

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING CONFIRMED MINUTES

ORDINARY COUNCIL MEETING
TO BE HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
6:00 PM Tuesday, 28 August 2018

MAT HUMFREY
Chief Executive Officer

6 September 2018

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

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

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

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

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

Peter Rattigan, 9 Grant Street, Cottesloe – Item 10.1.9

) Has an economic assessment been done on the benefit of maintaining the trees along the bike path?

Response:

No

) Have any of the Councillors or staff cycled around the cycle way between Shenton Park and Subiaco where there is good tree coverage and to see how it meanders through the trees and around the river?

Response:

The staff have not. The administration would not be in a position to comment on behalf of our elected representatives.

) Has anyone given the Main Roads department a condition in their brief that they must maintain all the trees or has the Council simply accepted all of Main Roads options?

Response:

Yes. This was covered in the resolution made in July to work with MRWA to mitigate the loss of trees.

Shirley Primeau, 38 Marine Parade, Cottesloe – Item 10.1.9

) Tabled Petition with 400+ signatures to support the cyclists for the environment and the PSP.

) Did any Councillors receive any presentation from any agencies or the administration where the removal of trees was mentioned, and on what date and which Councillors attended and why did they not tell their ratepayers that trees were to be removed?

Response:

State Government informed the Town that the details of the PSP Project are confidential.

- J Why did the sustainability implications read ‘the inclusion of a bike path from Grant Street to Victoria Street is a significant improvement to sustainability as it will encourage the use of bicycles? Why did it deliberately exclude the trees?’

Response:

The statement is valid as this infrastructure will promote the use of cycling as a more sustainable mode of transportation. Trees were not deliberately excluded.

Standing Order 8 – Questions Submitted by Cr Pyis via email 10 July 2018

1. How many short stay accommodation land use development applications have been
 - received
 - approved
 - refused
 by TOC in 2014, 2015, 2016, 2017 and 2018

Response:

We have NEVER had a Development Application marked as Short Stay Accommodation.

2. How has TOC confirmed that there is no short stay accommodation currently operating at 177 Broome St?

Response:

The Town’s Compliance Officer has been monitoring the property

3. How many qualified statutory planners does the TOC have?

Response:

4. How many Development Applications (DAs) did TOC receive in each of 2014, 2015, 2016, 2017 and 2018?

Response:

Year	Total DAs Received	
2014	263	
2015	222	
2016	175	
2017	163	
2018 *	88	* Up to August 15th, 2018

5. How many LPS3 scheme amendments did TOC receive in each of 2014, 2015, 2016, 2017 and 2018?

Response:

2014 = 3
2015 = 1
2016 = 2
2017 = 2
2018 = 1

6. What impact on TOC statutory planning and development services has the loss of the Manager of Development Services (MS) had on the workload of the remaining statutory planner(s)?

Response:

It has increased.

7. Does TOC monitor the number of received Development Applications (DAs) and the time taken for processing those DAs?

Response:

The Town has statistics available in Authority.

8. If TOC monitors the number of received Development Applications (DAs) and the time taken for processing those DAs, what was the average time taken to process DAs in each of 2014, 2015, 2016, 2017 and 2018?

Response:

Year	Total DAs	
	Determined	Avg Days Taken
2014	259	49
2015	217	41
2016	170	44
2017	156	50
2018 *	42	49

* Up to August 15th, 2018

9. What is the deemed refusal period for Development Applications (DAs) at TOC?

Response:

90 days if the application is advertised, otherwise 60 days.

10. On what date did the Manager Development Services (MDS) cease working (ie last day of work) at TOC?

Response:

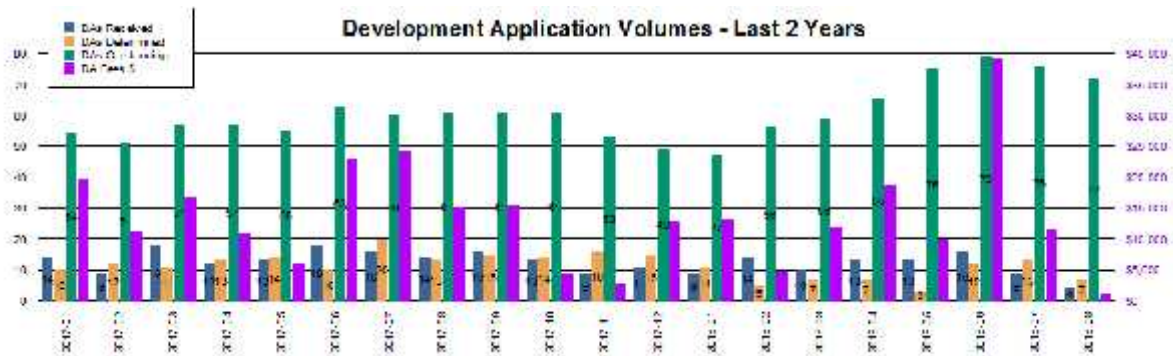
Mr Jackson's contract ended 31 January 2018.

11. How many current Development Applications (DAs) (received but not finalised) have reached deemed refusal period?

12. Has the number of Development Applications (DAs) that have reached the deemed refusal period increased since the date the Manager Development Services (MDS) ceased working at TOC?

Response:

We cannot retrospectively determine this however, the number of DAs outstanding at the end of each calendar month has been slowly increasing since January 2018. This is due to a number of factors including increased applications and an increase in strategic planning work:



13. Will the new Strategic Planner position be assisting the Statutory Planning Officer with processing Development Applications (DAs)?

Response:

Yes

14. Can EMs be provided with a list of foreshore concept plans/masterplans since 2000? (Please list by date, title, consultant, cost)

Response:

The following is a list of all of the plans prepared to our knowledge:

-) Cott Plus Plan (2017) (Emerge) – not commissioned by Council
-) Car Park 2 Masterplan (2018) – (John Brooksby) not commissioned by Council
-) Cottesloe Foreshore Renewal – Summary Strategy (2017) Emerge
-) Cardno Plan (2017)
-) Urbanix Plan (2012) (Linley Lutton)
-) Plan E (2005)
-) Cottesloe Enquiry by Design Report (Hames Sharley master plan) (2009)
-) Trevor Saleeba (2017) - not commissioned by Council
-) Paul Jones – Forrest Plan (unsure of date, cannot find a copy of the plan) – not commissioned by Council
-) Patric de Villiers Plan (2003 – 2004)

15. What is the current adopted concept plan/masterplan for the foreshore?

Response:

There is no formal plan adopted at this stage. Sections of the Cardno Plan were endorsed for progression.

16. What is defined as a "formal complaint" against TOC?

Response:

A formal complaint is one that is made under a piece of legislation i.e. Local Government Act.

17. Can EMs be provided with a list of formal complaints lodged against TOC since 2014?

Response:

The register only shows one formal complaint at this stage, however it should be noted that the register is amended when there is a change in Council.

18. What date did the new Customer Relations Management (CRM) system commence operation at TOC?

Response:

September 2017

19. How much has been expended on the Customer Relations Management (CRM) system since Council resolved to purchase it?

Response:

\$75,000

20. How do residents/ratepayers/public lodge a complaint/enquiry/request/suggestion using the Customer Relations Management (CRM) system?

Response:

The CRM system will be able to be used by any member of the public on the new Council website which will go live on 5 September 2018.

21. Does the Customer Relations Management (CRM) system record statistics on its operation?

Response:

Yes

22. If the Customer Relations Management (CRM) system records statistics on its operation, can EMs be provided with a breakdown of/feedback on these statistics?

(Please list by date, matter/nature of complaint/enquiry/request/suggestion, whether this has been resolved/concluded)

Response:

These statistics are available.

23. Are all Customer Relations Management (CRM) system complaints/enquiries/requests/suggestions given a number?

Response:

That is the purpose of the CRM, however, at this stage if an enquiry/complaint is dealt with in the initial interaction it is not recorded in the CRM. This will commence shortly.

24. Are any complaints/enquiries/requests/suggestions received by TOC not recorded on the Customer Relations Management (CRM) system?

Response:

As above.

4.2 PUBLIC QUESTIONS

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

) I'd like to ask how the erection of two concrete bin pads on the verge at the front of my property is considered an appropriate and effective use of Council funds?

Question Taken on Notice

Yvonne Hart, 26 Mann Street, Cottesloe - Indiana Toilets

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

) Is Council aware that the men's toilets at Indiana were closed last weekend?

) Why hasn't there been information to the community since the last confidential Indiana Council meeting?

Question Taken on Notice

Andrew Walsh, 176A Broome Street, Cottesloe – Item 11.4

) I understand there's going to be about 48 trees taken down.

) What is the reason we need a dead straight path rather than going around the trees?

) I also heard a rumour that there would be mature trees to replace the trees that are being taken out . Where are the trees coming from and does that mean for every tree taken out, they would be replaced by a new tree?

Questions answered by the Town of Cottesloe's Mayor, Cr Phil Angers:

) We've recently walked the path and found that 48 is a gross exaggeration, there's a lot less than that. We don't have the final number as yet but think it's approximately 16-20 but on the last walk through it may be considerably less.

) As far as why is the road going straight, there are bends in the path now.

-) There would be four trees planted for every tree taken out. At this stage, two of them will be coming from the Town of Cottesloe and two of them would be coming from the Main Roads or the Department of Transport. Where they come from, which actual nursery, I don't have a clue at the moment.

Andrew Walsh, 176A Broome Street, Cottesloe – Item 11.4

-) Were any cycling clubs or cycling advocacy or support groups contacted about the trees?
-) Does the Town of Cottesloe have any say in the project?

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

-) We didn't actually commission the project, it's not our project but we believe Main Roads did consult with a number of cycling groups but we would have to contact Main Roads WA to confirm that.
-) The PSP is a State project, it's being designed and constructed by Main Roads WA. The Town has asked for a brief comment, which it supplied at the previous Council meeting but it's not our project and we don't have control over it.

Questions answered by the Town of Cottesloe's Mayor, Cr Phil Angers:

-) Mayor – what we are doing and so far very successfully is we've managed to negotiate and work very closely with Main Roads and it's in that spirit of getting along together we've achieved a lot, we don't want to start telling them what to do or we may find that they will just proceed without us. At this stage we have some influence and we would like to keep that influence and we are working hard to continue that.

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

1. Who supplies the U-shaped hand rails that are at pedestrian crossings around the Town of Cottesloe (Rails)?
2. What are the individual and total costs of the purchase of the Rails?
3. What is the annual cost of the purchase of the Rails?
4. What Australian Standard requires the placement of Rails at pedestrian crossings?
5. Has a study been undertaken about the need for and use of the Rails? If so, can a link to or the study be circulated to EMs?
6. What Australian Standard requires the colour of the Rails to be bright red and yellow? If no standard applies, who decided on the colour and the quality of the paintwork?
7. Who is responsible for the maintenance of the Rails, especially repairing the peeling paint and bent Rails?
8. What is the annual cost to the TOC residents and ratepayers of the maintenance of the Rails or who pays for this?

9. What would be the approximate cost of removing one Rail and repairing the site?
10. What is the annual cost to the TOC residents and ratepayers of the square green bins of the Town of Cottesloe that are all around the Town of Cottesloe (Bins)?
11. Who receives the income from the third-party advertising on the Bins?
12. Who empties the Bins and how often and who pays for this?
13. What is the annual cost to the residents and ratepayers of the Town of Cottesloe of installing and maintaining the Town of Cottesloe bus shelters (the Shelters)?
14. Who receives the income from the third-party advertising on the Shelters?
15. Who maintains the Shelters and who pays for the maintenance?
16. Who decides which Shelters are replaced and which are not, noting the shabby Shelter on North St?

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

1. How many littering infringements (as per have been issued by TOC since 2013 and how many have been issued in each year?
2. How many dog excreta infringements (as per 5.1 Dogs Local Law Consolidated) have been issued by TOC since 2013 and how many have been issued in each year?
3. Which Committees (of all Committees listed under Current Committees on TOC website) are open and not open to the public?
4. Will and when will the TOC weekly Events Calendar be re-instituted?
5. If the TOC weekly Events Calendar is to be re-instituted, will this be posted on the TOC website?
6. How many times per week and for how many weeks per year does the contract beach cleaner use its beach cleaning machine to clean Cottesloe Beach?
7. What dimensions of rubbish items does the mechanical beach cleaner pick up and can the sifter be modified to collect smaller items of rubbish?
8. Can the contractors using the mechanical beach cleaner be requested to audit the rubbish collected from Cottesloe Beach? If yes, can this be implemented over the 2018/19 summer season? If no, what changes are needed to achieve this?
9. By what means are residents required to dispose of swimming water when pools are cleaning and/or draining?
10. What arrangements will be made for the cleaning and maintenance of the public toilets in the Indiana Tea House building for the 2018/19 summer season?

11. Please itemise the amounts TOC has paid for cleaning contractors for the public toilets in the Indiana Tea House building for the past 5 years?
12. What are the current obligations of the Indiana Tea House building lessee to clean and/or maintain the public toilets in the Indiana area House building?
13. What times of time, days of the week and months of the year is the Indiana Tea House lessee required to keep open the public toilets in the Indiana Tea House building?

5 PUBLIC STATEMENT TIME

Brendan Moore, 147 Hampton Street, South Fremantle –Item 11.1

-) I'm here on behalf of my ancestors and I work at the City of Fremantle as an Aboriginal Engagement Officer three days a week.
-) I brought my children along tonight and they have made a gift for you, a necklace made from quandong seeds.
-) With regard to item 11.1 I feel that the time is right for the Town of Cottesloe to acknowledge the Whadjuk people as the traditional owners.
-) I would like the Town of Cottesloe to formally make acknowledgement that the Town is within Nyoongar Whadjuk Boodjaor Land.
-) It's time for the Town of Cottesloe to embrace the Whadjuk people at their meetings and hopefully we'll all work together for a better future.

Mayor Angers gratefully received the gift.

Tom Alabakis – 28 Loma Street, Cottesloe – Item 10.1.9

-) Re the petition in relation to 10.1.9 of the agenda – point of clarification, it says replace or remove trees in Loma Street but it's actually to remove Coral Trees in Loma Street and replace them with Norfolk Island Pines.
-) The petition was signed by a majority of residents in Loma Street requesting the Council to remove eight Coral trees off the verges which we consider to be toxic weed and replace those with Norfolk Island Pines, also to remove a Jacaranda tree from the verge.
-) Loma Street is a designated Norfolk Island Pines street in the master plan.
-) The west end of Loma Street pines are on the state heritage list, the east end of Loma Street is dominated by these Coral Trees which are quite ugly and dangerous as they drop leaves and people can slip on them.
-) Removal of the Coral Trees and the unauthorised Jacaranda Tree would make a great improvement, add cohesiveness to the streetscape and add value to the properties there.
-) The policies that the Town currently has such as the tree policy doesn't allow for that to happen, but will hopefully be addressing in the near future.
-) Under your tree policy it says trees can only be removed if they're dead or

dangerous.

-) The petition addresses the case that these trees are dangerous so that particular falsity should not be used as a deterrent for making that decision.
-) We're asking that the Council votes to support removal of the Coral Trees and unauthorised Jacaranda Tree and replace with Norfolk Island Pines, which will appease everyone in Loma Street and make a more uniform streetscape and meets with the master tree plan.

Chris Wiggins, 50 John Street, Cottesloe – Item 10.1.9

-) The Forrest Street pedestrian crossing on the north side - myself and a lot of John Street residents use this crossing regularly.
-) On the crossing itself there's very good visibility in both directions, the gaps in traffic could be a minute or more, I have no hesitation in saying people can cross safely.
-) Diverting people to the lights – lot of people don't wait for the lights anyway so closing the north side crossing is not going to have a lot of impact anyway.
-) It's going to cost the Council \$10,000 that doesn't need to be spent.

