting between 100 and 200 swimmers will compete in the first ever open water swim. The course comprises a 3km swim from the shore out to

the STS Leeuwin II vessel and back to the shore. Organisers will use the Rottnest Channel Swim infrastructure and services already set up on the beach. “Bump Out” of infrastructure and equipment will commence immediately following the completion of the open water swim. Organisers predict that the open water swim will be an exciting addition to an already iconic event.

Extra toilets and bins to cater for the expected number of patrons attending the event will be provided by the event organisers.

STRATEGIC IMPLICATIONS

There are no strategic implications arising from the Officer Recommendation.

POLICY IMPLICATIONS

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

Event Classification Policy

STATUTORY ENVIRONMENT

Local Government Act 1995

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

FINANCIAL IMPLICATIONS

If Council charges beach hire for this event, under community classification, it would total \$1,000 per day. In support of this community event the Town has not previously charged hire fees for this event.

STAFFING IMPLICATIONS

Ranger Services, which are met within normal budgeting allocations.

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Nil.

STAFF COMMENT

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

The open water swim event will take advantage of infrastructure already in place at the beachfront for the Rottnest Channel Swim, for example, organisers will make use of the scaffolding tower for water safety, and the Operations Tent and Help Desk. This will reduce the impact on residents in terms of the need to “bump in” additional infrastructure equipment for the open water swim.

Due to the history of the Rottnest Channel Swim event, and the success of the organisers in previous years, the officer recommendation is to approve this application.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Boulter

That Council approve the application to hold the 2018 Rottnest Channel Swim at Cottesloe Beachfront on Saturday, 24 February 2018, from 5.00am to 10.00am, subject to the following conditions:

1. Class the event as a “Community event” and waive all hire fees for the event as per previous years.
2. Adequate arrangements for rubbish removal and collection, including the provision for recycling.
3. Compliance with the requirements for sanitary facilities, access and egress, first aid and emergency response as per the *Health (Public Buildings) Regulations 1992*.
4. Additional toilets must be provided based on the expected attendance number to the event.
5. Structural Certification may be required to be provided to the Council for any temporary tents or marquees with an area of 18m² or greater.
6. Electrical Certification (Form 5) needs to be provided for any electrical work associated with the event. This needs to be completed by the licensed electrical contractor before the event commences.
7. Food handling activities (such as temporary food stalls) need to comply with requirements of the *Food Act 2008*.
8. Compliance with the *Environmental Protection (Noise) Regulations 1997*.
9. Compliance with the Town’s *Beaches and Beaches Reserves Local Law 2012*.
10. Appropriate Public Liability Insurance, with cover no less than 10 million dollars.
11. No balloons to be used during the event.
12. That the Western Metropolitan Regional Council ‘Earth Carers’ ‘H2O to Go’ Water Station facilities are investigated for use at the event; and
13. That the Western Metropolitan Regional Council ‘Earth Carers’ Event Waste Minimisation Checklist is provided to the event organisers, who are to complete the checklist and return to Council after the event with the aim of reducing the amount of plastics used at the event.

ADVICE NOTE

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

CARRIED 8/0

ENGINEERING**10.1.9 COTTESLOE FORESHORE RENEWAL – SUMMARY STRATEGY
ADVERTISING**

File Ref: SUB/2114
Attachments: Cottesloe Foreshore Renewal Summary Strategy
Cottesloe Foreshore Renewal Infrastructure
Reduction Strategy
Cottesloe Foreshore Renewal Infrastructure
Review Plan
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Nick Woodhouse
Manager Engineering Services
Proposed Meeting Date: 26 September 2017
Author Disclosure of Interest: Nil

SUMMARY

Council is requested to approve the advertising of the summary strategy document so that feedback can be sought from the community prior to final adoption by Council. The summary strategy addresses the Infrastructure Reduction Strategy, signage design, shade shelter options, universal access and the place making strategy for Car Park One.

The summary strategy document attached has been reviewed and endorsed by the Foreshore Precinct Implementation Committee.

BACKGROUND

The Cottesloe Foreshore Renewal is a project advanced by the Town of Cottesloe with the aim to revitalise the Cottesloe Foreshore Precinct with improved amenities, pedestrian accessibility and the effective planning of the public open spaces.

At the June 2017 Ordinary Meeting of Council it was resolved:

That Council:

- 1. Approve Emerge Associates as the preferred vendor for the provision of the detailed designs, tender specifications, temporary installation and construction management for the first stage of the foreshore renewal project.*
- 2. Allocate additional funds for the purposes of engaging a graphic designer in the 2017/18 budget.*
- 3. Advises Emerge Associates of Council's policy regarding no development to take place west of Marine Parade, and that the Terraces are Heritage Listed.*
- 4. Request that an Emerge Associates representative attend the next Bike Plan Review Committee Meeting.*

CARRIED 9/0

Emerge Associates have met with Town of Cottesloe officers and the Foreshore Precinct Implementation Committee and have developed the attached summary strategy document.

STRATEGIC IMPLICATIONS

The implementation of the Foreshore Master Plan is identified as a community priority in the Strategic Community Plan.

Strategic Community Plan 2013 to 2023

Priority Area Three: Enhancing beach access and the foreshore.

Corporate Business Plan 2017 – 2021

Priority Area Three: Enhancing beach access and the foreshore.

3.1 Implement the 'Foreshore Redevelopment Plan' in consultation with the community

POLICY IMPLICATIONS

Beach Policy – the Cottesloe Foreshore Renewal Summary Strategy complies with the policy as adopted by Council.

STATUTORY ENVIRONMENT

All works in the Cottesloe Foreshore Precinct will require a planning approval from the West Australian Planning Commission as the land sits under the Metropolitan Region Scheme. As the changes are minimal and do not significantly alter the purpose for which the land is to be used, there are no significant challenges that are expected when approvals are sought.

Much of the land contained within the Cottesloe Foreshore Precinct is also listed on the State Heritage Register. Officers will work with the State Heritage Office during the detailed design phase of every element to ensure heritage considerations are met.

FINANCIAL IMPLICATIONS

This project is expected to require significant resources over the next five years. Once projects are finalised and costed, budget amendments may be required.

STAFFING IMPLICATIONS

Emerge Associates have been engaged for the provision of a concept design, detailed design, tender specifications and project management of the construction phase. Additional design or project management expertise may be employed by the Town on a short term, contract basis to assist with the work required. All staff costs will be met within existing operating or capital budgets.

SUSTAINABILITY IMPLICATIONS

The design approach for the Cottesloe Foreshore Renewal Summary Strategy has covered issues such as sustainability and the long term maintenance and management of the precinct. The design will need to include selected materials that have been chosen to ensure sustainability, longevity and ease of maintenance.