Finola Evers, 97 Eric Street, Cottesloe – Item 11.3

-) I stand in support of the Notice of Motion put forward by Cr Boulter regarding the Seaview Golf Course Depot on pages 93-94 of the agenda.
-) In particular I support the rationale in paragraphs three and six.
-) The Notice of Motion is about fostering good communication and information gathering and goes on to say fostering the relationship between the Town of Cottesloe and the Seaview Golf Course for the benefit of ratepayers and residents.
-) In paragraph six it is underlined the ToC Strategic Community Plan provides an invaluable contribution residents play and the aim of this objective is to ensure that this continues and that Council maintains a spirit of cooperation with the community in an accountable and transparent manner on all occasions.
-) A society can only prosper when citizens open themselves up to honour that they can be corrected and have their views adjusted.
-) Proper public discourse and civility is part of the fabric of our community and its values which is what paragraphs three and six in particular highlight in this motion.
-) We assume that those in public life avail themselves of other sources of accessible information and to not act only on a partial evidential base. To do so would be a dereliction of their duty.
-) I would hope that in the response provided by this Council to the golf club that consideration was given to the apparent injustice that if the Council considered the use of the golf course facilities that they would take all the

depot infrastructure and yet no apparent similar consideration was given to Mosman Park Depot after spending \$640,000 of ratepayers' money that that depot would remain on the land after the ceasing of the 21 year lease.

-) I would hope consideration was also given to the apparent lack of sustainability of Council staff travelling back and forward to Mosman Park Depot for the items that are apparently stored at the golf club.
-) It seems apparent that there has been little or no engagement in good faith or discourse and this has led to a withdrawal by the Seaview Golf Club.
-) Public discourse should not only seek to persuade but to be open to persuasion, otherwise it just becomes a performance.
-) On a macro level we have created a society of pure performance and we here at this Council on a micro level appear to be doing so.
-) When you're performing you're not open to persuasion as clearly evidenced by this performance that has been ongoing since 2014.
-) Persuasion, deliberation and civility are essential for the health and functioning of this community and its fellowship and this motion simply reminds us of the importance of these values.

Rosie Walsh, 35 Grant Street, Cottesloe – Item 11.4

-) The minutes of the July Council meeting include:
 1. A staff report short on detail recommending the government bike path;
 2. the rejection of a councillor motion to defer a decision for a month to explore avoiding unnecessary tree loss; and
 3. A majority decision to support the contentious government plan excluding community input.
 -) Once again this Council disregarded Cottesloe's core mission statement and its consultation policy in a matter extremely important to the community members.
 -) Reaction has been understandably strong.
 -) Residents are repeatedly discouraged by Council members who forge ahead with their own agenda, ignoring transparency and accountability.
 -) The Mayor stated that the doomed established trees will be replaced by multiple substantial trees.
 -) Anyone with a garden understands transplanting large trees is fanciful, they're expensive and take years to recover.
 -) Studies show a small tree will outgrow replanted large tree in 10 years.
 -) Meanwhile it's goodbye to resident birdlife, insects and invertebrates that will disappear in the 10 to 15 years trees need to mature and importantly to bear fruit.
 -) Other councils have paths meandering through trees, preserving habitats and
-

amenity.

-) In its haste, this Council shows no understanding of the environment.
-) Trees will be bulldozed in the nesting and breeding seasons and subsequent plantings won't survive in the summer.
-) Council members appear unaware that the railway reserve is a designated wildlife corridor.
-) I support a bike path where most trees could be saved by a switched on Council.
-) I congratulate community members responsible for the plan for a Carnaby's corridor in conjunction with the existing wildlife corridor for the protection of endangered carnabies.
-) This Council could gain a modicum of respect by supporting this community initiative.

Jan Walker, 190 Broome Street, Cottesloe

-) Carnabys are endangered and are precious. I think we're privileged to have them and they need all the support they can get so I would urge Council to support the proposal put forward and investigate carefully what trees need removing and put in appropriate trees to support these birds and we'll all enjoy the fruits of it.

Katrina Downes, 76 Broome Street, Cottesloe - Item 11.3

-) The community has made it clear over a number of years that they don't want to see the works depot at the Sea View Golf Course.
-) There was a resolution passed not to site the works depot at Sea View Golf Club.
-) The community were recently consulted about a master plan for the Sea View Golf Club and Harvey Field Precinct and we have mixed reactions that they don't include the works depot at all.
-) Residents and ratepayers again being asked to commit significant funds to a commercial arbitrator or mediator to negotiate a proposal that will time and time be rejected.
-) On top of that we're looking at the Master Plan that doesn't mention the works depot at all.
-) We need to support the officer's recommendation to not support this motion and come up with a consistent plan that caters for the needs and wants of residents of Cottesloe.

Kevin Morgan, Cottage 2, 1 Pearse Street, Cottesloe

-) Five years ago the Town of Cottesloe sold the works depot and we didn't sell it without any alternative plan. We looked at many options and tried to negotiate with Mosman Park. We found that sharing a depot at the Seaview

Golf Club provided the best bank for our buck.

-) A plan was prepared to put the depot in a shared facility with the golf club. The plan was a bit foolish in putting the storage facility up the side of kindergarten, blocking the view so the people looking for people living on Broome Street.
-) We took heed of that and the alternative plan was to being a small mini depot on it and show how unobtrusive it can be as it has been for many years now.
-) We took a short term lease across the river and now I find that we've spent about \$1m while we're still thinking about it and we're back to the drawing board and going to spend over \$500,000 building something over there that they keep and probably spend \$1M giving it to them so that they can improve the Town of Mosman Park with our rates, rather than spending it here.
-) I was quite disappointed when I saw that the Sea View Golf Club had proposed to going back to sharing the depot and it was dismissed.
-) I was even more shocked when I read the officer's report which arrived at the conclusion that it was a cost to this Council.
-) To suggest that it might offend the members of Seaview is absurd as well, given that they were the ones that proposed reverting back to the idea of sharing the depot.
-) I did read on front page of our local paper the other week that, according to the Post, dogs are allowed on the Seaview Golf Course. For over 20 years, in my time here, dogs have been absolutely prohibited on every reserve in Cottesloe apart from the designated dog exercise areas.
-) People I speak to on the golf course tell me that the Mayor tells them that dogs are allowed on the golf course but the dog law says quite the opposite.
-) I'm very happy so see the local law change to see dogs on leads but you need to do an amendment to the dog law, you can't do it by Mayoral decree.

6 ATTENDANCE

Present

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

6.1 APOLOGIES

Nil

6.2 APPROVED LEAVE OF ABSENCE

Nil

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 DECLARATION OF INTERESTS

Mayor Angers – declared a FINANCIAL INTEREST in item 10.2.1(h)

Mayor Angers – declared an IMPARTIALITY INTEREST in 10.1.3

Cr Tucak – declared a FINANCIAL INTEREST item 10.2.1(h)

Cr Tucak – declared an IMPARTIALITY INTEREST in 10.1.3

Cr Thomas – declared an IMPARTIALITY INTEREST item 10.1.10

Cr Thomas - declared an IMPARTIALITY INTEREST in Item 10.1.13

Cr Pyvis – declared an IMPARTIALITY INTEREST in items 10.1.10 and 10.1.13

Cr Sadler declared an IMPARTIALITY INTEREST in item 11.4

CEO Mr Mat Humfrey – declared a FINANCIAL INTEREST in Item 10.1.18

Cr Thomas - declared an IMPARTIALITY INTEREST in item 11.4

8 CONFIRMATION OF MINUTES

Moved Cr Rodda Seconded Cr Tucak

That the Minutes of the Ordinary Meeting of Council held on Tuesday 24 July 2018 be confirmed as a true and accurate record.

COUNCILLOR AMENDMENT

Moved Cr Boulter Seconded Cr Pyvis

Are amended as follows to reflect the reasons Cr Pyvis and Cr Boulter provided to Council in moving this deferral motion:

COUNCILLOR MOTION ORDINARY COUNCIL MEETING AGENDA 24 JULY 2018 Item 10.1.13 Page 85 Moved: Cr Pyvis Seconded: Cr Boulter That Council DEFER consideration of the Monthly Financial Statements 1 June 2018 to 30 June 2018 until the August 2018 Ordinary Council Meeting for the following reasons:

1. Only every second page of the Monthly Financial Statements 1 June 2018 to 30 June 2018 was provided to Elected Members and printed in the Council meeting agenda.
2. Notice of the financial statements was not given as required by the Local Government Act

CARRIED 8/0

LOST 2/7

For: Crs Boulter and Pyvis

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

SUBSTANTIVE MOTION

Moved Cr Rodda Seconded Cr Tucak

That the Minutes of the Ordinary Meeting of Council held on Tuesday 24 July 2018 be confirmed as a true and accurate record.

CARRIED 7/2

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

Moved Cr Rodda Seconded Cr Harkins

That the Minutes of the Special Meeting of Council held on Tuesday 14 August 2018 be confirmed as a true and accurate record.

CARRIED 7/2

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

9 PRESENTATIONS**9.1 PETITIONS**

Moved Mayor Angers Seconded Cr Tucak

That Council the 'Removal of Loma Street Trees Petition' be received.

CARRIED 9/0

9.2 PRESENTATIONS

Nil.

9.3 DEPUTATIONS

Nil.

For the benefit of the members of the public present, the Mayor announced that items 10.1.2, 10.1.4, 10.1.6, 10.1.8, 10.1.9, 10.1.10, 10.1.11, 10.1.13, 10.1.16, 10.1.18, 10.2.1, 11.1, 11.2, 11.3 and 11.4 have been withdrawn for discussion. All other items will be dealt with en bloc.

10 REPORTS**10.1 REPORTS OF OFFICERS****PLANNING****10.1.1 PLANNING APPLICATIONS DETERMINED UNDER DELEGATION**

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

SUMMARY

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

BACKGROUND

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

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

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

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

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Each week a list of applications to be determined under delegation is distributed to Elected Members and published on the Town's Website. Elected Members have 1 week to call in any proposed determination for consideration by Council.

OFFICER COMMENT

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

Address	Description	Delegation Notice date	Date Determined
6 Margaret Street	Removal of privacy screens	28 June 2018	20 July 2018
62 Forrest Street	Limestone wall	28 June 2018	20 July 2018
4 Forrest Street	Store and side window	22 June 2018	5 July 2018
279A Marmion Street	Two-storey dwelling	28 June 2018	27 July 2018
98 Railway Street	Two, two-storey dwellings	20 July 2018	30 July 2018

VOTING REQUIREMENT

Simple Majority.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda Seconded Cr Harkins

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

Carried 9/0

ADMINISTRATION**10.1.2 ELECTED MEMBER APPOINTMENT TO SHINE COMMUNITY SERVICES BOARD**

File Ref: SUB/2595
Attachments: Nil
Responsible Officer: Garry Bird, Deputy Chief Executive Officer
Author: Elizabeth Nicholls, Senior Administration Officer
Author Disclosure of Interest: Nil

SUMMARY

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

BACKGROUND

SHINE Community Care Inc. is an incorporated body which provides services to the frail aged and elderly disabled mainly through funding provided by the Home and Community Care Program.

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

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

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

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

One delegate and deputy delegate is required.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.
Priority Area 6: Providing open and accountable local governance

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

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

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Nil.

OFFICER COMMENT

It is recommended that one delegate and deputy delegate be appointed to the SHINE Community Services Inc. Board.

VOTING REQUIREMENT

Simple Majority.

OFFICER RECOMMENDATION

That Council appoint Cr _____ as delegate and Cr _____ as deputy delegate to the SHINE Community Services Inc. Board.

COUNCILLOR MOTION AND COUNCIL RESOLUTION

Moved Cr Rodda Seconded Cr Young

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

Carried 8/1

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

10.1.3 NAPOLEON STREET FESTIVAL 2018

File Ref: SUB/2595
Attachments: 10.1.3(a) Event Application Form
Responsible Officer: Garry Bird, Deputy Chief Executive Officer
Author: Gabrielle Hall, Events Officer
Author Disclosure of Interest: Nil

Mayor Angers – declared an **IMPARTIALITY INTEREST** in this item by virtue “he was a past president of ProCott and also has a shop in Station Street and his wife’s sister works for ProCott”.

Cr Tucak – declared an **IMPARTIALITY INTEREST** in this item by virtue “he was a former Co-Chair and Member of ProCott”.

SUMMARY

The Event Mill is seeking approval on behalf of ProCott Inc. to host the Napoleon Street Festival 2018 (event name is still to be confirmed) on Napoleon Street and Station Street, Saturday 24 November 2018, from 12.00pm to 6.00pm.

BACKGROUND

Napoleon Street Festival 2018 (event name is still to be confirmed) has formerly been known as The Cottesloe Village Christmas Carnival, Cottesloe Village Carnival and Hullabaloo, which has successfully operated seven events.

The family friendly street festival aims to welcome families and residents of the Cottesloe community to a festive occasion with key activities for patrons of all ages.

The event will be held on Saturday 24 November 2018, on Napoleon Street and Station Street from 4.00pm until 9.00pm. Set up and pack down will occur from 6.00am on the Saturday until 1.00am on Sunday.

It is proposed that Napoleon Street and Station Street be closed for the event which will see different activities set up on the street. These activities include:

-) Food and beverage stalls
-) Kids and adult entertainment
-) Music
-) Activations by local retailers
-) Arts and crafts
-) Other cultural activities

The Town of Cottesloe will supply general waste and recycling bins for the event which will be emptied and cleaned by contractors engaged by ProCott Inc.

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

STRATEGIC IMPLICATIONS

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

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

Major Strategy 1.4: Continue to improve community engagement.

POLICY IMPLICATIONS**Event and Facility Classification Policy**

Under the current Policy, the event meets the assessment criteria of a community event as outlined in the policy, as '*The primary purpose of the event is to provide an opportunity for local community members to participate in the event*', and '*Spectating at the event is free*'.

STATUTORY ENVIRONMENT

Local Government Act 1995

Health (Public Buildings) Regulations 1992

Food Act 2008

Town's Health Local Law 1997

Town's Liquor (Licensed Premises) Policy

Health (Miscellaneous Provisions) Act 1911

Environmental Protection (Noise) Regulations 1997

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

FINANCIAL IMPLICATIONS

Council currently raises a differential rate for the Cottesloe town centre, the proceeds of which are directed to ProCott Inc. to fund marketing and other activities to attract visitors to the area. The cost of staging the Napoleon Street Festival 2018 (event name is still to be confirmed) will be funded from this differential rate income.

STAFFING IMPLICATIONS

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

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

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

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

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

CONSULTATION

) ProCott Inc.

) Town of Cottesloe Staff

OFFICER COMMENT

ProCott Inc. believe the Napoleon Street Festival 2018 (event name is still to be confirmed) will bring both the retailers, service providers and local community groups in the Cottesloe business district together in a village style atmosphere that would highlight the best that Cottesloe has to offer.

The event will also showcase Cottesloe to a wider community as an alternative shopping and recreation destination to other more well known precincts in the western suburbs and beyond.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Cr Harkins

That Council :

1. **Class this event as a 'Community' event and waive all hire fees for the event as per previous years. A bond of \$750, to be paid prior to the event commencing.**
2. **Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, provided prior to the event.**
3. **Provision of a transport or parking plan and appropriate access/signage to and from the event, which is to be provided at least 30 days prior to the event for the approval of the Chief Executive Officer.**
4. **Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required.**
5. **All signage to be approved by the Chief Executive Officer one month prior to the event.**
6. **The event complies with all noise management conditions imposed on the event by the Town of Cottesloe.**
7. **The event complies with all requirements of the:**

) *Health (Public Buildings) Regulations 1992*

-) *Food Act 2008*
 -) *Town's Health Local Law 1997*
 -) *Town's Liquor (Licensed Premises) Policy*
 -) *Health (Miscellaneous Provisions) Act 1911*
 -) *Environmental Protection (Noise) Regulations 1997*
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. The Applicant will (including by directing any parties under their control or supervision) use their best endeavours to minimise waste and litter production from the event.
 11. Single use plastics including without limit balloons, plastic bottles, plastic bags that have a thickness of 35 microns or less, plastic takeaway containers and lids, plastic lined coffee cups/lids, plastic straws, plastic lolly sticks, plastic cutlery and single plastic wrapped lollies will not be used by the Applicant (and any parties under their control or supervision) in setting up, during or in clearing up after the event.
 12. Organisers will use their best endeavours to avoid the use of any other form of single use plastic.
 13. That the event is a non-smoking event.
 14. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event.
 15. That the Western Metropolitan Regional Council 'Earth Carers' Event Waste Minimisation Checklist is provided to the event organisers, who are to complete the checklist and return to Council after the event with the aim of reducing the amount of plastics used at the event.
 16. The provision of a Disability Access and Inclusion Plan.

ADVICE NOTE

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

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

Carried 9/0

10.1.4 UPGRADE OF SMART PARKING SENSOR SYSTEM

File Ref: SUB/2595
Attachments: Nil
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Garry Bird, Deputy Chief Executive Officer
Author Disclosure of Interest: Nil

SUMMARY

To seek Council approval for a budget amendment to upgrade the Smart Parking parking sensor technology on the Cottesloe foreshore at a cost of \$35,280.

BACKGROUND

The Town of Cottesloe currently uses Smart parking sensor technology at several carparks on the Cottesloe foreshore and town centre.

This system is primarily used to monitor and detect vehicles that overstay the prescribed time limits at these car parks, which alerts Town Rangers when a vehicle has exceeded this limit. An infringement is then issued by the Rangers.

Effective 30 June 2018, the Town was advised that the 2G technology that was used by this system was being decommissioned and the sensors would no be able to be able to communicate with the hand held devises used by the Rangers. Unfortunately this advice was only received from Smart Parking on the 28 June 2018 which was too late to include any upgrades or alternative solutions in the adopted 2018/19 Budget.

Since that time the system has not been working and Rangers have been using the more labour intensive method of 'chalking' vehicle tyres to measure the length of time stayed in a parking bay.

Staff have been discussing options with Smart parking and our information technology consultants ManagedIT and identified the following options:

-) Do nothing, noting that a significant financial implication arises due to a loss of parking infringement revenue.
-) Call tenders for a full upgrade of the system which would have a lead in time of several months meaning the works might not occur before the peak summer months. Given the current discussions about a full or partial closure of car park one on marine Parade this was not the preferred option as any upgrade in this area could be soon redundant. A quote for a full system upgrade from smart parking was received and was for the sum of \$182,850 (estimate only).
-) A partial upgrade of the key areas around the beach front to minimise the impact of the system. To upgrade the beach front a quote of \$35,280 was received which would cover the main beach front area between Forrest and Eric streets.

STRATEGIC IMPLICATIONS

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

Priority Area 3: Enhancing beach access and the foreshore

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

The time parking bays on the Cottesloe foreshore encourage a movement of traffic from the limited bays available meaning that there are more bays available for parking during the day. Without the time limits, many of the bays would be occupied early in the morning until late afternoon.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - (b) *is authorised in advance by resolution*; or*
 - (c) *is authorised in advance by the mayor or president in an emergency.*
- *Absolute majority required.*

As the funds have not been included in the 2018/19 budget, an Absolute Majority of Council is required.

FINANCIAL IMPLICATIONS

The 2018/19 Budget provides for income from parking infringements to total \$751,000. Of this total, an analysis of the previous years fines indicates approximately \$450,000 of this income will be derived from parking over stays. If Council was not to address this issue, a material impact on the 2018/19 Budget will likely arise.

An investment of \$35,280 to upgrade the main parking areas will offset a large portion of this loss and in the event Council; chooses to upgrade the entire Smart parking system at a later date, will still be of use. Of course if Council was to move to an alternative system this upgrade would be come redundant but would still have served a purpose in protecting against the loss of income for the 2018/19 year.

It is proposed that the expenditure be funding from the Parking Facilities Reserve (current balance of \$166,841 as at 31 July 2018). The funds in this Reserve have accumulated from parking infringement windfalls in previous financial years and the expenditure is considered to be in keeping with the purpose of the Reserve.

STAFFING IMPLICATIONS

The chalking method currently being used by Rangers is not considered sustainable in the longer term for a number of reasons including:

1. Would still result in a considerable loss of income.
2. Will detract rangers from other tasks for example, animal control.

3. Occupational Health and Safety implications.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

-) Smart Parking Pty Ltd
-) ManagedIT
-) Town of Cottesloe staff.

OFFICER COMMENT

By upgrading the foreshore parking sensors at a cost of \$35,280 a significant financial risk to Council is minimised. If no action was taken, a budget amendment would be required to defer or delete projects from the current budget to address the financial shortfall that would arise.

COUNCILLOR QUESTIONS

Submitted by Cr Boulter via email – 19 August 2018

1. What is the precise name of the party with whom this contract was made to provide the Smart Parking sensors to the Town of Cottesloe?

Response:

The contract was let prior to 2011 and has no affect.

2. To which Council meeting – ie the date - was approval of this initial installation contract sought by the TOC administration?

Response:

April 2008.

3. Was legal advice as to the installation contract sought by the TOC administration?

Response:

Unknown

4. On what date was the contract signed between TOC and the party referred to above in 1?

Response:

September 2008.

5. On what date was the TOC administration notified and who by that the current sensor installations would not be effective after 30 June 2018?

Response:

28 June 2018 – Smart Parking Pty Ltd

6. Has this 2G issue occurred with other local governments that purchased this system? If so, which local governments?

Response:

Unknown. Any other local government still using version 1 sensors would have the same issue.

7. Was the company selected for these installations a WALGA Preferred Provider at the time or since?

Response:

Unknown

8. Are WALGA or WESROC taking a role in this issue? If not, why not?

Response:

No – it is an issue specifically to the Town of Cottesloe

9. Has legal advice been sought as to the failure of the installed system as at 30 June 2018 and who should be responsible for paying for the upgrade?

Response:

No

10. Is it under the current contractual arrangements or new arrangements that it is proposed that the TOC residents and ratepayers should pay for this \$35,280 upgrade?

Response:

There is no contract in place for the supply of the units.

11. How is it that the current contractual arrangements do not protect the residents and ratepayers from having to pay for this upgrade?

Response:

The original contract finished in 2011. The version of the sensors currently used have been superseded by 3 subsequent versions of the equipment and are no longer supported by the company.

12. Was Council's Purchasing Policy applied to the Purchase of the Smart Parking Sensor System? If not, why not? If yes, can the details of the quotes for the purchase be provided to Elected Members with the agenda for the August 2018 Council meeting?

Response:

Unknown

13. Does Council's Purchasing Policy apply to the proposed budget amendment of \$35,280? If not, why not? If yes, can the details of the quotes obtained by the TOC administration be provided to Elected Members with the August 2018 Council agenda documents?

Response:

It does not as the units are only available from 1 source.

14. What are the dates and content of the itemised costs of entire installation, maintenance and upgrades of this system to the TOC residents and ratepayers to date?

Response:

This original units were installed in 2008 for a total cost of \$318,456.90 based on an upfront cost of \$96,807.78 and monthly repayments of \$6,156.92 per month for three years from 1 October 2008.

15. Will the TOC administration provide all the documents relating to the purchase of this system and all current and proposed contractual arrangements to Elected Members as required under s5.92 of the LG Act with the agenda for the Council meeting?

Response:

There is no current contract in place for the provision of the units.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Cr Harkins

THAT Council, by absolute majority, approve a budget amendment of \$35,280 to upgrade the Smart Parking sensor system at the Cottesloe foreshore with this expenditure to be funded from the Parking Facilities Reserve.

Carried 7/2

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

Against: Crs Boulter and Pyvis

10.1.5 STAND UP SURF SHOP COTTESLOE CLASSIC

File Ref: SUB/2594
Attachments: 10.1.5(a) Event Application
10.1.5(b) Program
Responsible Officer: Garry Bird, Deputy Chief Executive Officer
Author: Gabrielle Hall, Events Officer
Author Disclosure of Interest: Nil

SUMMARY

The North Freo Stand Up Surf Shop is seeking approval to host the Stand Up Surf Shop Cottesloe Classic at Isolators Reef and Beach on Sunday, 14 October 2018 from 7.00am to 3.00pm.

BACKGROUND

The stand up paddle board competition anticipates approximately 50 competitors. The competition will be in 20 minute heats with four categories, two woman and two men. Competitors will pay a registration fee which is profitable to the North Freo Stand Up Surf Shop.

The event set up will be minimal, encompassing only chairs, tables and sunshade.

STRATEGIC IMPLICATIONS

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

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

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

POLICY IMPLICATIONS**Beach Policy**

The Beach Policy states that *'the CEO may approve application for other beach events without reference to Council for the following events, (b) Surf competitions for locally based surfing clubs at any beach with Town'*. As the organisers of the event are not based within Cottesloe the item has been passed to Council for consideration.

Event Classification Policy

The event meets the assessment criteria of a Commercial Event as outlined in the policy with the following two criteria items; *'They seek to promote a company or product'*, and *'Admission is charged for people to be able to participate'*.

STATUTORY ENVIRONMENT

Local Government Act 1995

Beaches and Beach Reserves Local Law 2012

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

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

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

-) Town of Cottesloe
-) Cottesloe Surf Life Saving Club
-) Cottesloe Longboard Club
-) Cottesloe Boardriders Club

OFFICER COMMENT

The Stand Up Surf Shop Cottesloe Classic will add value to the wider community as spectating this event is free, this will evidently enhance community engagement.

By permitting this stand up paddle boarding event will add to the Town of Cottesloe's social identity and support in achieving the Town's vision '*an iconic coastal community with a relaxed lifestyle*'.

VOTING REQUIREMENT

Simple Majority.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda Seconded Cr Harkins

THAT Council for The North Freo Stand Up Surf Shop to hold the Stand Up Surf Shop Cottesloe Classic at Isolators Reef and Beach on Sunday, 14 October 2018 from 7.00am to 3.00pm.

- 1. It is recommended that exclusive use of Isolator's Reef and Beach is not permitted;**
- 2. Class this event as a 'Commercial' event and charge the fee of \$750, and a bond of \$400, to be paid prior to the event commencing;**
- 3. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, be provided prior to the event;**
- 4. Provision of a transport or parking plan and appropriate access/signage to and from the event, which is to be provided at least 30 days prior to the event for the approval of the Chief Executive Officer;**

5. Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required;
6. All signage to be approved by the Chief Executive Officer one month prior to the event;
7. The event complies with all noise management conditions imposed on the event by the Town of Cottesloe;
8. Compliance with the Town's *Beaches and Beach Reserves Local Law 2012*;
9. Compliance with relevant sections of the Town's Beach Policy;
10. The event complies with all requirements of the:
 -) *Health (Public Buildings) Regulations 1992*
 -) *Town's Health Local Law 1997*
 -) *Health (Miscellaneous Provisions) Act 1911*
 -) *Environmental Protection (Noise) Regulations 1997*
11. 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;
12. Adequate arrangements for rubbish removal and collection, including the provision for recycling;
13. The Applicant will (including by directing any parties under their control or supervision) use their best endeavours to minimise waste and litter production from the event;
14. Single use plastics including without limit balloons, plastic bottles, plastic bags that have a thickness of 35 microns or less, plastic takeaway containers and lids, plastic lined coffee cups/lids, plastic straws, plastic lolly sticks, plastic cutlery and single plastic wrapped lollies will not be used by the Applicant (and any parties under their control or supervision) in setting up, during or in clearing up after the event;
15. Organisers will use their best endeavours to avoid the use of an other form of single use plastic;
16. That the event is a non-smoking event;
17. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event; and
18. 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 Town of Cottesloe *Local Government Property Local Law 2001 (Consolidated)* prohibits at clause 2.8(1)(i) '*releasing an unsecured balloon inflated with a gas that causes it to rise in the air*'. Fines apply for breach of this Local Law, and applies to all events and food vans (and the like) approvals.

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

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

Carried 9/0

10.1.6 BY THE C 2019 - ZACCARIA CONCERTS AND TOURING PTY LTD

File Ref: SUB/2594
Attachments: 10.1.6(a) Zaccaria Application - By The C 2019
Responsible Officer: Garry Bird, Deputy Chief Executive Officer
Author: Gabrielle Hall, Events Officer
Author Disclosure of Interest: Nil

SUMMARY

Zaccaria Concerts and Touring Pty Ltd is seeking approval to host the By the C concert at Cottesloe Beach on Sunday, 7 April 2019.

The event hopes to attract 6,000 patrons with the concert to operate between the hours of 1.00pm and 9.00pm.

BACKGROUND

Zaccaria Concerts and Touring Pty Ltd is a concert promoter in Australia and Asia with significant experience in the promotion and production of large scale concert events including outdoor concerts.

Zaccaria Concerts and Touring Pty Ltd have successfully managed two By the C events within the Town of Cottesloe. In April 2018, Australian artists Bernard Fanning and Missy Higgins performed at Cottesloe Beach for the By the C beach concert. Patrons were able to enjoy the stage right on the waterfront of Cottesloe beach, kick off their shoes for a dance on the sand or lay back and enjoy the music while the sunset.

In 2019 Zaccaria Concerts and Touring Pty Ltd plan on providing a cultural gathering that showcases home grown and international musicians whilst encompassing an emphasis on sustainability and local community. The event bump in will commence on Wednesday, 3 April 2019 and bump out concluding on Tuesday, 8 April 2019.

STRATEGIC IMPLICATIONS

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

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

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

POLICY IMPLICATIONS**Events Classification Policy**

The above Policy categorises events into four types with this application being classified as a commercial event, as an admission fee will be charged and the organisers of the event would retain the profits.

Outdoor Concerts and Large Public Events Policy

The aim of this Policy is to 'manage the impacts of outdoor concerts and large public events on the community and the environment'. The Policy states:

- a) *The Town of Cottesloe is committed to:*
-

- *preserving the reasonable amenity of residents and businesses surrounding avenue used for the purpose of staging outdoor concerts and large public events, and*
 - *to ensuring that the reasonable community/society expectations to be entertained are met.*
- b) *All outdoor concerts and major public events shall comply with the Town of Cottesloe's Guide to Outdoor Concerts and Large Public Events.*
- c) *The Town will support up to two outdoor concerts only at any venue within a 12 month period.*
- d) *The Town of Cottesloe requires the promoter to take all reasonable precautions with regards to public safety, health and the appropriate and sustainable use of the venue.*
- e) *A Risk Management and Evacuation Plan, satisfactory venue maintenance procedure, sufficient crowd control and appropriate public liability cover are to be provided.*
- f) *An application for an event is to be made to Council on the Event Application and Checklist Form not less than 90 days prior to an event. The CEO may request additional information or action as deemed appropriate.*
- g) *The in-principle support of the Council of the Town of Cottesloe to stage an outdoor concert or large public event does not constitute an approval. Approval for an event will only be given by the CEO upon satisfactory compliance with all statutory and other requirements at least 24 hours prior to the commencement of an event.*
- h) *This policy applies in addition to any relevant legislation, Standards Australia standards or any other legal requirement in place at the time an application is made.*

The application is considered to be a permitted event in accordance with this Policy, subject to the restrictions and conditions imposed and final approvals, and as such warrants consideration by Council.