CONSULTATION

Town of Cottesloe Staff
Foreshore Precinct Implementation Committee
Elected Members

STAFF COMMENT

Emerge Associates have provided a concept proposal that adheres to the project scope approved at the February 2017 Ordinary Council Meeting. It is requested that Council review the documents and, if satisfied with the plans, endorse them so that feedback can be sought from the community.

The Foreshore Precinct Implementation Committee reviewed the concept strategy documents at the August meeting where any changes to the document were fleshed out. Emerge Associates have developed the attached document which incorporates the feedback from the Committee. The document has been circulated via email to Committee members and the document has been endorsed by the Foreshore Precinct Implementation Committee.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Burke

That Council:

1. Approve the Cottesloe Foreshore Renewal Summary Strategy for advertising;
2. Request the CEO to call for submissions on the plan for a period of not less than 14 days; and
3. Require the plan and feedback be represented to Council for final approval.

AMENDMENT

Moved Cr Boulter, seconded Cr Pyvis

That an additional point be added between points 1 and 2 of the Officer Recommendation as follows:

2. During the advertising period, which is to be predominantly outside of the school holiday period, the Chief Executive Officer shall arrange specific consultation sessions with;
 - a. The Beach Access Path Committee
 - b. The (Bike) Committee
 - c. The Disability Services Advisory Committee
 - d. Cottesloe Surf Life Saving Club
 - e. North Cottesloe Surf Life Saving Club
 - f. Cottesloe Coast Care Association

CARRIED 8/0

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda, seconded Cr Burke

That Council:

- 1. Approve the Cottesloe Foreshore Renewal Summary Strategy for advertising;**
- 2. During the advertising period, which is to be predominantly outside of the school holiday period, the Chief Executive Officer shall arrange specific consultation sessions with;**
 - a. The Beach Access Path Committee**
 - b. The (Bike) Committee**
 - c. The Disability Services Advisory Committee**
 - d. Cottesloe Surf Life Saving Club**
 - e. North Cottesloe Surf Life Saving Club**
 - f. Cottesloe Coast Care Association**
- 3. Request the CEO to call for submissions on the plan for a period of not less than 14 days; and**
- 4. Require the plan and feedback be represented to Council for final approval.**

CARRIED 8/0

10.1.10 NAPOLEON STREET – STREET TREE SPECIES

File Ref: SUB/485
Attachments: Napoleon Street Montage
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Nick Woodhouse
Manager Engineering Services
Proposed Meeting Date: 26 September 2017
Author Disclosure of Interest: Nil

SUMMARY

Council is requested to consider the approval of a suitable tree species for Napoleon Street. Alternatively, Council may wish to consider the approval of the advertising of the preferred street tree species list so that feedback can be sought from the community prior to final approval by Council.

BACKGROUND

At the 28 March 2017 meeting of Council it was resolved:

THAT Council, subject to the receipt of a final report by ArborCarbon (that includes tree pathology results):

- 1. Accept the final report submitted by ArborCarbon and note its findings.*
- 2. Authorise the selection of a suitable species of tree for Napoleon Street by a Landscape Architect in conjunction with ArborCarbon.*
- 3. Authorise the staging of the Napoleon Street tree replacement to 64inimize disruption to businesses.*
- 4. Authorise funding to be allocated in the 2017/18 Five Year Capital Works Program to replace the existing Napoleon Street trees.*

Carried 6/2

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

The Landscape Architect has nominated the following preferences as the suitable species of tree for Napoleon Street:

- Preference 1 – Liquidamber (Liquidambar styraciflua)
- Preference 2 – Chinese Elm (Ulmus parvifolia)
- Preference 3 – Liquidambar (Liquidambar styraciflua) ‘Rotundiloba’

Please refer to the attachment which provides images of each of the street trees and advantages and disadvantages of each tree species.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013 to 2023

Priority Area Four: Managing Development

Priority Area Five: Providing sustainable infrastructure and community amenities

Corporate Business Plan 2014 – 2018

Priority Area Four: Managing Development

Priority Area Five: Providing sustainable infrastructure and community amenities

POLICY IMPLICATIONS

Removal of trees is contrary to Council's Street Trees Policy. Point five of the Policy notes that 'Tree removal must be seen as a last resort, used for dead and/or dangerous trees'. The policy also notes that a request by a resident for an alternative species does not justify removal.

Council should note that the approval of a suitable tree species will initiate the staged removal of the existing trees on Napoleon Street as the project has been approved as part of the 2017/18 Capital Works Budget.

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

It is noted that the estimated replacement cost of each tree is in the order of \$17,000. \$50,000 exists in the 2017/18 Capital Works Budget for the staged planting of replacement street trees on Napoleon Street.

STAFFING IMPLICATIONS

Additional design or project management expertise may be employed by the Town on a short term, contract basis to assist with the work required. All staff costs will be met within existing operating or capital budgets. The planting of the trees will be performed by suitably qualified and experienced contractors.

SUSTAINABILITY IMPLICATIONS

The Town of Cottesloe Strategic Community Plan Priority Area 1 (Protecting and enhancing the wellbeing of residents and visitors) states that the Town will 'implement policies that protect existing trees and that actively seek to increase the tree canopy in Cottesloe'. The staged replacement of the existing trees on Napoleon Street will result in an increased tree canopy cover.

CONSULTATION

Town of Cottesloe Staff

Elected Members

Tree Pathologist

Landscape Architect

Procott

STAFF COMMENT

Elected Members indicated at the September Briefing Forum that Council should adopt a preferred street tree species at the Ordinary Meeting of Council rather than advertising for the purpose of seeking public comment first. The Officer Recommendation reflects this feedback from Elected Members. If Elected Members wish to seek feedback prior to approving a tree species the following wording, or similar, could be used for a Council resolution.

Approve the advertising of the Napoleon Street preferred tree species list so that feedback can be sought from the community prior to final consideration by Council.

The tree species preferences have been determined by an expert Tree Pathologist and an expert Landscape Architect. The preferences represent the most suitable tree species for Napoleon Street, Cottesloe.

VOTING

Simple Majority

OFFICER RECOMMENDATION/COUNCILLOR MOTION

Moved Cr Rodda, seconded Cr Thomas

That Council:

Approve Preference 1 Liquidamber (Liquidambar Styraciflua) as the replacement tree species for Napoleon Street.

CARRIED 8/0

10.1.11 STACK STREET WORKS DEPOT - LEASE RENEWAL OPTION

File Ref: SUB/1432
Attachments: Nil
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Nick Woodhouse
Manager Engineering Services
Proposed Meeting Date: 26 September 2017
Author Disclosure of Interest: Nil

SUMMARY

The Town of Cottesloe currently leases premises at 8 Stack Street Fremantle for the purpose of locating the Council Works Depot.