Beach Policy

The aim of this policy is to *'provide guidelines for the Town of Cottesloe to enable consistency in decision making in relation to the beachfront'*.

The Policy defines a significant beach event as *'an event which involves one or more agencies and which will result in more than 50 people, or any form of structure, being on the beachfront area (including the Marine Parade public areas)'*.

In regards to significant beach events as defined by the Policy, commercial events are not to be approved by the Chief Executive Officer and are to be referred to Council for approval, who has absolute discretion in whether approval should be granted or not.

The primary objectives of the Policy are, in summary, to protect and preserve the beach environment. In considering uses of the beach, *'the primary consideration against which all uses are measured is the public interest, particularly for residents of Cottesloe, and safety*

having regard to the environmental parameters and limits of capacity of the beach reserve. In this context, the beach reserves are to be administered in the interest of residents of Cottesloe, the people of Western Australia and visitors to the metropolitan region'. Although permissible under this Policy and others described above, it is a question for the Council to consider whether an event of this nature is in the interests of the general public.

A secondary objective of this Policy is to 'identify and develop mechanisms to offset the cost of maintaining the beach area in order that the expenditure is not borne solely by residents and ratepayers of Cottesloe'. Approval of the event and the subsequent revenue it generates would be in keeping with this secondary objective.

STATUTORY ENVIRONMENT

Local Government Act 1995

Environmental Protection (Noise) Regulations 1997

Health (Public Buildings) Regulations 1992

Food Act 2008

Town's Health Local Law 1997

Town's Liquor (Licensed Premises) Policy

Health (Miscellaneous Provisions) Act 1911

Town of Cottesloe Local Government Property Local Law 2001

Town of Cottesloe Beaches and Beach Reserves Local Law 2012

Metropolitan Region Scheme

Part 9 of the Beaches and Beach Reserves Local Law requires all beach events to be applied for in writing and may be refused by Council or approved with any conditions it so determines.

It is noted that approval from the Western Australian Planning Commission and the Department of Racing, Gaming and Liquor will also be required for the event.

FINANCIAL IMPLICATIONS

As the event is classified as commercial as per Council Policy, the following fees would apply:

Commercial (>500 to <1000 people) – Full Day	\$5,000 per day
Commercial (>1000 ~ <2000 people) – Full Day	\$10,000 per day
Commercial (>2000 ~ <3000 people) – Full Day	\$15,000 per day
Commercial (>3000 ~ <5000 people) – Full Day	\$20,000 per day
Commercial (>5000 people) – Full Day	\$25,000 per day

The event organisers have indicated that they are anticipating 6,000 patrons and as such, a fee of \$25,000 would apply. A bond of \$10,000 would also be applicable.

Other minor fees would also be levied such as a Noise Monitoring Fee and Environmental Protection (Noise) Regulations exemption application fee, as required.

If the application was approved by Council, this income would be in excess of budget forecasts for facility hire at Cottesloe Beach and could be used by Council for a specific activity or purpose if so desired. If not, the funds would form part of general revenue for the 2018/19 financial year.

STAFFING IMPLICATIONS

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

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

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

Such an event has the potential to impact on the beach environment and comprehensive waste and traffic management plans will alleviate much of this risk.

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

CONSULTATION

-) Town of Cottesloe Staff and Elected Members
-) Zaccaria Concerts and Touring
-) Western Australian Planning Commission

It is recommended that a condition of any approval be support being obtained from the Cottesloe Surf Life Saving Club before final approval is issued.

Further, feedback received from the 2016 and 2018 By The C events indicated that consultation with local businesses will need to be improved. This will be raised with the applicant and a consultation plan will be requested as part of the formal application.

OFFICER COMMENT

From the above, it can be ascertained that relevant Council policies and local laws would allow for an event of this nature to take place. Such an event would undoubtedly impact on the amenity of local residents and restrict access to the beach for the duration of the event. It is a question for Council to determine whether these impacts can be managed to an extent that the event can proceed.

Some of the risks posed by the event in terms of resident's amenity and adverse impact on the reputation of Council include:

-) Waste Management
-) Noise
-) Traffic congestion

-) Environmental impacts on surrounding dunes
-) Restricted access to this popular beach area for the duration of the event
-) Possible closure of Marine Parade
-) Alcohol consumption in close proximity to the water

In regards to the above, Zaccaria Concerts and Touring Pty Ltd have demonstrated their awareness of these issues and invested considerable funds previous events to prepare appropriate management plans to mitigate these risks. It is the view of staff that these can be managed effectively to minimise their impact with the exception of noise, where it is acknowledged that the music will exceed allowed levels and an exemption will be required. Assuming an exemption is granted, there are still measures that can be taken to minimise the level of noise such as the positioning of the stage taking into account prevailing winds.

There would be benefits to local businesses if the event was to proceed due to the large number of patrons the event would attract. These benefits would be most felt by those businesses located near the beachfront, although it could be reasonably expected that other businesses in the Town Centre would also have increased patronage on the day of the event.

A comprehensive proposal and associated documentation will be required from Zaccaria Concerts and Touring Pty Ltd 30 days prior to the date of the event to address issues associated with an event of this scale and they propose to manage them. This includes:

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

Overall, the 2016 and 2018 By The C event was a success. The event was well facilitated by Zaccaria Concerts and Touring who were able to rectify the minor issues that arose on the day. Staff monitored the event throughout the bump in, bump out and the duration of the event. There were very few incidents with security, Police and Rangers numbers being appropriate for the number of attendees.

After last year's event, feedback was received from 14 attendees and community members. Of this, nine were in support of the event with some expressing excitement at the possibility of it becoming an annual event.

It has been suggested by staff that there may be some merit in closing a section of Marine Parade to facilitate safe pedestrian access to the event. Such a measure would be considered further depending on ticket sales and the final Traffic Management Plan (to be received).

The applicant would need to obtain a Liquor Licence in order to sell alcohol at the event, with this application requiring Council approval before being submitted to the Department of Racing, Gaming and Liquor.

Having given due consideration to the proposal and being mindful of the risks associated with an event of this type, staff are of the view that the event should be granted conditional approval, subject to ongoing review of the various management plans.

COUNCILLOR QUESTIONS

Submitted by Cr Tucak via email 21 August 2018

1. In the community feedback on the 2018 event, were any concerns, complaints or issues raised, and if so, what did they each relate to?

Response

There was a two noise complaints and one in relation to universal access.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Rodda

Seconded Cr Young

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

1. Class this event as a 'Commercial' event and \$25,000 be charged for the hire fees. A bond of \$10,000 to be paid prior to the event commencing;
2. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, provided prior to the event;
3. Provision of a transport or parking plan and appropriate access/signage to and from the event, which is to be provided at least 30 days prior to the event for the approval of the Chief Executive Officer;
4. Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required;

5. All signage to be approved by the Chief Executive Officer one month prior to the event;
6. The event complies with all noise management conditions imposed on the event by the Town of Cottesloe;
7. Compliance with the Town's Beaches and Beach Reserves Local Law 2012;
8. Compliance with relevant sections of the Town's Beach Policy;
9. The event complies with all requirements of the:
 -) *Health (Public Buildings) Regulations 1992*
 -) *Food Act 2008*
 -) *Town's Health Local Law 1997*
 -) *Town's Liquor (Licensed Premises) Policy*
 -) *Health (Miscellaneous Provisions) Act 1911*
 -) *Environmental Protection (Noise) Regulations 1997*
10. No alcohol is to be served unless a valid licence or permit from the Department of Racing, Gaming and Liquor is provided to the Town prior to the event;
11. Adequate arrangements for rubbish removal and collection, including the provision for recycling;
12. The Applicant will (including by directing any parties under their control or supervision) use their best endeavours to minimise waste and litter production from the event;
13. Single use plastics including without limit balloons, plastic bottles, plastic bags that have a thickness of 35 microns or less, plastic takeaway containers and lids, plastic lined coffee cups/lids, plastic straws, plastic lolly sticks, plastic cutlery and single plastic wrapped lollies will not be used by the Applicant (and any parties under their control or supervision) in setting up, during or in clearing up after the event;
14. Organisers will use their best endeavours to avoid the use of an other form of single use plastic;
15. That the event is a non-smoking event;
16. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event;
17. That the Western Metropolitan Regional Council 'Earth Carers' Event Waste Minimisation Checklist is provided to the event organisers, who are to complete the checklist and return to Council after the event with the aim of reducing the amount of plastics used at the event; and
18. Provision of a Disability Access and Inclusion Plan.

ADVICE NOTE

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

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

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

COUNCILLOR AMENDMENT

Moved Cr Tucak Seconded Cr Boulter

That at the end of point 18 add the words “including to minimise wherever practicable the disruption to the disabled access to the beach and around the area.”

CARRIED 9/0

COUNCIL RESOLUTION

Moved Cr Rodda, Seconded Cr Young

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

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- 2. Evidence of appropriate Public Liability Insurance, with cover no less than \$10 million, provided prior to the event;**
- 3. Provision of a transport or parking plan and appropriate access/signage to and from the event, which is to be provided at least 30 days prior to the event for the approval of the Chief Executive Officer;**
- 4. Neighbouring properties are notified of the event taking place, and provided with a mechanism to provide feedback about the event, if required;**
- 5. All signage to be approved by the Chief Executive Officer one month prior to the event;**
- 6. The event complies with all noise management conditions imposed on the event by the Town of Cottesloe;**
- 7. Compliance with the Town’s Beaches and Beach Reserves Local Law 2012;**
- 8. Compliance with relevant sections of the Town’s Beach Policy;**
- 9. The event complies with all requirements of the:**
 -) *Health (Public Buildings) Regulations 1992***
 -) *Food Act 2008***
 -) *Town’s Health Local Law 1997***

-) Town's Liquor (Licensed Premises) Policy*
-) Health (Miscellaneous Provisions) Act 1911*
-) Environmental Protection (Noise) Regulations 1997*

10. No alcohol is to be served unless a valid licence or permit from the Department of Racing, Gaming and Liquor is provided to the Town prior to the event;
11. Adequate arrangements for rubbish removal and collection, including the provision for recycling;
12. The Applicant will (including by directing any parties under their control or supervision) use their best endeavours to minimise waste and litter production from the event;
13. Single use plastics including without limit balloons, plastic bottles, plastic bags that have a thickness of 35 microns or less, plastic takeaway containers and lids, plastic lined coffee cups/lids, plastic straws, plastic lolly sticks, plastic cutlery and single plastic wrapped lollies will not be used by the Applicant (and any parties under their control or supervision) in setting up, during or in clearing up after the event;
14. Organisers will use their best endeavours to avoid the use of an other form of single use plastic;
15. That the event is a non-smoking event;
16. That the Western Metropolitan Regional Council 'Earth Carers' 'H2O to Go' Water Station facilities are investigated for use at the event;
17. That the Western Metropolitan Regional Council 'Earth Carers' Event Waste Minimisation Checklist is provided to the event organisers, who are to complete the checklist and return to Council after the event with the aim of reducing the amount of plastics used at the event; and
18. Provision of a Disability Access and Inclusion Plan including to minimise wherever practicable the disruption to the disabled access to the beach and around the area.

ADVICE NOTE

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

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Carried 8/1

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

ENGINEERING**10.1.7 BEACH ACCESS PATHS - N7 COMMUNITY CONSULTATION**

File Ref: SUB/2595
Attachments: 10.1.7(a) Community Consultation Feedback Summary
10.1.7(b) Community Feedback Compilation
Responsible Officer: Shaun Kan, Manager, Engineering Services
Author: Denise Tyler-Hare, Project Manager
Author Disclosure of Interest: Nil

SUMMARY

That Council approve the progress of the N7 beach access path upgrade to detail design following acceptance of concept by the community during consultation and support by the Beach Access Path Committee.

BACKGROUND

Following community consultation earlier this year, the Beach Access Path Committee at their 31 July 2018 meeting acknowledged both the time taken and feedback provided by the community. Unanimous support was given to advance the concept subjected to additional showers and stairs identified, during the second stakeholder engagement being incorporated within the detail design development.

As a note for N7, the original point iv in previous reports, which considered swapping the location of the bike rack and showers, was deleted for safety reasons.

STRATEGIC IMPLICATIONS

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

Priority Area 3: Enhancing beach access and the foreshore

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

Priority Area 3: Enhancing beach access and the foreshore.

POLICY IMPLICATIONS

The Beach Access Path Concept Plan complies with the Beach Policy as adopted by Council.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government Regulations 1996

The Cottesloe Foreshore Precinct is within the Metropolitan Region Scheme and planning approval is normally required from the West Australian Planning Commission. The Commission has exempted the project from the approval process given the upgrades are categorised as Public Works resulting only in minimal changes to the Foreshore.

FINANCIAL IMPLICATIONS

Financial implications have been incorporated as part of the Beach Access Paths – Tender Recommendation report.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

Sustainable preservation and management of the Beach Access Path will be achieved with the design incorporating materials that are durable and cost effective to maintain.

CONSULTATION

-) Beach Access Path Committee
-) Town of Cottesloe Staff
-) Elected Members
-) Community Consultation

OFFICER COMMENT

Community consultation results are presented below and further qualified by the following definitions:

-) Objection – objection to the specifics of the upgrade.
-) Support with comments – support with comments on the specifics.

The 12 submissions received were in support of the steps with a minority not wanting the upgrades at the stair landings to the path. Requests were also made for an extension of these steps.

The following provides a summary of key issues raised during the consultation:

1. No requirement for a crosswalk at the intersection of Marine Parade and Grant Street.
2. Extend the ladder down to the bottom, and get rid of the log ladder, or at least reduce it.
3. Minor relocation of seats.
4. Include two bins, one located close to the top of the stairs.
5. Waste water from shower be used for dune irrigation rather than draining down soakwells.
6. More sand is required at one section.
7. Ensure steps are built on piles that extend below the level of the storm beach or limestone basement.
8. Objection to moving shower and bike racks.
9. Objection to all other upgrades, other than the stairs.

VOTING REQUIREMENT

Simple Majority.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Cr Harkins

That COUNCIL:

1. Thank the community for their submissions.
2. Note the community consultation feedback submitted.
3. Approve the progression of the project to detailed design and documentation for N7, subject to the following inclusions:
 - a. A review of the extent of the log ladder to see if it can be reduced, by stair extension.
 - b. Consideration of stair foundations with regard to the changing beach levels.
 - c. Give consideration to moving the two seats away from the pathway.
 - d. Retain, but relocate, the existing memorial seats near N7, rather than new benches, in close consultation with affected families.
 - e. Install two showers.
 - f. The design outcomes should reflect the importance of local amenity in public spaces.

Carried 9/0

10.1.8 FORESHORE - SHADE STRUCTURE PROTOTYPE

File Ref:	SUB/2595
Attachments:	10.1.8(a) Shade Structures [CONFIDENTIAL] [UNDER SEPARATE COVER]
	10.1.8(b) Shade Structure Finishes [CONFIDENTIAL] [UNDER SEPARATE COVER]
	10.1.8(c) Draft RFT documents [CONFIDENTIAL] [UNDER SEPARATE COVER]
Responsible Officer:	Shaun Kan, Manager, Engineering Services
Author:	Denise Tyler-Hare, Project Manager
Author Disclosure of Interest:	Nil

SUMMARY

The Council is requested to provide approval to tender the proposed shade structures prototypes.

BACKGROUND

At the May 2018 Foreshore Precinct Implementation Committee Meeting, the Committee resolved to endorse the plans for tender, subject to review of the retaining wall materials and paving extents.

This documentation for the ocean universal access and beach shade structure prototype was sent to Council for call-in, with three call-ins received by 12pm on the 25 June 2018. Due to the call-ins, both the beach shade structure prototype and the ocean universal access path tenders were put on hold.

The call-ins for the beach shade structures can be summarised as follows:

1. Climate change and the wisdom of building permanent structures on the beach, particularly with the amount of erosion we get on the main beach in winter. Any new beach structure should be wholly removable in winter;
2. Cost – concerns over value for money with design life of less than 25 years, the use of galvanised steel in lieu of a high grade stainless steel which would be prohibitively expensive and moving forward with a design that is regarded as unsatisfactory. The proposed cost does not reflect the ‘off the shelf’ nature of the proposed materials, and nor does the design.
3. Maintenance costs associated with posts being encased in concrete.
4. Aesthetics – does not fit in with the curves along the beach and is too angular. The new design does not tie in with the curves of the beach path, the terrace curves, or relate in any way to the foreshore design. The placement of the structures in front of each other on the beachfront is too congested/cluttered, and bamboo does not fit the palette of the WA coastal landscape, as well as not providing full shade.
5. The shade structures would look better if they were a single line width and followed the curve of the path all the way round, with gaps in between say banks of three.

6. Durability – concerns over compliance with Australian Standards for materials within 200m of the ocean, type of steel, and the components of steel knuckles, wire lacing and poles in a corrosive environment. Additionally, concern over the concrete footings being exposed and damaged during a storm surge.
7. There does not appear to be any diagonal bracing to stop swaying and being sideways.
8. Flat roof design – concerns over the increased lift, and arbitrary pitching of the roof planes for sub control, cost and aesthetics.
9. Permanent Structure – concerns over the way it would look if the roof was removed every winter e.g. scaffolding.
10. Workability - concerns over forcing people into a confined space.
11. Design – current design bears little relation to the original design and has far less architectural merit. The original choice of ‘off the shelf’ materials by the designer is now dictating the design, as they do not have the strength to span the previous design. The choice of materials is flimsy/cheap, and not in keeping with the rest of the foreshore design.
12. Concern with accumulated litter under the shelters, and provision of seating.

These concerns, along with the staff comment below, were presented to the Foreshore Precinct Implementation Committee at the meeting held 31 July 2018 and resolved:

That the Committee:

Moved Cr Young, Seconded Mr White

1. *Endorse the design and recommend that a prototype be built.*

Carried 6/1

For: Crs Harkins, Young, Mr Fini, Mr Donaldson, Mr White, Mr Rodrigues

Against: Cr Sadler

Moved Cr Harkins, Seconded Cr Young

2. *Refer the design to the Design Advisory Panel for further comment.*

Carried 7/0

Moved Cr Young, Seconded Mr White

3. *Recommend that Council endorse the design and proceed to tender for the prototype.*

Carried 6/1

For: Crs Harkins, Young, Mr Fini, Mr Donaldson, Mr White, Mr Rodrigues

Against: Cr Sadler

The rationale for this was that the Committee considered the design, timing, duration, and commencement of the project and determined they would endorse the design and send it to the Design Advisory Panel and Council.

STRATEGIC IMPLICATIONS

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

Priority Area 3: Enhancing beach access and the foreshore

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

Priority Area 3: Enhancing beach access and the foreshore.

POLICY IMPLICATIONS

The proposed works comply with the Beach 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 (WAPC) as the land sits under the Metropolitan Region Scheme. However, as the changes are minimal and are considered Public Works, the WAPC have advised that no approvals are required.

Much of the land contained within the Cottesloe Foreshore Precinct is also listed on the State Heritage Register. Officers have liaised with the Heritage Office, and they have confirmed no approval is required for these works.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation of \$25,000 for the prototype.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The design approach for the prototype has covered issues such as sustainability and the long term maintenance and management of the precinct. The design has selected materials that have been chosen to ensure sustainability, longevity and ease of maintenance.

CONSULTATION

-) Foreshore Precinct Implementation Committee
-) Elected Members
-) Town of Cottesloe Staff

OFFICER COMMENT

It is noted that the current design is proposed to remain in place all year round, negating the removal costs that come with this, and the bare structure look in winter. The original proposal was to have the roof covering coming off in winter, however through much discussion with the Committee, the decision was made to make it an all year round element.

The structures do not follow the soft curve of the existing path. This has been done so that rather than forcing a mismatch between the curve and the inherent straight edge of the rectilinear form of the componentry, the design responds to the axis of the groyne by proposing a strong, counter, cross axis at 90 degrees. Additionally, the basis of achieving maximum shade for the dollars is based on using off the shelf components, unfortunately the connectors only accommodate a 90 degree connection.

The suggestion of a single line width with banks of three and gaps between the shade structures would be an alternative design response. As to whether it would be better is a subjective view.

With regard to the positioning of the structures, it is noted that beach users do not form a single file fronting the water. They form a random, multi-layered matrix, many people deep, and they traditionally, and without fuss, weave their way past others to the water. People using the design would do the same.

There is no compulsion for people to sit under the shades. The beach goers will retain their freedom of choice to sit in the sun, the provided shade, or bring their own shade. The objective is to provide as much shade as possible for the money spent.

The structural engineer and structure designer have confirmed that the design life is 25 years for the steel, and 15 years plus for the bamboo. The proposed bamboo will be in one length, without an intermediate join. They will be supplied in panels, woven together with marine grade stainless steel 316 lacing wire. The strainer wire cable will also be marine grade stainless steel 316. All hot dip galvanising will be in accordance with AS4680 and AS1650. The pros and cons of galvanising and marine grade stainless steel 316 have been considered in the design, and whilst the marine grade stainless steel 316 is more corrosive resistant, it will cost many times more, and is also not available in some of the coupling componentry necessary for the project.

It is noted that the footings have been designed to account for the lowest winter sand level, with the footings set 500 millimetres below, so the possibility of them becoming exposed is very low. A substantial limestone outcrop adjacent to the beach means that it would be a good idea to do a subsurface investigation, as it is likely to be present under the beach sand. It is prudent to provide as much information to tenderers as possible, to avoid cost variations.

The flat roof and associated structure have been designed to accommodate the upwards lift caused by the wind, and lateral forces. The footings have three options, one will be to use a bolted baseplate on to a concrete pad. The design has been certified by a structural engineer.

It is also noted that any litter accumulating under the shelters would be comparable to what is there currently.

Seating is not proposed under the shelters.

The following is a summary of the discussion around the design of the proposed shade structures at the 8th August Design Advisory Panel, noting that the Panel considered the visual harmony, comparative scale, standard of design and impact on the public domain **as well as standard of design, and contribution to the public domain (in terms of built form, facilities and infrastructure)**:

1. Potential impact on public domain and comparative scale – some discussion around the full structure area relative to the available space on the beach (e.g. volleyball area to be considered), however **the view was put, and general** consensus **agreed**, that the location was not obstructive **to the grass banks and beach area**. This extent **can** be varied if the full structure is constructed, following the prototype trial.
2. Visual harmony – the design is sited well, and the complexity to form is acceptable, with offset angles (which are critical to the design success), allowing some sunlight to get through. **One query was raised about the visual harmony of the galvanised steel.**

3. Standard of design – lightweight structure is acceptable, particularly when considering the difficulty of designing on the coast. Provision of gaps between the bamboo **slats** provides a much better design outcome. The design is sound.
 - a. Quality of materials is acceptable, noting that galvanising is acceptable, as long as it is thick enough and can withstand the rigors of a coastal environment. This **quality/durability** should be checked by Council Officers.
-) Whilst there was a view expressed within the panel about whether the shade structures were necessary **on a beach within the sand area**, the panel confirmed that proceeding with the prototype (**constructed as one discrete element**) is a good idea.

COUNCILLOR QUESTIONS

Submitted by Cr Boulter via email 19 August 2018

1. Can the applicable requirements of Council's Design Advisory Panel policy be identified in the Council agenda under the Policy heading for this item?

Response:

Yes. Under the policy section, please include the following:

The Design Advisory Panel Policy notes that the Council may refer the following matters to the panel for advice and recommendation:

-) Significant or potentially contentious development proposals.
) Precinct and major site design issues.

The panel shall consider the merits or adverse effects of any proposed development in terms of:

- i. the regional and local strategic contexts of the proposal in relation to its site and setting, from an urban design perspective.
- ii. the objectives of existing zoning or development controls and any proposed alternative zoning or development controls;
- iii. the potential impact of the proposed development on the surrounding locality having regard to :
 - o the maintenance of visual harmony with existing buildings;
 - o the comparative scale of existing and proposed buildings;
 - o the maintenance of privacy for the occupants of existing buildings;
 - o overshadowing of private or public buildings and open spaces.
 - o the effect of increased traffic movement in the locality, including pedestrian activity;
 - o the preservation of views as far as reasonably possible, for the occupants of existing buildings.
- iv. suitability for the demographic and socio-economic profile of potential occupants of the proposed development;

- v. social interaction between occupants of existing buildings and potential occupants of proposed buildings, in terms of design details; and
- vi. the standard of site planning and building design.
- vii. the contribution that the proposal may make to the public domain in terms of built form, facilities and infrastructure.

It is also noted that the panel may recommend that Council defer a decision or a matter, but the Council shall not be bound by any comment or recommendation of the panel.

2. Can the minutes of the TOC DAP be included in the attachments for the Council agenda according to cl 4.4 of Council's DAP policy?

Response:

Yes – but unconfirmed.

3. Can each of the subheadings for Sustainability endorsed by the TOC Community Strategic Plan be included under the Sustainability heading and each sub-heading addressed in the report to Council?

Response:

No

4. Can the TOC Mission Statement be addressed under the officer report "Sustainability" heading?

Response:

No

VOTING REQUIREMENT

Simple Majority.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Young Seconded Cr Rodda

That COUNCIL APPROVE the design and proceed to tender for the prototype.

Carried: 5/4

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

Against: Crs Pyvis, Sadler, Boulter and Thomas

10.1.9 FOOTPATH BUDGET - REQUEST FOR APPROVAL

File Ref: SUB/2595
Attachments: Nil
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Denise Tyler-Hare, Project Manager
Author Disclosure of Interest: Nil

SUMMARY

That Council approves the:

1. Revised Footpath Upgrade Program.
2. Transfer of \$118,500 from the Active Transport Infrastructure Reserve to the 2018/2019 Footpath Upgrade Budget.

BACKGROUND

At the June 2018 Ordinary Meeting, Council's resolved to reallocate \$288,500 from the 2018/2019 footpath budget to the Active Transport Infrastructure Reserve Fund pending the approval of a program prioritising the infrastructure upgrade. Condition assessments were carried out to rationalised the footpath works identified.

The following recommended scope of works and revised \$118,500 budget was supported at the August Agenda Briefing Meeting:

Footpath Project Locations	Original Budget	Status	Remarks	Revised Budget (Transferred Back from Reserve)
Broome Street (Napier Street to Loma Street)	\$3,500	Funds to remain in reserve	Drainage issues have been addressed	\$0
Curtin Avenue (Athelstan Road to Eric Street)	\$31,000	Funds to remain in reserve	Works completed	\$0
Eric Street (Marine Parade to Hamersley Street)	\$18,000	Project to remain in program	Asset in an acceptable condition and can be placed at a lower priority order. Tentatively scheduled for February 2019, pending condition review	\$18,000
Marine Parade (Deane Street to Beach Street)	\$27,000	Funds to remain in reserve	Works completed	\$0

Footpath Project Locations	Original Budget	Status	Remarks	Revised Budget (Transferred Back from Reserve)
Marine Parade (Jarrad Street to Pearse Street)	\$14,000	Project to remain in program	Works completed	\$0
Marine Parade (Warton Street to Beach Street)	\$19,000	Funds to remain in reserve	Works completed	\$0
Marmion Street (North Street to Grant Street)	\$11,000	Project to remain in program	Proposed work schedule - October 2018	\$11,000
Missing links (various)	\$10,000	Project to remain in program	Proposed work schedule - November 2018	\$10,000
Eric Street pedestrian crossing	\$15,000	Project to remain in program	Proposed work schedule - October 2018	\$15,000
Napier Street/Curtin Avenue crossing	\$118,000	Funds to remain in reserve	Town's scope incorporated within DoT PSP project	\$0
Salvado Street – missing link	\$7,500	Project to remain in program	Proposed work schedule - October 2018	\$7,500
Mosman Station (drainage/footpath upgrade)	\$14,500	Funds to remain in reserve	Town's scope incorporated within MRWA PSP project	\$0
Marine Parade (Warton Street to Sydney Street - eastern side)	\$0	Recommended new project to be incorporated	Assessment has found section to be a priority for renewal	\$19,500
Marine Parade (Forest Street to Pearse Street - western side)	\$0	Recommended new project to be incorporated	Assessment has found section to be a priority for renewal.	\$20,000
Curtin Avenue slip road (Grant Street to lights)	\$0	Recommended new project to be incorporated	Proposed work schedule - January 2019	\$7,500
Curtin Avenue (closure of pedestrian crossing north of Forrest Street)	\$0	Recommended new project to be incorporated	Proposed work schedule - January 2019	\$10,000

Footpath Project Locations	Original Budget	Status	Remarks	Revised Budget (Transferred Back from Reserve)
Total	\$288,500			\$118,500

STRATEGIC IMPLICATIONS

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

Priority Area 5: Providing sustainable infrastructure and community amenities

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

Priority Area 5: Providing sustainable infrastructure and community amenities.

POLICY IMPLICATIONS

The works program complies with the Footpath Replacement Policy as adopted by Council.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government Regulations 1996

FINANCIAL IMPLICATIONS

Cost of works has been revised from \$288,500 to \$118,500 inclusive of four new project locations.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Town of Cottesloe Staff

Elected Members

OFFICER COMMENT

Eric Street Pedestrian Crossing

An embankment in the southern verge terminates the current footpath along Eric Street. A designated pedestrian crossing point is required to connect footpaths on both side of the street.

The installation of mid-block pram ramps has been found to be unsafe due to poor sight distance. Relocating the proposed crossing to the top of the crest is limited by surrounding property driveways and retaining walls on either side of the street. The preferred design would be the extension of the southern path to join an existing ramp at Marmion Street roundabout.

No Main Roads WA approval is required, and can be incorporated within the Town's standard upgrades. The approximate location is as per the image below.



Curtin Avenue – proposed slip road path (Grant to lights)

It is proposed to upgrade a footpath along the slip road parallel with Curtin Avenue, to connect Grant Street to Claremont Crescent as per the yellow line in the image below.



Curtin Avenue (Proposed Pedestrian Crossing Closure and future pedestrian crossings)

Currently there is no approved budget for a crossing along Curtin Ave at Victoria Street. At this stage, there are no plans to include a pedestrian crossing at this location, as Main Roads WA are currently in the process of reviewing the Wellington Street underpass which could impact the Victoria Street/Curtin Avenue alignment.

The Curtin Avenue safety assessment for closure of the pedestrian crossing north of Forrest Street presented to Council in early 2018 recommended for the crossing to be removed. A budget of \$10,000 sourced through the Active Transport Infrastructure Reserve Fund has been proposed for Council's approval.

VOTING REQUIREMENT

Absolute Majority.

OFFICER RECOMMENDATION

That COUNCIL RESOLVES to:

1. Adopt the revised Footpath Upgrade Program.
2. Transfer \$118,500 from the Active Transport Infrastructure Reserve to the 2018/2019 Footpath Upgrade Budget.