The current lease expires on 31 October 2017 and Council is requested to consider an offer for renewal of the lease for a term of one year.

BACKGROUND

The lease of these premises commenced in November 2012 to provide accommodation for Council's Works Depot, following the sale of the former depot site on Nailsworth Street, Cottesloe. The original lease was for a term of three years with options for three further terms of three years (expiry date 31 October 2024). This agreement was subsequently varied by mutual agreement with the lease now providing for the initial three year term and two further terms of one year.

Elected Members would be aware that Council is currently negotiating with the Town of Mosman Park to lease a portion of their depot site for the purpose of constructing a new depot facility for the Town of Cottesloe.

These negotiations are ongoing and it is anticipated that they will have concluded within the next year, and new facilities could be constructed at the Mosman Park site by then.

STRATEGIC IMPLICATIONS

The provision of a works depot is an important asset for Council from which to deliver valuable community works and services that are required to achieve the objectives of the *Strategic Community Plan 2013 to 2023*.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

The leasing of the Stack Street Depot site is considered an exempt land transaction for the purposes of 3.59 of the Act due to the relatively low value of the annual rental and outgoings.

FINANCIAL IMPLICATIONS

The monthly lease cost for the facility is \$13,470.18 (plus GST) in addition to all outgoings of \$2,166.00 (plus GST) per month. The proposed increase is 3 percent, making the new monthly lease cost \$13,874.93 (plus GST). The monthly outgoings will remain unchanged for this financial year. These costs have been included in the 2017/2018 Budget.

STAFFING IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Edinger Real Estate

STAFF COMMENT

The Stack Street Depot is a valuable asset to Council while more permanent facilities are investigated and it is recommended that the offer of a one year renewal on the lease is approved by Council.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Burke

That Council authorise the Chief Executive Officer to exercise the required documentation to accept the offer for a further one year lease for the 8 Stack Street Fremantle depot site.

CARRIED 8/0

Crs Pyvis and Thomas declared an impartiality interest in this Item.

10.1.12 ADOPTION OF STREET TREE MASTERPLAN

File Ref: SUB/2475
Attachments: Street Tree Masterplan
Community Feedback
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Nick Woodhouse
Manager Engineering Services
Proposed Meeting Date: 26 September 2017
Author Disclosure of Interest: Nil

SUMMARY

To guide the street tree planting program the Town has developed a Street Tree Masterplan. Council is requested to consider the approval of the Street Tree Masterplan.

BACKGROUND

The Town of Cottesloe Strategic Community Plan Priority Area One '*Protecting and enhancing the wellbeing of residents and visitors*', states that the Town will 'implement policies that protect existing trees and that actively seek to increase the tree canopy in Cottesloe'.

At the May 2017 Council meeting it was resolved:

That Council:

Approve the advertising of the Street Tree Masterplan so that feedback can be sought from the community prior to final consideration by Council

CARRIED 7/0

14 submissions were received during the consultation period. The submissions were largely supportive of the masterplan. A copy of the summarised feedback is attached to this report.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013-2023

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

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

POLICY IMPLICATIONS

There are no perceived policy implications arising from the Officer Recommendation. The Street Tree Masterplan is a tool designed to help implement the Town of Cottesloe's Street Tree Policy by prescribing a suitable tree species for planting within each street. The Street Trees Policy is scheduled for review in September 2017.

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

There are no perceived financial implications arising from the Officer Recommendation. Funds exist in the 2017/2018 Capital Works Program for the planting of trees.

STAFFING IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

The urban forest is recognised as a vital component of the urban landscape which provides a range of important benefits for residents and visitors to the City. The urban forest is defined as the totality of all trees and shrubs on public and private land in and around urban areas (including bushland, open space, gardens and street trees) measured by its canopy cover.

Trees are potentially the largest and most significant element in the urban landscape. As such, they provide the greatest opportunity for the development of city identity and neighbourhood character. Given the importance of trees and other vegetation in people's daily experience, the role of trees in improving this can be broadly categorised into cultural, environmental, psychological and economic benefits.

CONSULTATION

Town of Cottesloe Staff
Elected Members
Cottesloe Residents and Ratepayers

14 submissions were received during the consultation period. The submissions were largely supportive of the masterplan. A copy of the summarised feedback is attached to this report.

STAFF COMMENT

The Street Tree Masterplan is a tool designed to help implement the Town of Cottesloe's Street Tree Policy by prescribing a suitable tree species for planting within each street. The plan identifies a cohesive palate of trees to plant on residential verges within the town fulfilling the Town's objectives to:

-) Select and maintain street trees, which enhance both existing and future streetscapes;
-) Create a setting in sympathy with the function and appearance of the adjacent land uses, a safe and comfortable pedestrian environment, and cater for vehicular traffic;
-) Promote the use of indigenous trees, to extend the habitat of native birds and animals in urban areas.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Burke

That Council:

Adopt the Street Tree Masterplan as shown in Attachment 1.

CARRIED 8/0

10.1.13 COTTESLOE PYLON TENDER

File Ref: SUB/214
Attachments: Tender Submissions Evaluation Table
(CONFIDENTIAL)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Nick Woodhouse
Manager, Engineering Services
Proposed Meeting Date: 26 September 2017
Author Disclosure of Interest: Nil

SUMMARY

To consider award of a contract for the repair of the Cottesloe Pylon to an engineering firm that specialises in marine construction.

BACKGROUND

The Cottesloe Pylon is currently in urgent need of repair due to concrete deterioration below the water line.

Submissions were sought through the tender process in August 2017 and four submissions have been received. The submissions have been assessed by staff with the proposal received from SMC Marine being recommended to Council as the preferred application. Please refer to the attachment for the tender submission evaluation results.

The submissions received are very large in terms of paper volume and in the interests of saving paper have not been reproduced on this occasion. Paper copies can be supplied to Elected Members upon request.

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

The value of the tender to repair the pylon can be found on the attachment. There is currently a budget of \$243,500 in the 2017/18 Capital Works Budget which has been allocated for the repair of the pylon.

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the Officer Recommendation. The project will be superintended by Wood and Grieve Engineers. Sufficient funds exist in the project budget for superintendency.

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Town of Cottesloe Staff
Elected Members
Wood & Grieve Engineers
State Heritage Office
Lotterywest
Department of Transport

It is noted that the Cottesloe Pylon is located outside the Town of Cottesloe boundary and is in an area under the care and control of the Department of Transport.

STAFF COMMENT

Four submissions have been assessed against the Request for Tender Specifications and SMC Marine has been determined to be the best submission representing best value for money. The price from SMC Marine is in close proximity to the mean price and therefore most probably represents the market. SMC Marine has given good consideration to the risks and guarantees in offering alternatives and the varying design lives. SMC Marine has also nominated a design consultant that is very well respected in the field of marine engineering.

SMC Marine has submitted three options in total.

Option 1 (Repair pylon)

This option is the cheapest and comes with a 15 year design life guarantee from the vendor. Please refer to the attachment for the cost of this option.

Option 2 (replace pylon)

This option is considerably more expensive than Option 1 but comes with a 25 year design life guarantee from the vendor. It is likely that the 25 year design life will be easily achievable with the pylon expected to last more than 35 years. Please refer to the attachment for the cost of this option.

Option 3 (alternative submission - repair pylon)

The alternative submission proposes the use of sacrificial formwork and alternative reinforcing materials to extend the life of the structure. The sacrificial formwork will be cast into the structure providing mechanical protection to the internal concrete from wearing by waves. The alternative reinforcing materials are stainless steel due to its high corrosion resistance and Glass Fibre Reinforced Plastic due to it having no risk to corrosion. The alternative submission has been reviewed by the Town's consulting engineers and is deemed to be acceptable. This option is more expensive than Option 1 but comes with a 25 year design life guarantee from the vendor. Please refer to the attachment for the cost of this option.

It is recommended that Option 3 be accepted by Council as this shows the best value for money and the longest design life guarantee for the repair of the pylon.

However, Council may wish to choose to replace the pylon. This option is significantly more expensive but provides a longer expected design life. The option to replace the pylon has not been approved by the State Heritage Office but is within the scope of the vendor to seek approval. If Council approved the replacement option and it is not approved by the State Heritage Office then Council will be required to undertake the repair option. A budget amendment of \$70,000 will be required should Council wish to replace the pylon.

The pylon is currently is in a serious state of disrepair and represents a significant safety hazard due to sharp reinforcing metal bar protruding from the structure and also the risk that the pylon may be toppled in a large storm.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Burke

That Council accept the alternative submission (Option 3) as presented by SMC Marine and award the contract for the Cottesloe Pylon repair to SMC Marine.

CARRIED 8/0

EXECUTIVE SERVICES**10.1.14 RELOCATION OF SCHOOL DROP OFF AT NORTH COTTESLOE PRIMARY SCHOOL**

File Ref:	SUB/2476
Attachments:	Car Park Proposal Design Review
Responsible Officer:	Mat Humfrey, Chief Executive Officer
Author:	Mat Humfrey, Chief Executive Officer
Proposed Meeting Date:	26 September 2017
Author Disclosure of Interest:	Nil.

SUMMARY

Council is being asked to consider a proposal received from North Cottesloe Primary School to relocate the “kiss and drop” facility from Eric Street to Railway Street.

BACKGROUND

At the Ordinary Council Meeting in July, Council resolved

FORESHADOWED MOTION

Moved Cr Boulter, seconded Cr Pyvis

Point One

Moved Cr Boulter, seconded Cr Pyvis

1. That Council REFUSE the engineering drawings presented as an attachment to the officer report for a road realignment and new car park at NCPS.

CARRIED 5/3

For: Crs Boulter, Burke, Birnbrauer, Thomas and Pyvis

Against: Mayor Dawkins, Crs Downes and Rodda

Point Two

Moved Cr Boulter, seconded Cr Thomas

2. That Council DOES NOT SUPPORT the proposed removal of trees or road realignment for the purpose of a new car park at NCPS.

CARRIED 7/1

For: Mayor Dawkins, Crs Boulter, Burke, Birnbrauer, Thomas, Pyvis and Downes

Against: Cr Rodda

Point Three

Moved Cr Boulter, seconded Cr Thomas

3. That the TOC administration should work closely with the NCPS to find safer outcomes for travelling to and from, and dropping off and picking up students at NCPS and NC Pre-Primary School.

CARRIED 8/0

Officers have stayed in contact with representatives from North Cottesloe Primary School to see what options were available and what actions could be put in place. Parents from the school appear to believe that in order to resolve many of the issues, the “kiss and drop” facility needs to move from Eric Street to Railway Street. At a recent meeting at the school, a concept plan was presented. This has been presented to further meetings at the school.

STRATEGIC IMPLICATIONS

The Town’s Strategic Community Plan contains a strategy specifically for this issue, being;

Priority Area 2 – Achieving connectivity between east and west Cottesloe

Strategy 2.4 – Proactively pursue solutions for improved access to North Cottesloe Primary School, with a view to reducing congestion on Eric Street.

In the recently adopted Corporate Business Plan 4 actions are contained to achieve this strategy, being;

- a. Develop a costed project that relocates the school’s parking and drop off point from Eric Street to Railway Street*
- b. Develop a costed solution for the intersection of Railway Street and Eric Street;*
- c. Lobby the State Government to make an appropriate allocation for the parking relocation; and*
- d. Lobby to the State Government to upgrade the Eric Street rail bridge and the intersection of Curtin Avenue and Railway Street.*

Actions a. and b. were allocated to the 2017/2018 year in the Corporate Business Plan, with actions c. and d. to commence in the next financial year.

POLICY IMPLICATIONS

There are no perceived policy implications contained in the officer’s recommendation.

STATUTORY ENVIRONMENT

There are no perceived statutory considerations contained within the officer’s recommendation.

FINANCIAL IMPLICATIONS

The Town has received funding from the Department of Education for the project that was previously developed. The funding is tied to the movement of the parking and drop off / pick up facilities and as such the Department has requested the funding be returned. The Department has stated via its representatives that it will not consider funding any future projects until they are approved (in full) by the Town of Cottesloe.

STAFFING IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

In the presentation attached, it is mentioned that one immature tree will need to be removed to accommodate that works shown in the concept plan. All other trees remain in place.

CONSULTATION

As per Council's resolution, the Chief Executive Officer has stayed in contact with representatives of North Cottesloe Primary School, to investigate what options there are for resolving the traffic and safety issues moving forward. If a concept were adopted, it would be recommended that the Town take responsibility for any consultation required.

STAFF COMMENT

The concept presented in the attachments is a preliminary concept and a great deal of work would still be required to develop detailed plans prior to implementation. While officers have had no input into their development, it does appear that the concept does meet the requirements of Council's previous resolution.

The previous resolution, at point 1, rejects the previous project, meaning it could not go any further. In the second point of the resolution, Council states that it would not support a road realignment or the removal of trees for the purpose of a new carpark. The concept plan as presented appears to retain the current alignment of built infrastructure (largely) and instead reorganises the built infrastructure within the current envelope. Part 3 of the resolution has been met, and will continue to be met in the future, by continuing to work with the school to develop and implement a range of projects to reduce congestion and improve safety at the school.

At this stage is it not clear if the concept plan as presented would meet the objectives of the Education Department or Main Roads Western Australia for funding. However, without an approved concept plan, officers cannot approach either of these agencies to discuss funding, as at present, the only plans that have been developed have been refused by Council. An approved concept plan would be an important step in securing funding.