COUNCILLOR MOTION

Moved Cr Tucak

Seconded Cr Boulter

That Council:

1. Adopt the Revised Footpath Upgrade Program with the following items removed:
 - a. Eric St Pedestrian Crossing (\$15,000) – until alternative solutions to the potential crossing issue and liability (eg signage) have been addressed;
 - b. Curtin Ave Crossing Closure (\$10,000) - until alternative solutions to the potential crossing issue and liability (eg signage) have been addressed, and gaps in the existing assessment of its use have been investigated;
 - c. Curtin Ave slip road upgrade (\$7,500).
2. Transfer \$86,000 from the Active Transport Infrastructure Reserve to the 2018/2019 Footpath Upgrade Budget (to support remaining projects in the above Program).
3. Transfer \$38,250 from the Active Transport Infrastructure Reserve in to the Parking Facilities Reserve to assist with the upgrades to the Smart Parking sensor system.
4. All income from overstay parking infringements in the 2018/2019 year collected in areas to which the upgrade to the Smart Parking sensor system occurs be paid in to the Active Transport Infrastructure Reserve, in order to provide tangible benefit to the Town's active transport infrastructure investment from car parking revenues.

Lost 1/8

For: Cr Tucak

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

FORESHADOWED MOTION

Moved Cr Rodda

Seconded Cr Young

That COUNCIL RESOLVES to:

1. Adopt the revised Footpath Upgrade Program.
2. Transfer \$118,500 from the Active Transport Infrastructure Reserve to the 2018/2019 Footpath Upgrade Budget.

COUNCILLOR AMENDMENT**Moved Cr Harkins Seconded Cr Young**

1. **Adopt the revised Foot path Upgrade Program, excluding the \$10,000 for the removal of the pedestrian crossing on Curtin Avenue north of Forrest St leaving the crossing as is.**
2. **That the Town of Cottesloe administration implement a way-finding strategy for pedestrians using the route from the Cottesloe train station to the beach, in consultation with the Council and community**
3. **That the Town of Cottesloe administration identify any improvements to pedestrian safety that could be made at the Forrest St /Curtin Avenue intersection for pedestrians crossing Forrest St and bring a report back to Council by December 2018.**

Carried 9/0**COUNCILLOR AMENDMENT****Moved Cr Boulter Seconded Cr Young**

1. **Delete item "Eric St Pedestrian Crossing" for \$15,000 pending a report back to Council following further examination of the site and exploration of alternative solutions and an estimate of associated costs of alternatives.**
2. **The Town of Cottesloe report to Council by December 2018 OCM as to the efficacy of and likelihood of improved road safety through installing a traffic island/pedestrian in Curtin Ave on or around the intersection with Sydney Street to prevent vehicles travelling south on Curtin Avenue making a right hand turn into Sydney street.**

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

1. **Delete item "Curtin Ave slip road upgrade (\$7,500)".**

Lost 1/8**For: Cr Tucak
Against: Mayor Angers, Crs Rodda, Sadler, Young, Harkins, Boulter, Pyvis and Thomas****COUNCIL RESOLUTION****Moved Cr Rodda Seconded Cr Young**

1. **Adopt the revised Foot path Upgrade Program:**
 - a) **excluding the \$10,000 for the removal of the pedestrian crossing on Curtin Avenue north of Forrest St leaving the crossing as is.**

- b) That the Town's Administration n implement a way-finding strategy for pedestrians using the route from the Cottesloe train station to the beach, in consultation with the Council and community
 - c) That the Town's Administration identify any improvements to pedestrian safety that could be made at the Forrest St /Curtin Avenue intersection for pedestrians crossing Forrest St and bring a report back to Council by December 2018.
 - d) Delete item "Eric St Pedestrian Crossing" for \$15,000 pending a report back to Council following further examination of the site and exploration of alternative solutions and an estimate of associated costs of alternatives.
 - e) The Town's Administration report to Council by December 2018 OCM as to the efficacy of and likelihood of improved road safety through installing a traffic island/pedestrian in Curtin Ave on or around the intersection with Sydney Street to prevent vehicles travelling south on Curtin Avenue making a right-hand turn into Sydney street.
2. Transfer \$118,500 from the Active Transport Infrastructure Reserve to the 2018/2019 Footpath Upgrade Budget.

Carried 9/0

10.1.10 REMOVAL OF LOMA STREET TREES

File Ref: SUB/2595
Attachments: 10.1.10(a) Email from Mr Thomas Alabakis
10.1.10(b) Petition from Loma St residents
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Shaun Kan, Manager, Engineering Services
Author Disclosure of Interest: Nil

Cr Thomas – declared an **IMPARTIALITY INTEREST** in this item by virtue “he was on the Committee of West Tree Canopy.”

Cr Pyvis – declared an **IMPARTIALITY INTEREST** in this item by virtue “she was a Committee member of West Tree Canopy.”

SUMMARY

That Council does not support the removal of the species of verge trees planted by residents.

BACKGROUND

On 18 June 2018, Mr Thomas Alabakis, of 28 Lomas Street wrote to Elected Members asking for unapproved trees planted by neighbouring residents be removed. This was supported by Ms Carolyn Lawrence of 26 Loma Street and Mr Rob Kornweibel of 27 Loma Street.

Officers have explained that the Town’s Street Tree Policy meant that officers were not able to approve the request and that if the residents wished, a report would be forwarded to Council for consideration.

STRATEGIC IMPLICATIONS

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

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

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

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

POLICY IMPLICATIONS

The officer’s recommendation is consistent with the Town’s Street Tree Policy.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government Regulations 1996

FINANCIAL IMPLICATIONS

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

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The recommendation will maintain the existing canopy cover benchmark, subsequently progressing towards the intended target identified within the *Corporate Business Plan 2017 – 2021*.

CONSULTATION

-) Town of Cottesloe Staff
-) Elected Members

OFFICER COMMENT

After assessing the reported non-compliance, one tree fronting 18 Loma Street was found to be in poor health and subsequently removed. A replacement tree is scheduled for planting at the time the report was written and may be in place prior to the Agenda Forum.

Officers were not able to progress the remainder of the request as it did not comply with the Town's Street Tree Policy. The applicant was informed of this and they have requested that Council consider the request.

Submitted by Cr Boulter via email 19 August 2018

1. Can the petition from the Loma St residents with all the associated documentation be circulated to Elected Members with the August 2018 Council agenda?

Response

Yes

VOTING REQUIREMENT

Simple Majority.

OFFICER RECOMMENDATION

Moved Cr Young Seconded Cr Rodda

THAT Council decline the request to remove Street Trees and other verge treatments in Loma Street, as per the email attached.

Following discussion, Cr Young withdrew the motion, with the consent of the seconder.

COUNCIL RESOLUTION

Moved by Cr Tucak Seconded Cr Boulter

That Council:

1. **Defer this item pending a review by the Administration of the Town's existing Street Tree Policy and, in particular, the provisions of clause (4) paragraph 5, which states that: Tree removals must be seen as a last resort, used for dead and/or dangerous trees; and**
2. **The Town's Administration informs each of the applicant residents of the review and its likely timing.**

Carried 9/0

10.1.11 STACK STREET WORKS DEPOT - LEASE RENEWAL OPTION

File Ref: SUB/2595
Attachments: Nil
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Shaun Kan, Manager, Engineering Services
Author Disclosure of Interest: Nil

SUMMARY

That Council authorises the Chief Executive Officer to negotiate a twelve month extension on the Town's Works Depot lease at 8 Stack Street to October 2019.

BACKGROUND

Following the sale of the former Works Depot site on Nailsworth Street, Cottesloe In November 2012, 8 Stack Street in Fremantle was leased to provide accommodation for the Town's Maintenance Operations. Extension options within the agreement ended 31 October 2017. Renewals have since been made on an annual basis.

The Town of Mosman Park Council recently endorsed the proposal to lease a portion of their depot site to the Town of Cottesloe. Lease discussions have commenced, however it is likely that completion of the new facility is six to twelve months away, all going well.

STRATEGIC IMPLICATIONS

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

Priority Area 5: Providing sustainable infrastructure and community amenities

The provision of a works depot is critical towards delivering valuable community works and services to achieve objectives of the *Strategic Community Plan 2013 to 2023*.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

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 approximately \$2,000 per month. These costs have been included in the 2018/2019 Budget.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

J Edinger Real Estate

OFFICER COMMENT

The Stack Street Depot is critical to the Town's maintenance operations. It is preferred that lease renewal be for a period of one year. A month to month extension will be proposed as part of the negotiations. This will be caveated by a three month termination notification period clause.

COUNCILLOR QUESTIONS

Submitted by Cr Boulter via email 19 August 2018

1. Can total of the itemised total costs for the Stack St depot to the residents and ratepayers be identified in the item 10.1.10 report to Council including the current total and total at the completion of the lease renewal proposed by the TOC administration?

Response:

Yes in table below:

Financial Year	Total Annual Rent
2012/13	\$130,999.92
2013/14	\$137,711.04
2014/15	\$157,711.20
2015/16	\$161,649.72
2016/17	\$161,649.72
2017/18	\$166,499.16
Total	\$916,220.76

2. Have the funds for the Stack St depot rental come from the capital works project funds of on or around \$9,189,925 set aside from the sale of the Nailsworth Depot? If not, where have the funds come from? If yes, which capital works projects such as *Foreshore renewal, Refurbishment of car parks one and two on foreshore, Beach Access Path renewal, Main Beach and South Cottesloe toilets, Town Centre improvements, John Black Dune improvements, redevelopment of the Bike Path on the foreshore, and improved Train Station/Beach interface infrastructure* identified in the Depot Funds Allocation Strategy 1 July 2014 – 30 June 2024 will not be progressed in part or wholly to pay the Stack St Works Depot rent and infrastructure costs?

Response:

From operational budgets.

3. How much is the proposed rent for the Stack St depot to rise per month and per year from the previous rental payments as recommended by the officer recommendation?

Response:

Subject to negotiation.

4. Can all the previous lease contracts, the current lease contract and the proposed lease renewal option be circulated to Elected Members with the August Council agenda pursuant to s 5.92 of the LG Act?

Response:

The proposed 12 month lease can be circulated to Councillors confidentially.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Young Seconded Mayor Angers

That Council AUTHORISE the Chief Executive Officer to enter either a one year renewal or a month by month extension to a maximum of twelve months for the 8 Stack Street Fremantle depot site and to execute any documents required for the lease.

COUNCILLOR AMENDMENT

Moved Cr Boulter Seconded Cr Pyvis

That Council AUTHORISE the Chief Executive Officer to enter negotiations with the Stack Street lessor as long as the Town of Cottesloe has obtained an expert lease valuation for the site that informs the negotiations, there is no increase in the lease rent, any outgoings' increases are limited to WA CPI increases and the 12 month lease is subject to termination by the Town of Cottesloe with two months' notice.

Lost 3/6

For: Crs Tucak, Boulter and Pyvis

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

COUNCILLOR AMENDMENT

Moved Cr Rodda Seconded Mayor Angers

That the motion be amended such that it now reads:

That Council AUTHORISE the Chief Executive Officer to enter into a one year renewal of the lease for the 8 Stack Street depot site and to execute any documents required for that lease, subject to the inclusion of a provision that enables the Town of Cottesloe to terminate such lease anytime on 3 months' written notice.

Carried 6/3

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

Against: Crs Boulter, Tucak and Pyvis

SUBSTANTIVE MOTION

Carried 6/3

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

Against: Crs Boulter, Tucak and Pyvis

10.1.12 SALE OF RIGHT OF WAY 22 - ITEM WITHDRAWN

File Ref: SUB/2595
Attachments: Nil
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Shaun Kan, Manager, Engineering Services
Author Disclosure of Interest: Nil

This report was withdrawn following a request from the applicant.

10.1.13 1 VERA STREET REMOVAL OF STREET TREES

File Ref: SUB/2594
Attachments: Nil
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Shaun Kan, Manager, Engineering Services
Author Disclosure of Interest: Nil

Cr Thomas - declared an **IMPARTIALITY INTEREST** in this item by virtue “he was on the Committee of West Tree Canopy.”

Cr Pyvis – declared an **IMPARTIALITY INTEREST** in this item by virtue “ she was a Committee member of West Tree Canopy.”

SUMMARY

That Council supports the removal of the Tipuana Tree located adjacent to the driveway to 1 Vera Street, Cottesloe.

BACKGROUND

On 5 June 2018, Don Russell Homes, the manager of 1 Vera Street, Cottesloe informed the Town that the Tipuana Tree root growth was causing damage to the property’s bin store room walls. A request was made for the tree to be removed.

**STRATEGIC IMPLICATIONS**

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

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

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

Priority Area 6: Providing open and accountable local governance.

POLICY IMPLICATIONS

The officer's recommendation is consistent with the Town's Street Tree Policy.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government Regulations 1996

FINANCIAL IMPLICATIONS

There are no perceived financial implications arising from the officer's recommendation. The removal cost can be accommodated within the allocated maintenance budget.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no perceived environmental sustainability implications with the removal being replaced by a tree species consistent with the Street Tree Master Plan.

CONSULTATION

) Town of Cottesloe Staff

) Elected Members

OFFICER COMMENT

Cutting the section of roots causing the damage to walls and back filling with concrete as a growth barrier was an alternative considered in lieu of the tree removal. This would however result in the tree dying over time. Given the maturity of the tree, this approach could also lead to stability issues and danger of the tree falling over, causing further property damage.

VOTING REQUIREMENT

Simple Majority

COUNCILLOR QUESTIONS

Questions Submitted by Cr Boulter via email 27 August 2018

1. When was the wall pictured in and referenced in the agenda was built?

The Town's records indicate that the wall was built within the early 1990's.

2. Did the wall have development and planning approval?

Yes – Planning approval dated: 8 March 1990, and Building Licence dated: 20 June 1990.

3. Was the wall built in compliance with the DA approved plan and conditions?

Yes

4. Did the wall have a building licence?

Yes

5. Was the wall built in compliance with the building licence?

Yes

6. Is the wall so damaged that it will have to be rebuilt?

The wall does look like it requires repair work, or may need to be rebuilt however, an inspection will need to be carried out to determine the extent of the damage.

7. Does the wall present a current risk of falling?

As above.

8. There also appears to be a crack in the wall on the left of the photo. Is this wall also going to pose a danger to the adjacent tree with a request for removal also being sought in the future?

It appears that only one tree is affected.

9. Can you confirm that the tree sought to be removed is actually on Council property?

From inspection on intramaps and street view, the tree appears to be located on the verge. As the same species of tree has been planted within private property, and is of similar size, may suggest that the Tree was planted by the owner at the time on the verge.

OFFICER RECOMMENDATION

THAT Council SUPPORT the request for the removal of the Tippuan Tree adjacent to the driveway of 1 Vera Lane, Cottesloe, and that a suitable replacement tree be planted.

COUNCIL RESOLUTION

Moved Cr Thomas Seconded Cr Harkins

That Council DEFER consideration of the item and investigates the cost of alternative solutions of repairing/replacing the brick wall to the satisfaction of the owner.

Carried 9/0

FINANCE**10.1.14 FINANCIAL STATEMENTS FOR THE MONTH ENDING 30 JUNE 2018**

File Ref:	SUB/2595
Attachments:	10.1.14(a) Monthly Financial Statements for the period 1 June 2018 to 30 June 2018 [under separate cover]
Responsible Officer:	Garry Bird, Deputy Chief Executive Officer
Author:	Wayne Richards, Finance Manager
Author Disclosure of Interest:	Nil

SUMMARY

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

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

BACKGROUND

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

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

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

POLICY IMPLICATIONS

Investments Policy

Investment of Surplus Funds Policy

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

) Senior staff

OFFICER COMMENT

It should be noted that at the time of preparing this report, not all 2017/2018 transactions have been posted which accounts for the large surplus shown in note 3 on page 23 of the Financial Statements. As a part of the preparation of the 2018 Annual Financial Statements, these transactions will be posted and the report submitted to Council's auditors for review in September 2018.