If Council were to endorse the concept plan as shown, the Town should take the lead role in any consultation that is to occur. The Town has staff and policies to successfully implement consultation programs and both Railway Street and Eric Street are the responsibility of the Town. As such, officers are recommending the formation of a committee to address this issue, following the upcoming election.

As the recommendation below does not appear to go against the previous resolutions of the Council, no rescission appears necessary. However if Council amend the recommendation, careful consideration would need to be given as to whether or not a rescission motion is required.

FURTHER COMMENT

At the August 2017 Council Meeting, Council resolved;

That the item be deferred to permit further consideration on this matter.

Following the meeting the Town has received a reminder notice from the Department of Education for the funds to be returned. Further, correspondence in the form of an email

has been received stating that any future project would be assessed against other traffic projects around schools and would only receive funding if it rated highly in such an assessment.

The concept that has been presented by the parents of North Cottesloe Primary School is worthy of consideration by Council. However in light of the above, it is clear that the Department of Education will assess it against any other projects that they are currently developing. Officers are still suggesting that any concept (if approved by Council) be progressed quickly, as we are now obviously aware that the Department of Education has \$500,000 in this financial year that is currently unallocated – for traffic mitigation projects around schools.

In order to move forward, officers are again recommending that the 2017/2018 budget be amended to allow the funds to be returned and that Council authorise the Chief Executive Officer to return the funds.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Downes

That Council;

1. Endorse the concept plan as shown in Attachment 1 for further consultation and development; and
2. Endorse the formation of a committee, comprising 3 elected members and 3 representatives of North Cottesloe Primary School, to oversee improvements to deal with the traffic and safety issues at North Cottesloe Primary School.

FORESHADOWED MOTION – Cr Thomas

Cr Thomas foreshadowed a motion in the event that the Officer Recommendation was unsuccessful.

PROCEDURAL MOTION

Cr Boulter, seconded Cr Pyvis

That Council defer consideration of this Item pending the upcoming election, so as not to bind the future Council to this decision.

LOST 3/5

For: Crs Pyvis, Boulter and Thomas

Against: Mayor Dawkins, Crs Rodda, Angers, Downes and Burke

AMENDMENT

Moved Cr Boulter, seconded Cr Pyvis

That each item contained in the Officer Recommendation be considered separately.

LOST 3/5

For: Crs Pyvis, Boulter and Thomas

Against: Mayor Dawkins, Crs Rodda, Angers, Downes and Burke

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda, seconded Cr Downes

That Council;

- 1. Endorse the concept plan as shown in Attachment 1 for further consultation and development; and**
- 2. Endorse the formation of a committee, comprising 3 elected members and 3 representatives of North Cottesloe Primary School, to oversee improvements to deal with the traffic and safety issues at North Cottesloe Primary School.**

CARRIED 5/3

For: Mayor Dawkins, Crs Rodda, Angers, Downes and Burke

Against: Crs Pyvis, Boulter and Thomas

FINANCE**10.1.15 FINANCIAL STATEMENTS FOR THE MONTH ENDING 31 AUGUST 2017**

File Ref: SUB/2459
Attachments: Monthly Financial Statements
Responsible Officer: Garry Bird
Manager of Corporate and Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 26 September 2017
Author Disclosure of Interest: Nil

SUMMARY

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

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

BACKGROUND

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

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

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

Investments Policy.
Investment of Surplus Funds Policy.

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

STAFFING IMPLICATIONS

There are no staffing implications arising from the Officers Recommendation.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications arising from the Officers Recommendation.

CONSULTATION

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

STAFF COMMENT

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

-)] The net current funding position as at 31 August 2017 was \$10,370,067 and is in line with previous financial years as shown on pages 2 and 22 of the attached Financial Statements.
-)] Rates and emergency services levies receivables at 31 August 2017 stood were \$5,041,786 which is also in line with previous years as shown on pages 2 and 25 of the attached Financial Statements.
-)] Operating revenue is more than year to date budget by \$126,604 with a more detailed explanation of material variances provided on page 21 of the attached Financial Statements. Operating expenditure is \$735,928 less than year to date budget with a more detailed analysis of material variances provided on page 21. Please note depreciation expenses of approximately \$317,000 are unable to be posted until the 2016/17 Financial Report is signed off by the Town's auditors.
-)] The Capital Works Program is approximately 6% complete as at 31 August 2017 and a full capital works program listing is shown 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 August 2017 Employee Costs were \$207,592 less than year to date forecasts however if we adjust this for the non cash postings to employee provisions then the adjusted figure is \$96,225.
-)] The \$500,000 transfer to the Car Park Reserve for the car park and road realignment at Railway Street in Cottesloe and the transfer of \$83,000 to the Sculpture and Artworks Reserve took place in August 2017 leaving a balance of reserves of \$11,386,562.

List of Accounts for August 2017

The List of Accounts paid during August 2017 is shown on pages 37 to 45 of the attached Financial Statements. The following significant payments are brought to Council's attention:-

-)] \$28,919.09 to the Construction Training Fund for levies collected on their behalf.

-) \$168,688.50 to the Shire of Peppermint Grove being the Town's quarterly contribution for library services.
-) \$42,275.00 to Shine Community Services being the Town's half yearly contribution towards the service.
-) \$29,899.66 to Civica Pty Ltd for software licence fees.
-) \$400,000, \$650,000 & \$1,200,000 to the Commonwealth Bank of Australia being new term deposits.
-) \$800,000 to Bankwest for a new term deposit.
-) \$96,368.34 and \$99,862.63 to Town of Cottesloe staff for fortnightly payroll.

Investments and Loans

Cash and investments are shown in Note 4 on page 23 of the attached Financial Statements. Council has approximately 40% of funds invested with National Australia Bank, 24% with Bankwest, 24% with Commonwealth Bank of Australia and 12% with Westpac Banking Corporation. Council had a balance of \$11,386,562 in reserve funds as at 31 August 2017.

Information on borrowings is shown in Note 10 on page 30 of the attached Financial Statements and shows Council had total principal outstanding of \$4,668,733 as at 31 August 2017.

Rates, Sundry Debtors and Other Receivables

Rating information is shown in Note 9 on page 29 of the attached Financial Statements. As displayed on page 2, rates receivable is trending above previous years due to factors previously mentioned. It should be noted that as a result of an incomplete revaluation roll, the Town raised approximately \$181,000 in rates as a result of interim schedules sent through after the main roll. It is proposed that these surplus monies are used to lower the 2018/19 rates increase next financial year.

Sundry debtors are shown on Note 6, pages 25 and 26 of the attached Financial Statements. The sundry debtors show that 14% or \$47,508 is older than 90 days. Infringement debtors are shown on note 6(a) and stood at \$416,608 as at 31 August 2017.