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 30 June 2018 was \$3,047,479 and is in line with previous financial years as shown on pages 2 and 23 of the attached Financial Statements.
-) Rates and emergency services levies receivables at 30 June 2018 stood at \$292,680 as shown on pages 2 and 26 of the attached Financial Statements.
-) Operating revenue is more than year to date budget by \$827,007 with a more detailed explanation of material variances provided on pages 21 and 22 of the attached Financial Statements. Operating expenditure is \$401,080 less than year to date budget with a more detailed analysis of material variances provided on pages 21 and 22.
-) The Capital Works Program is approximately 33% complete as at 30 June 2018 and a full capital works program listing is shown on pages 34 to 38.
-) Whilst Salaries and Wages are not reported specifically, they do represent the majority proportion of Employee Costs which are listed on the Statement of Financial Activity (By Nature and Type) on page 7 of the attached Statements. As at 30 June 2018 Employee Costs were \$212,136 less than the budgeted year to date amount. When the

non cash movement in leave provisions of \$201,337 is adjusted for, this results in an amount of \$10,799 under budgeted expenditure for employee costs.

- J The balance of cash backed reserves was \$11,086,361 as at 30 June 2018 as shown in note 7 on page 28 of the monthly financial statements.

List of Accounts for June 2018

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

- J \$48,689.04 to the Western Metropolitan Regional Council for waste tipping fees.
- J \$58,830.12 to Solo Resource Recovery for waste collection and disposal services.
- J \$42,662.40 to West Tip Waste Control Pty Ltd for bulk waste collection services.
- J \$154,154.00 to SMC Marine Pty Ltd for pylon repairs.
- J \$45,340.00 to F J Fitzsimmons & Co for right of way construction.
- J \$63,498.49 to the Australian Taxation Office for the business activity statement.
- J \$156,582.78 to the Department of Fire and Emergency Services for levies collected on their behalf.
- J \$160,000.00 and \$270,000.00 to the National Australia Bank for transfers to the investment account.
- J \$93,032.17 and \$98,702.03 for Town of Cottesloe staff payroll.

Investments and Loans

Cash and investments are shown in note 4 on page 24 of the attached Financial Statements. Council has approximately 38% of funds invested with National Australia Bank, 32% with Bankwest, 18% with Commonwealth Bank of Australia and 12% with Westpac Banking Corporation. Council had a balance of \$11,086,361 in reserve funds as at 30 June 2018.

Information on borrowings is shown in note 10 on page 31 of the attached Financial Statements and shows Council had total principal outstanding of \$4,219,401 as at 30 June 2018.

Rates, Sundry Debtors and Other Receivables

Rates revenue information is shown in note 9 on page 30 of the attached Financial Statements. Rates outstanding are shown on note 6 on page 26 and show a balance of \$292,680 as compared to \$399,448 this time last year.

Sundry debtors are shown on note 6, pages 26 and 27 of the attached Financial Statements. The sundry debtors show that 10% or \$26,173 is older than 90 days. Infringement debtors are shown on note 6(a) and stood at \$463,674 as at 30 June 2018.

Budget Amendments

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

This item is being represented to the August Ordinary Council Meeting as it was discovered following the release of the Council Agenda in July that only every other page had been incorporated into the attachment – following an administrative error.

COUNCILLOR QUESTIONS

Submitted by Cr Boulter via email 19 August 2018

1. What was the July 2018 Council resolution relating to this item?

Response:

It was deferred.

2. Can the July 2018 Council resolution relating to this item be included in the officer report?

Response:

The same Report that was presented to the July Meeting and was deferred has been re-presented to the August Meeting, with an additional paragraph as above.

Submitted by Cr Tucak via email 21 August 2018

1. Where these payments only made in June (they don't show up in the list in July) - F J Fitzsimmons & Co (\$45,340.00) and ATO (\$63,498.49) (both noted on page 52)?

Response

That is correct and were inadvertently included in the July Report. This will be corrected for the OCM Agenda.

2. How are payments to Michael Page for temporary staff calculated? Is it based on overall services or per staff?

Response

On a per hour basis for individual members of staff.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Cr Harkins

That Council RECEIVE the Financial Statements for the period ending 30 June 2018 as submitted to the 28 August 2018 meeting of Council.

Carried 9/0

10.1.15 FINANCIAL STATEMENTS FOR THE MONTH ENDING 31 JULY 2018

File Ref: SUB/2595
Attachments: 10.1.15(a) Financial Statements for the period 1 July 2018 to 31 July 2018 [under separate cover]
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Wayne Richards, Finance Manager
Author Disclosure of Interest: Nil

SUMMARY

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

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

BACKGROUND

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

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

STRATEGIC IMPLICATIONS

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

Priority Area 6: Providing open and accountable local governance

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

POLICY IMPLICATIONS

Investments Policy

Investment of Surplus Funds Policy

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Senior staff

OFFICER COMMENT

It should be noted that at the time of preparing this report, not all 2017/2018 transactions have been posted which accounts for the large surplus shown in note 3 on page 23 of the Financial Statements. As a part of the preparation of the 2018 Annual Financial Statements, these transactions will be posted and the report submitted to Council's auditors for review in September 2018.

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 July 2018 was \$11,706,444 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 July 2018 stood at \$8,934,836 as shown on pages 2 and 25 of the attached Financial Statements.
-) Operating revenue is less than year to date budget by \$82,711 with a more detailed explanation of material variances provided on page 21 of the attached Financial Statements. Operating expenditure is \$139,371 less than year to date budget with a more detailed analysis of material variances provided on page 21.
-) The Capital Works Program is approximately 6.4% complete as at 31 July 2018 and a full capital works program listing is shown on pages 33 to 35.
-) Whilst Salaries and Wages are not reported specifically, they do represent the majority proportion of Employee Costs which are listed on the Statement of Financial Activity (By Nature and Type) on page 7 of the attached Statements. As at 31 July 2018 Employee Costs were \$147,387 less than the budgeted year to date amount.
-) The balance of cash backed reserves was \$10,904,467 as at 31 July 2018 as shown in note 7 on page 27 of the monthly financial statements.

List of Accounts for July 2018

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

- J \$28,997.54 to the West Australian Local Government Association for subscription services.
- J \$43,543.26 to Shine Community Services for a contribution towards the Shine community service.
- J \$25,033.53 to the Australian Taxation Office for the monthly Business Activity Statement.
- J \$66,455.15 & \$35,800.40 to Local Government Insurance Services for Council insurance.
- J \$38,223.85 to Parkland Mazda for a new passenger vehicle.
- J \$25,000.00, \$870,000.00, \$365,000.00, \$110,000.00, \$100,000.00 and \$210,000.00 to the National Australia Bank for transfers to the investment account.
- J \$97,614.23 and \$97,568.06 for Town of Cottesloe staff payroll.

Investments and Loans

Cash and investments are shown in note 4 on page 23 of the attached Financial Statements. Council has approximately 46% of funds invested with National Australia Bank, 25% with Bankwest, 17% with Commonwealth Bank of Australia and 12% with Westpac Banking Corporation. Council had a balance of \$10,904,465 in reserve funds as at 31 July 2018.

Information on borrowings is shown in note 10 on page 30 of the attached Financial Statements and shows Council had total principal outstanding of \$4,219,401 as at 31 July 2018.

Rates, Sundry Debtors and Other Receivables

Rates revenue information is shown in note 9 on page 29 of the attached Financial Statements. Rates outstanding are shown on note 6 on page 25 and show a balance of \$8,934,836 as compared to \$8,964,491 this time last year.

Sundry debtors are shown on note 6, pages 25 and 26 of the attached Financial Statements. The sundry debtors show that 11% or \$27,497 is older than 90 days. Infringement debtors are shown on note 6(a) and stood at \$438,703 as at 31 July 2018.

Budget Amendments

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

COUNCILLOR QUESTIONS

Submitted by Cr Boulter via email 21 August 2018

Can you advise what specifically the following payments were for in the July accounts?

1. Jackson MacDonald \$1,652.21? (Which matter?)

Response

Indiana Teahouse

2. Wood and Grieve Engineers \$3,052.50 (? Quotes under Council's purchasing and procurement policy?)

Response

Quotations obtained for project supervision of a tender awarded by Council.

3. Blue Tang (WA) \$6,380? (? Quotes under Council's purchasing and procurement policy?)

Response

Progress payment for tender awarded by Council.

4. InfoCouncil Pty Ltd \$3,745.50?

Response

Annual Helpdesk support fee

5. Pritchard Francis \$1,347.50?

Response

Structural inspections of foreshore infrastructure – retaining walls and footpath. Part of Infrastructure Reduction Strategy.

6. Mantrac Pty Ltd tree removal \$2,189? (? Quotes under Council's purchasing and procurement policy?)

Response

Three quotations obtained.

7. Professional Tree Surgeons \$3,410? (? Quotes under Council's purchasing and procurement policy?)

Response

Three quotations obtained.

8. LGIS Risk Management \$3,960?

Response

Occupational Health and Safety Committee consultancy services

9. John Parker jet rodding \$4,752?

Response

Drain cleaning – Forrest Street, Sea View golf Course, Railway Parade and Marine Parade.

10. Aecom variation \$3,366.00?

Response

Recreation Precinct masterplan additional consultation

11. LSV Borrello lawyers \$707.85?

Response

Legal advice Lot 506 Deane Street

12. Lo-GO appointments \$3,834.03 (which temporary staff)?

Response

Senior Strategic Planner

13. Kennards Hire Pty Ltd Rental of mini digger \$ 10,087.94? (? Quotes under Council's purchasing and procurement policy?)

Response

The Kennards Hire invoice was for \$613.50 and is for excavator hire. The payment listed below is for \$10,087.94 to the Western Metropolitan Regional Council for waste disposal costs. No quotations obtained from Kennards, staff went to closest available option. Waste disposal separate contract matter.

14. Blue Tang beach shade structures \$5,470.30? (? Quotes under Council's purchasing and procurement policy?)

Response

Approved variation for tender awarded by Council.

15. MacCleods \$1,695.64?

Response

Two parking prosecutions

16. Lo-Go Appointments \$3,264.71? (which staff)

Response

Senior Strategic Planner

17. Priestman Sharp \$300?

Response

Vehicle Insurance Claim excess

18. Ellenby Tree farm trees \$6,270? (which trees for where)

Response

15 Norfolk Island Pines and 15 Peppermint trees. Planted in various locations.

19. Mastec Australia \$2,402.40? (Which bins, where and how many?)

Response

52 general waste bins for residents use.

20. LSV Borello \$653.40? (Which matter?)

Response

Wearne Hostel Redevelopment

21. Professional Tree surgeons \$1,210? (Where is the tree that was pruned and why was it pruned?)

Response

Prune large eucalyptus outside of 12 Griver St

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda Seconded Cr Harkins

That Council RECEIVE the Financial Statements for the period ending 31 July 2018 as submitted to the 28 August 2018 meeting of Council.

Carried 9/0

10.1.16 COTTESLOE SURF LIFE SAVING CLUB INC. - REQUEST FOR DONATION

File Ref:	SUB/2595
Attachments:	10.1.16(a) Donation Application [under separate cover] 10.1.16(b) Business Plan [under separate cover] 10.1.16(c) Concept and Business Plan Presentation [under separate cover]
Responsible Officer:	Mat Humfrey, Chief Executive Officer
Author:	Garry Bird, Deputy Chief Executive Officer
Author Disclosure of Interest:	Nil

SUMMARY

To consider a request from the Cottesloe Surf Life Saving Club Inc. (CSLSC) for a donation of \$20,000 as a contribution towards detailed design of a proposed renovation of the club rooms.

BACKGROUND

This request was originally submitted for consideration from the Town's annual donations program to community organisations. As the request for \$20,000 would have accounted for approximately 50 percent of the budget funds available for the donations program, it was the view of Council that this should be considered as a separate matter. Further a briefing from the CSLSC was requested which was provided at the August 2018 Briefing Forum.

To date the CSLSC have completed a Business Plan and concept drawings which have been supported by club members.

The full cost of the detailed drawings is estimated to be \$55,000, with the CSLSC funding the remaining balance of \$35,000 from club reserves and member donations.

Indicative costs indicate the upgrade will cost in the order of \$3 million, with the Business Plan providing for a 5 percent capital contribution from council although this has not been formally requested at this time.

STRATEGIC IMPLICATIONS

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

Priority Area 5: Providing sustainable infrastructure and community amenities

Although the CSLSC club room facilities are not owned by Council or are on Council owned or managed land, the service provided by club members is considered invaluable in terms of residents and visitors being able to enjoy the beach in a safe and relatively controlled environment. The renovation of their facility will allow increased public use of these facilities and better support the essential services they provide.

POLICY IMPLICATIONS**Donations Policy**

Assessment Criteria

Donation requests will not be considered where:

) *The applicant is a private and for profit organisation 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 organisation 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 CSLSC is in keeping with the Policy.

It should be noted however that Council has generally not granted such levels of funding to local community organisations. Some recent exceptions to this unwritten policy are:

) \$16,000 to the Mosman Park Community Men's Shed Inc. for the expansion of their facilities in 2016/17.

) \$21,000 granted to the Cottesloe Football Club in 2017/18 for lighting upgrades

) \$48,000 to the Sea View Golf Club Inc. for clubhouse improvements in 2017/18.

STATUTORY ENVIRONMENT

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

(1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*

(a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*

(b) *is authorised in advance by resolution*; or*

(c) *is authorised in advance by the mayor or president in an emergency.*

**Absolute majority required.*

FINANCIAL IMPLICATIONS

There is no provision in the 2018/19 Budget for a donation of this amount. That said, the estimated surplus amount to be carried forward into the 2018/19 year (which is still subject to audit scrutiny) will be higher than that originally estimated and could accommodate this amount if Council were to support the request.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

-) Cottesloe Surf Life Saving Club Inc.
-) Town of Cottesloe Elected Members

OFFICER COMMENT

In recent times the following amounts have been contributed by Council to the CSLSC:

Date	Value	Description
20/09/2017	\$4,400	Purchase of three rescue boards.
04/08/2015	\$5,500	Contribution towards Gallipoli 100 surfboards.
31/07/2009	\$5,500	Refurbishment of administration office.
23/07/2018	\$2,700	Junior equipment

COUNCILLOR QUESTIONS

Submitted by Cr Boulter via email 19 August 2018

1. What are the itemised donations and any other grants by the TOC to the NCSLC 2015 – 2018/9?

Response:

2013/14	\$34,000	Surf Towers
2018/19	\$10,000	Centenary Celebrations
2016/17	\$2,500	Path and Handrail
2015/16	\$3,000	Patrol Room Door
2014/15	\$2,500	Spotlight installation
2012/13	\$4,000	Inflatable rescue boat
2011/12	\$2,902	Shade tent and rescue equipment
2010/11	\$4,000	Paddle Boards

2. What are the itemised donations and any other grants by the TOC to the CSLC 2015-2018/9?

Response:

Please refer to the last paragraph of the officer's comment.

3. What are the pros and cons of making the donation subject to:
 - a. provision of public toilets on the site; and/or
 - b. resolution of the dangerous bend in the pedestrian/cycle path on the north west corner of the site, or the rerouting of the path altogether in the new design?

Response:

These are matters for Council to consider and should be the subject of a separate Report to Council.