Budget Amendments

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

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Burke

That Council receive the Financial Statements for the period ending 31 August 2017 as submitted to the 26 September 2017 meeting of Council.

CARRIED 8/0

10.1.16 NORTH COTTESLOE PRIMARY SCHOOL – FUNDING FOR ROAD PROJECT

File Ref: SUB/2449
Attachments: Nil
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 26 September 2017
Author Disclosure of Interest: Nil

SUMMARY

The Town received grant funding for a project which is not proceeding. The grant provider, the Education Department of WA, has asked for these monies to be returned. In order for this to occur, Council will need to resolve to transfer these funds from reserve.

BACKGROUND

In late June 2017 the Town received a grant of \$550,000.00 including GST from the Department of Education as part funding towards a road realignment project to allow for increased provision of parking at North Cottesloe Primary School along Railway Street in Cottesloe. It was anticipated the remaining funding for the project would be provided by State Government. These monies, excluding GST, were transferred to a newly created reserve, in July 2017, as per Council's resolution.

STRATEGIC IMPLICATIONS

This project was to be fully funded by grants and would solve a long standing parking and congestion issue at this location.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

This project was to be funded by external parties and therefore there are no financial implications at this stage to the Town.

STAFFING IMPLICATIONS

There are no staffing implications arising from the Officers Recommendation besides from some preliminary involvement by senior staff which can be accommodated within the Town's existing budget.

SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

The Chief Executive Officer has met with officials from the Department of Education to see if the funding could be retained by the Town, with a new project scope to be developed. Unfortunately, the Education Department has formed the view that the funding was allocated for a specific project which included the realignment of Railway Street. As Council has resolved not to realign Railway Street, the Education Department has formally requested that the funds be returned.

STAFF COMMENT

Having now received an invoice from the Department of Education, there appears to be little choice but to amend the budget and return the funds to the Department. As Council's resolution expressly states;

That Council DOES NOT SUPPORT the proposed removal of trees or road realignment for the purpose of a new car park at NCPS.

and the funding received was premised on a road realignment and additional parking, it seems there is little room for negotiation.

Council's previous resolution also states:

That the TOC administration should work closely with the NCPS to find safer outcomes for travelling to and from, and dropping off and picking up students at NCPS and NC Pre-Primary School.

As such, officers will continue to work with the school community on a way to resolve the traffic and safety concerns. However, any project that results from this process will be required to be funded. At this stage there is no commitment to fund such works from either the Education Department or Main Roads WA. Any project would be subject to assessment and funds would only be allocated if available.

FURTHER COMMENT

At the August 2017 Council Meeting, Council resolved;

That the item be deferred to permit further consideration on this matter.

Following the meeting the Town has received a reminder notice from the Department of Education for the funds to be returned. Further, correspondence in the form of an email has been received stating that any future project would be assessed against other traffic projects around schools and would only receive funding if it rated highly in such an assessment.

The concept that has been presented by the parents of North Cottesloe Primary School is worthy of consideration by Council. However in light of the above, it is clear that the Department of Education will assess it against any other projects that they are currently developing. Officers are still suggesting that any concept (if approved by Council) be progressed quickly, as we are now obviously aware that the Department of Education

has \$500,000 in this financial year that is currently unallocated – for traffic mitigation projects around schools.

In order to move forward, officers are again recommending that the 2017/2018 budget be amended to allow the funds to be returned and that Council authorise the Chief Executive Officer to return the funds.

VOTING

Absolute Majority (Budget Amendment).

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Burke

That Council:

- 1. Amend the 2017/2018 budget to allow the funds received from the Education Department of WA to be transferred from Reserve back to the Municipal Fund and create an expenditure item to reflect the repayment of the funds to the Department of Education; and**
- 2. Authorise the Chief Executive Officer to make a payment of \$550,000 (inc. GST) to the Department of Education to repay the grant funds received for the proposed works at North Cottesloe Primary School.**

CARRIED 8/0

10.2 REPORT OF COMMITTEES

That Council note the Minutes of the following Committee Meetings with consideration given to the Committees' recommendations as highlighted below.

-) Beach Access Paths Committee (25 July 2017 Minutes attached).**
-) Community Safety and Crime Prevention Committee (22 August Minutes attached).**
-) Foreshore Precinct Implementation Committee (22 August Minutes attached).**
-) Disability Services Advisory Committee Meeting (29 August Minutes to be distributed).**

**Moved Mayor Dawkins, seconded Cr Rodda
CARRIED 8/0**

11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:

11.1 ELECTED MEMBERS

11.1.1 CR BOULTER – NOTICE OF MOTION: NRM AND COASTAL CONFERENCE 2017 Moved Cr Boulter, Cr Pyvis

That Council note the report from Cr Boulter from the 2017 NRM and State Coastal Conference as attached.

Green Asset Register

At the state NRM and Coastal Conference which Cr Pyvis and I attended and at which we also presented, Adrian Ward from the Wentworth Group of Concerned Scientists spoke inspirationally to the conference delegates about the importance of having our natural assets in a green infrastructure assets register and the process for doing that.

I know this has been loosely referred to in passing at various TOC meetings I have attended.

The process referred to by Mr Ward gives us the way forward, which as I understand is as follows:

First undertake a study of a natural assets, which establishes a baseline and then incorporate our green assets into our set of accounts.

After the presentation, I had a long chat with Mr Ward and he has most kindly sent the information to me about this process and which has been forwarded by me to the TOC administration.

Coastal Hazard Plan

After listening to all the speakers on coastal hazards and the enormous recent gains in knowledge and understanding about coastal hazard management since 2008, I wonder if the TOC should update its 2008 report on Coastal Vulnerability?

http://www.cottesloe.wa.gov.au/d/Resource_Library/Services/Sustainability/4G0D_D3P8FB539U4USWXAENVW8AUPAQG/9J7C1GJWDCOIZSO.pdf/D11+1607++Vulnerability+of+the+Cottesloe+Foreshore+to+the+Potential+Impacts+of+Climate+Change+-+Final+~+6+June+2008.pdf

Coastal Monitoring

I found out at the Conference that the DOT will review without charge how well TOC is undertaking its coastal monitoring and the TOC administration may wish to choose to avail itself of this service.

Coastal Zone Strategy

The Minister for Planning released the new “Coastal Zone Strategy”, which is critically important for any structures being contemplated near the coast. I would hope that the TOC Officers will report against this strategy and SPP2.6 in any DA being contemplated on private land or public land in the future, especially the proposal for ocean pools. The summary brochure is here:

[https://www.planning.wa.gov.au/dop_pub_pdf/WA Coastal Zone Strategy summary brochure web.pdf](https://www.planning.wa.gov.au/dop_pub_pdf/WA_Coastal_Zone_Strategy_summary_brochure_web.pdf)

After hearing a number of erudite speakers speaking about preserve or retreat in face of storms and rising sea levels, and the Australian case examples showing swimming pools dropping into the ocean and storm flooding at all-time highs, one is reminded that the problem is real and every LG must do its bit now, for our future.

Criminals on the Beach

There was a very interesting talk from Paul Cozens and Shane Greive who are early in their research about criminal opportunities on the beach, which the Foreshore committee might like to hear and maybe also obtain the talk referenced in a paper by Cartlidge (2014) “Designing and Planning Beach Precincts”, which might be useful to obtain. One of the points made was that cars are used for keeping valuables and they are just not about only transport, and the talk explored alternatives to using cars for safekeeping for beach users.

Microplastic Black Spots

The microplastic blackspot in Perth is Scarborough, and so perhaps TOC should be working with Nedlands about encouraging the state government to think about fixing/ removing the outfall at the Swanbourne Drain if this is contributing to pollution of our Cottesloe ocean and the fish in our FHPA.

CARRIED 8/0

11.1.2 CR BOULTER – NOTICE OF MOTION: TOWN OF COTTESLOE BUILDING ACT LOCAL LAW**Moved Cr Boulter, Cr Pyvis**

1. That the TOC administration report back to Council at its earliest convenience about the possibility of using the legislative power of the Town of Cottesloe under the *Local Government Act 1995* section 3.5(4A) as amended in to:
 - a. Require prior notice of any demolition to affected neighbours and on site signage;
 - b. Require special prior notice of any demolition involving asbestos to any potentially affected neighbours and on site signage;
 - c. To require onsite signage about any parking arrangements made with the Town of Cottesloe in respect of building works;
 - d. Prohibit the use of Grenfell and Melbourne Docklands like inflammable building cladding on any building in the Town of Cottesloe;
 - e. Provide that any change of the use of a building to include a bed and breakfast use, or short stay use of more than four bedrooms does not convert the use class of the building from 1a to 1b (and thus require disability access) under the *Building Act 2011*;
 - f. Provide for a survey as to ground and floor levels to be undertaken by the Town of Cottesloe at the cost of the builder at certain stages of a building development including where a complaint with substance has been made by an affected neighbour;
 - g. Any other matter that would be of use to the Town of Cottesloe in enforcing best practice sustainable building standards in the Town of Cottesloe, especially in the light of recent state government changes to the way buildings are approved at the development and building licence stages;
and
2. Provide in the report back to Council a copy of any other local law made in WA under the LG Act s.3.5(4A).

LOST 3/5**For: Crs Boulter, Pyvis and Thomas****Against: Mayor Dawkins, Crs Rodda, Downes, Burke and Angers****Rationale**

1. To improve the occupational health and safety standards of services provided to and within the Town of Cottesloe community by making local specific regulation that is enforceable.
2. To explore this local government legislative mechanism for resolving the impasse about short stay accommodation regulation in Cottesloe and change of use under the Building Act
3. To assist in resolving neighbour disputes over building works at minimal cost to ratepayers generally
4. To ensure flammable cladding is not used in the Town of Cottesloe and provide legislative power to the Town of Cottesloe to stop its use.

11.1.3 CR RODDA– NOTICE OF MOTION: COTTESLOE SKATEPARK**Moved Cr Rodda, seconded Cr Angers**

That the Town's Administration:

1. Assess the feasibility of constructing a permanent skatepark facility (Skatepark) in the Town of Cottesloe for public recreational use, with the preferred location being at Grant Marine Park Playground (Preferred Location) on the Corner of Marine Parade and Grant Street (Assessment).
2. The Assessment to include consideration of the following:
 - a. The suitability of the Preferred Location for the Skatepark and, if determined unsuitable, determination of alternative locations for a Skatepark;
 - b. The appropriate size of the Skatepark for its recommended location;
 - c. The estimated cost of construction of the Skatepark;
 - d. The funding alternatives (including the sourcing of available grants) available to enable the construction of the Skatepark in the Town in the immediate term; and
 - e. A likely timeframe for construction of a Skatepark in the Town in the immediate term.
3. The outcomes of the Assessment to be detailed in an Officers Report to be included in the Agenda for the Council Meeting to be held in December 2017.

COUNCILLOR RATIONALE

1. There appears to be broad community support, both young and old, for the construction of a public skatepark in the Town of Cottesloe.
2. Skateparks provide a physical and social activity for children not interested in traditional team sports.
3. Community skateparks provide a safe and challenging place for skaters of all levels to develop as athletes. The International Olympic Committee (IOC) voted unanimously to include skateboarding in the 2020 Summer Games in Tokyo
4. Public skateparks help get children "off the streets" and into a safe place. Without a public skatepark, the children are forced to skate in the streets.

AMENDMENT**Moved Cr Boulter, seconded Cr Downes**

That Point 1 of the motion is amended to delete all words following '*recreational use*':

1. Assess the feasibility of constructing a permanent skatepark facility (Skatepark) in the Town of Cottesloe for public recreational use.

EQUALITY 4/4**For: Crs Thomas, Boulter, Pyvis and Downes****Against: Mayor Dawkins, Crs Rodda, Angers and Burke****The Presiding Member exercised her casting vote against the amendment****LOST 4/5**

COUNCILLOR MOTION

Moved Cr Rodda, seconded Cr Angers

That the Town's Administration:

- 1. Assess the feasibility of constructing a permanent skatepark facility (Skatepark) in the Town of Cottesloe for public recreational use, with the preferred location being at Grant Marine Park Playground (Preferred Location) on the Corner of Marine Parade and Grant Street (Assessment).**
- 2. The Assessment to include consideration of the following:**
 - a. The suitability of the Preferred Location for the Skatepark and, if determined unsuitable, determination of alternative locations for a Skatepark;**
 - b. The appropriate size of the Skatepark for its recommended location;**
 - c. The estimated cost of construction of the Skatepark;**
 - d. The funding alternatives (including the sourcing of available grants) available to enable the construction of the Skatepark in the Town in the immediate term; and**
 - e. A likely timeframe for construction of a Skatepark in the Town in the immediate term.**
- 3. The outcomes of the Assessment to be detailed in an Officers Report to be included in the Agenda for the Council Meeting to be held in December 2017.**

CARRIED 8/0

11.2 OFFICERS

12 MEETING CLOSED TO PUBLIC

12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

PROCEDURAL MOTION**Moved Mayor Dawkins, seconded Cr Rodda****That the meeting be closed to the public.****CARRIED 8/0**

The meeting was closed to the public at 11:12 PM and all members of the public and media representatives left the room.

**10.1.2 28 AVONMORE TERRACE AND 20A DEANE STREET – CROSSOVERS
CONFIDENTIAL**

File Ref:	PR50833/PR54825
Attachments:	Location plan of subject lots CONFIDENTIAL 23 June 2017 letter from CT Legal CONFIDENTIAL 5 September 2017 letter from CT Legal CONFIDENTIAL 20A Deane St - proposed crossover plans CONFIDENTIAL
Responsible Officer:	Mat Humfrey, Chief Executive Officer
Author:	Andrew Jackson, Manager Development Services
Proposed Meeting Date:	26 September 2017
Author Disclosure of Interest:	Nil

SUMMARY

This report recommends that Council note the information contained in the confidential officer report in relation to a legal briefing regarding 28 Avonmore Terrace and 20a Deane Street – Crossovers.

BACKGROUND

Refer to the confidential report.

STRATEGIC IMPLICATIONS

Refer to the confidential report.

POLICY IMPLICATIONS

Refer to the confidential report.

STATUTORY ENVIRONMENT**Local Government Act 1995****5.23 Meeting Generally Open to the Public**

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

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

FINANCIAL IMPLICATIONS

Refer to the confidential report.

STAFFING IMPLICATIONS

Refer to the confidential report.

SUSTAINABILITY IMPLICATIONS

Refer to the confidential report.

CONSULTATION

Refer to the confidential report.

STAFF COMMENT

As the content of the report contains information that meets the conditions set in the Local Government Act 1995 s5.23(2)(d), it is recommend that the meeting be closed to the general public while considering this item.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Boulter

That Council note the information provided.

CARRIED 8/0

12.1.1 INDIANA – UPDATE ON OFFER FROM LESSEE - CONFIDENTIAL

File Ref: PUB/11
Attachments: Draft Lease Documents **CONFIDENTIAL**
Responsible Officer: Mat Humfrey – Chief Executive Officer
Author: Mat Humfrey – Chief Executive Officer
Proposed Meeting Date: 26 September 2017
Author Disclosure of Interest: Nil

SUMMARY

This report recommends that Council note the information contained in the confidential officer report in relation to a legal briefing regarding Indiana – Update on Offer from Lessee

BACKGROUND

Refer to the confidential report.

STRATEGIC IMPLICATIONS

Refer to the confidential report.

POLICY IMPLICATIONS

Refer to the confidential report.

STATUTORY ENVIRONMENT**Local Government Act 1995****5.23 Meeting Generally Open to the Public**

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

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

FINANCIAL IMPLICATIONS

Refer to the confidential report.

STAFFING IMPLICATIONS

Refer to the confidential report.

SUSTAINABILITY IMPLICATIONS

Refer to the confidential report.

CONSULTATION

Refer to the confidential report.

STAFF COMMENT

As the content of the report contains information that meets the conditions set in the Local Government Act 1995 s5.23(2)(d), it is recommend that the meeting be closed to the general public while considering this item.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Rodda, seconded Cr Angers

That Council note the information provided.

CARRIED 8/0

Mr Mat Humfrey declared a financial interest in Item 12.1.2 and left the room at 11.33 PM

Mr Nick Woodhouse and Mr Andrew Jackson left the room at 11.33 PM

12.1.2 CEO PERFORMANCE REVIEW 2016-17: SUMMARY REPORT TO COUNCIL - CONFIDENTIAL

File Ref:	SUB/2476
Attachments:	Price Consulting: CEO Performance Review 2016-17 Summary Report - CONFIDENTIAL
Responsible Officer:	Mat Humfrey Chief Executive Officer
Author:	Natalie Lincolne Senior Consultant, Price Consulting
Proposed Meeting Date:	26 September 2017
Disclosure of Interest:	Chief Executive Officer - item directly affects the CEO's employment conditions and remuneration.

SUMMARY

This report recommends that Council note the information contained in the confidential officer report in relation to a legal briefing regarding CEO Performance Review 2016-17: Summary Report to Council.

BACKGROUND

Refer to the confidential report.

STRATEGIC IMPLICATIONS

Refer to the confidential report.

POLICY IMPLICATIONS

Refer to the confidential report.

STATUTORY ENVIRONMENT

Local Government Act 1995

5.23 Meeting Generally Open to the Public

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

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

FINANCIAL IMPLICATIONS

Refer to the confidential report.

STAFFING IMPLICATIONS

Refer to the confidential report.

SUSTAINABILITY IMPLICATIONS

Refer to the confidential report.

CONSULTATION

Refer to the confidential report.

STAFF COMMENT

As the content of the report contains information that meets the conditions set in the Local Government Act 1995 s5.23(2)(d), it is recommend that the meeting be closed to the general public while considering this item.

VOTING

Simple Majority

COMMITTEE RECOMMENDATION

Moved Cr Rodda, seconded Cr Thomas

That Council:

- 1. Notes that the appraisal of Mr Mat Humfrey, Chief Executive Officer, has been undertaken for the period of July 2016 to June 2017.**
- 2. Accepts the outcome of 'Meets Expectations' and thanks Mr Humfrey for his efforts.**
- 3. Endorses that the CEO's Performance Criteria for the 2017-2018 are defined by the new Council following the October 2017 elections.**
- 4. Approves an increase of 1.1% is applied to Mr Humfrey's Total Remuneration Package (TRP) for the 2017/2018 period is recommended, effective 1 July 2017, bringing the contractual TRP to \$202,074.06 plus payment of FBT accrued on behalf of the CEO (2017 figure was \$9,686). It is further recommended that Mr Humfrey's contract of employment be amended to state the contractual TRP value and remove provisions as to how the TRP is allocated.**
- 5. Requires the CEO to make the required procurement arrangements to ensure that the annual CEO Performance Review process commences by August each year.**

CARRIED 8/0

Mr Mat Humfrey, Mr Nick Woodhouse and Mr Andrew Jackson returned to the room at 11.35 PM

PROCEDURAL MOTION

Moved Mayor Dawkins, seconded Cr Angers

That the meeting be reopened to the public.

CARRIED 8/0

The meeting was reopened to the public at 11.35 PM

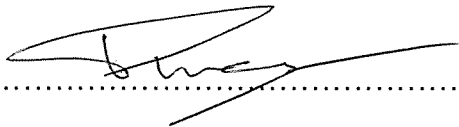
13 MEETING CLOSURE

The Presiding Member thanked all Elected Members of Council and the Town of Cottesloe Administration for all their assistance and hard work throughout her term as Mayor, and wished all those present the best of luck in their future endeavours.

The Presiding Member declared the meeting closed at 11.39 PM.

CONFIRMED MINUTES OF 26 September 2017 PAGES 1 – 98 INCLUSIVE.

PRESIDING MEMBER:
POSITION:



DATE: 30/10/2017