4. Is the CSLC eligible to apply for any grant funding for this design work neither alone or in partnership with the TOC?

Response:

It is unlikely grant funding would be available from a government agency for the design work.

5. How firm are the estimated costs of \$55,000 for the design work?

Response:

It is understood that the Club have obtained an estimated cost for this work.

6. Can/should the TOC make the donation on the basis that it is one third or \$20,000 whichever is the lesser amount?

Response:

Council can determine to award any amount it so chooses.

Submitted by Cr Pyvis via email 21 August 2018

1. Please provide EMs with
 - ☐ a copy of the title relating to CSLSC land
 - ☐ a map of each reserve (including the purpose of each reserve) that shares a boundary with CSLSC

Response:

Have been provided under separate cover

2. To which Govt Dept does CSLSC pay its annual lease for Crown land?

Response:

The car park is a Crown Grant not a lease and no lease fee is payable. The Clubhouse premises are owned by the Club on a freehold basis.

3. What is CSLSC's annual rent for its lease?

Response:

Refer to answer 2

4. When does CSLSC lease expire?

Response:

Refer to answer 2

5. Who owns CSLSC building/s and who is responsible for the building/s maintenance?

Response:

The Cottesloe Surf Life Saving Club

6. Who is the decision making authority for any renovation/expansion of CSLSC building/s?

Response:

The Western Australian Planning Commission will be responsible for the development Application and the Town of Cottesloe for the building license.

7. Will any building renovation/expansion to CSLSC building/s trigger a requirement for provision of disability access to upstairs function rooms (ie lift or stair platform lift)?

Response:

Yes and this has been included in the Concept Plan.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

Moved Cr Rodda Seconded Cr Young

That Council by absolute majority APPROVE the donation request of \$20,000 from the Cottesloe Surf Life Saving Club Inc. as a contribution towards the detailed design of the proposed club house renovations.

COUNCILLOR AMENDMENT

Moved Cr Boulter Seconded Cr Pyvis

That Council by absolute majority APPROVE the donation request of \$20,000 from the Cottesloe Surf Life Saving Club Inc. as a contribution towards the detailed design of the proposed club house renovations subject to the designers using their best endeavours to include toilets that are accessible for public use and that copies of the invoices for the detailed costings being provided to the Town of Cottesloe.

Lost 2/7

For: Crs Boulter and Pyvis

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

COUNCILLOR AMENDMENT**Moved Cr Tucak Seconded Cr Boulter**

That at the end of the recommendation after “renovations” add “provided the design includes disability access throughout the club consistent with Council’s moves to increase access to the foreshore and the ocean”.

ADVICE NOTE: This funding should not in anyway be construed as a commitment that Council will contribute to the capital cost of the renovation when and if any funding proposal is submitted by the Club.

Lost 3/6**For: Crs Tucak, Boulter and Pyvis****Against: Mayor Angers, Crs Rodda, Sadler, Young, Harkins and Crs Thomas****COUNCIL RESOLUTION****Moved Cr Rodda Seconded Cr Young**

That Council by absolute majority **APPROVE** the donation request of \$20,000 from the Cottesloe Surf Life Saving Club Inc. as a contribution towards the detailed design of the proposed club house renovations.

ADVICE NOTE: This funding should not in anyway be construed as a commitment that Council will contribute to the capital cost of the renovation when and if any funding proposal is submitted by the Club.

Carried 8/1**For: Mayor Angers, Crs Rodda, Tucak, Boulter, Young, Harkins, Thomas and Pyvis****Against: Cr Sadler**

EXECUTIVE SERVICES**10.1.17 ADOPTION OF THE TOWN OF COTTESLOE LOCAL EMERGENCY RECOVERY PLAN AND WESTERN CENTRAL LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS**

File Ref: SUB/2595
Attachments: Nil
Responsible Officer: Mat Humfrey, Chief Executive Officer
Author: Freya Ayliffe, Manager Compliance and Regulatory Services
Author Disclosure of Interest: Nil

SUMMARY

The attached Local Emergency Recovery Plan has been prepared in accordance with section 41(4) of the *Emergency Management Act 2005* (the Act), and forms part of the Emergency Management Arrangements for the Town of Cottesloe.

The Act establishes roles and responsibilities of local government in relation to emergency management. There are a range of legislative requirements that local government are required to meet under the Act, including that Councils shall:

-) Establish an active Local Emergency Management Committee
-) Prepare a Local Recovery Plan
-) Prepare and maintain Local Emergency Management Arrangements
-) Appoint a Local Recovery Coordinator for the purposes of the Act
-) Manage recovery activities within their district

The plan describes arrangements for effectively managing recovery at a local level, including accountability and responsibility.

The plan also details how to restore, as quickly as possible the quality of life in an affected community, so that affected parties can continue to function as part of the wider community.

Both the Local Recovery Plan and Western Central Local Emergency Management Arrangements have been reviewed by the Chief Executive Officer and are presented to Council for adoption, in accordance with the *Emergency Management Act 2005*.

The current review was a result of the adjustment to the boundary of the City of Subiaco under the *City of Perth Act*.

BACKGROUND

Eight local governments from the Central Metropolitan Police District have combined to form the Western Central Local Emergency Management Committee (WCLEMC), completing the requirement of local government to establish a local emergency management committee.

The WCLEMC consists of representatives from the:

-) Town of Cambridge

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

In addition to local government, the WCLEMC comprises of representation from WA Police, Department of Fire and Emergency Services, Department of Communities, Department of Biodiversity, Conservation and Attractions, State Emergency Service, Office of Emergency Management, Red Cross and the Department of Health. This local structure has been approved by the State Emergency Management Committee.

The WCLEMC, on behalf of the local governments, originally created the arrangements, which were adopted by all member councils. The attached Arrangements have since been reviewed by the WCLEMC and are presented in accordance with section 42(1) of the Act. The current review was a result of the adjustment to the boundary of the City of Subiaco under the *City of Perth Act*.

STRATEGIC IMPLICATIONS

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

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

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

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Emergency Management Act 2005

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

There are minimal financial implications arising from the officer's recommendation; items for the recovery kit.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

The Arrangements have been prepared in conjunction with the seven member councils and relevant stakeholders that form the WCLEMC.

OFFICER COMMENT

Whilst local government is required to ensure the development of local emergency arrangements, this responsibility is effectively administered through the WCLEMC. Respective local governments therefore do not have a direct role in the development of the local emergency arrangements, albeit, the Act requires the approval by the local government. This is achieved through local government representation on the Local Emergency Management Committee.

Direct response to a local emergency is the responsibility of the relevant Hazard Management Agency (HMA); the organisation which, because of its legislative responsibility or specialised knowledge, expertise and resources has the capacity to combat the emergency. The arrangements anticipate local government providing resources to support and assist the HMA, if requested and subject to availability.

The current WCLEMC felt that the existing Arrangements were unnecessarily lengthy and difficult to find pertinent information. Subsequently, the review was guided by the following:

-) Use of tabulation as opposed to lengthy text
-) Key contacts to be easily identifiable
-) Removal of information contained in other documents
-) Recovery planning to be the responsibility of individual local governments

The arrangements outline the responsibilities of the individual stakeholders, as well as defining the potential hazards and hazard management agencies and, include the following elements of emergency management:

-) Planning
-) Response
-) Recovery
-) Exercising and Reviewing
-) Appendices
 - o Resources
 - o Contact details
 - o Risk treatment plans
 - o Special needs groups
 - o Local Recovery Plans
 - o Nominated Recovery Coordinators

The revised Local Emergency Management Arrangements 2018 are now complete. They have been assessed against the State Emergency Management Committees compliance checklist and require formal approval from each member council prior to submission to the District Emergency Management Committee for recording.

It should be noted that member councils have agreed enhancing local cooperation, to assist each other in the event of an emergency that exceeds the capacity of the impacted municipality. This is reflected in the partnering agreement, attached as appendix ten to the Arrangements.

VOTING REQUIREMENT

Simple Majority.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Cr Harkins

That COUNCIL:

1. **APPROVE and ADOPT the Town of Cottesloe Local Emergency Recovery Plan and;**
2. **ADOPT the Western Central Local Emergency Management Arrangements**

Carried 9/0

10.1.18 REQUEST FOR QUOTATION – CEO PERFORMANCE REVIEW CONSULTANT

File Ref:	SUB/2595
Attachments:	10.1.18(a) Quotation Summary [CONFIDENTIAL] [UNDER SEPARATE COVER] 10.1.18(b) Minutes Excerpt: OCM 25 July 2017 [under separate cover] 10.1.18(c) Minutes Excerpt: OCM 26 June 2018 [under separate cover]
Responsible Officer:	Mat Humfrey, Chief Executive Officer
Author:	Garry Bird, Deputy Chief Executive Officer
Author Disclosure of Interest:	NIL

The CEO, Mr Mat Humfrey declared a **FINANCIAL INTEREST** in this item by virtue of “it relates to his performance review.”

Mr Mat Humfrey left the Chambers at 8:31pm.

SUMMARY

To consider appointing a suitably qualified, independent consultant to assist Council in conducting the Chief Executive Officer’s (CEO’s) annual performance review, for the 2018/19 period.

BACKGROUND

Each year the Council is required to review the performance of the CEO under the *Local Government Act 1995*. The CEO commenced in this role on 08 June 2015, and in previous years consultancy services have been provided by John Phillips Consulting (2016) and Price Consulting (2017) – as endorsed unanimously by Council on 25 July 2017.

As a general comment, Council felt that the services provided by Ms Natalie Lincolne of Price Consulting amid the CEO’s performance review in 2017 were more than satisfactory, and therefore the Officer’s Recommendation is to contract Price Consulting for a second term.

STRATEGIC IMPLICATIONS

While no direct strategic implications are contained within the officer’s recommendation, the Chief Executive Officer plays a significant role in Council achieving any and all of its strategic directions.

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

Priority Area 6: Providing open and accountable local governance.

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

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

Section 5.38 of the *Local Government Act 1995* applies. In summary, this section requires that the performance of the Chief Executive Officer is to be reviewed in relation to every year of employment.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

Costs associated with engaging an independent consultant to assist Committee when undertaking the CEO performance review, will be presented to Council for consideration.

STAFFING IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

CONSULTATION

Western Australian Local Government Association – Employee Relations

OFFICER COMMENT

The purpose of the CEO Performance Review Committee is to coordinate and undertake the performance review of the CEO on behalf of Council and report findings and recommendations to Council for consideration in accordance with the *Local Government Act 1995*. The findings and recommendations resulting from this process are presented in a report to Council.

As the report reflects solely on the performance of the CEO, it is a clear conflict if this report were to be drafted by the CEO themselves or any other senior officer reporting to the CEO. Engaging the services of an independent consultant will greatly assist this process and help to guide Councillors in the review as an external, non-partisan individual.

COUNCILLOR QUESTIONS

Submitted by Cr Boulter via email 19 August 2018

1. Can the amount of the contract be included in the Council resolution in the interests of open and transparent decision making?

Response:

Council could make an amendment to the officers recommendation to this effect if it so determined.

2. Can the report include who are the members of the TOC CEO Performance Review Committee and where and when the members of the committee were appointed?

Response:

The Town of Cottesloe does not have a CEO Performance Review Committee.

VOTING REQUIREMENT

Absolute Majority.

OFFICER RECOMMENDATION

Moved Cr Rodda Seconded Cr Thomas

THAT Council by absolute majority appoint Ms Natalie Lincolne of Price Consulting as an independent consultant to assist the Chief Executive Officer's performance review for the period 2017/18.

COUNCILLOR MOTION

Moved Cr Boulter Seconded Cr Pyvis

THAT Council by absolute majority appoint Ms Natalie Lincolne of Price Consulting as an independent consultant to assist the Chief Executive Officer's performance review for the period 2017/18, for the following:

- 1. Performance review: Up to \$3,620 plus GST.**
- 2. Remuneration research: \$1,448 plus GST.**
- 3. 360 leadership behavioural assessments for Executive Team: \$724 plus GST.**
- 4. Facilitated 3-hour executive team workshop: \$1,086 plus GST.**

Carried 7/2

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

SUBSTANTIVE MOTION

Carried 9/0

At 8:35pm, the CEO returned to the meeting.

2. AUDIT COMMITTEE

17 July 2018 draft Minutes attached.

ITEM 4.1 INTERIM AUDIT RESULTS FOR THE YEAR ENDING 30 JUNE 2018**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Young Seconded Cr Sadler

That Council:

1. **NOTE** the matters identified in the 2017/18 Interim Audit Report; and,
2. **ENDORSE** the actions of staff in responding to the outlined issues as follows:
 - a. Payroll reconciliation will now be undertaken on a fortnightly basis at the end of the payroll process.
 - b. All general journal entries now require authorisation by a more senior officer.
 - c. New staff will be trained in the requirement to balance the rate roll to the rating database.

CARRIED 9/0

ITEM 4.4 AUDIT COMMITTEE CHARTER**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Young Seconded Cr Sadler

That Council defer consideration of the Audit Committee Charter until the next Audit Committee meeting.

CARRIED 9/0

3. BEACH ACCESS PATH COMMITTEE

31 July 2018 draft Minutes attached.

ITEM 7.1 BEACH ACCESS PATHS – SIGNAGE

Moved Cr Tucak Seconded Cr Boulter

That Council defer each of the Committee Recommendations pending some clarification around the process of confirming committee minutes.

Lost 3/6

For: Crs Boulter, Pyvis and Tucak

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

OFFICER RECOMMENDATION

That the Beach Access Paths Committee recommends to Council the inclusion of street/beach names as follows, subject to confirmation from Dr Dobson regarding the appropriate aboriginal names and protocols for S0, S8, S12 and N8:

Numbers	Location
S0	Moondo Rock
S1	Cables
S2	Vlamingh

S3	Sydney
S4	Wearne
S5	Gibney
S6	Deep Six
S7	Dutch Inn
S8	Jili-Jili
S9	Princes
S10	Salvado
S11	Rosendo
S12	Cudjil
S13	Pearse
S14	Isolated
S15	The Cove
N1	Napier
N2	Van Eileen
N3	Bryan Way
N4	North Cott
N6	Hawkstone
N7	Grant
N8	Sea Dragon (Indigenous name)
N9	Vera View
N10	Dog Beach
N11	Osprey
N12	North

COUNCIL RESOLUTION

Moved Cr Boulter Seconded Cr Tucak

That Council defer this item pending receipt of the confirmed minutes.

CARRIED 9/0

ITEM 7.2 N7 Community Consultation**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION**

Moved Cr Tucak Seconded Cr Pyvis

THAT the Beach Access Paths Committee recommend to Council as follows:

- 1. Thank the community for their submissions.**
- 2. Note the community consultation feedback submitted.**
- 3. Endorse the progression of the project to detailed design and documentation for N7, subject to the following inclusions:**
 - a. A review of the extent of the log ladder to see if it can be reduced, by stair extension;**
 - b. Consideration of stair foundations with regard to the changing beach levels;**
 - c. Give consideration to moving the two seats away from the pathway; and,**

- d. Retain, but relocate, the existing memorial seats near N7, rather than new benches, in close consultation with affected families.
- e. Install two showers;
- f. The design outcomes should reflect the importance of local amenity in public spaces.

CARRIED 9/0

4. BIKE PLANNING COMMITTEE

7 August 2018 draft Minutes attached.

ITEM 6.2 PRESENTATION BY MARK POWELL

COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Sadler Seconded Cr Thomas

That Council look at local area traffic management strategies as part of future road upgrades and streetscape improvements to obtain lower speeds and foster active transport.

CARRIED 9/0

5. DESIGN ADVISORY PANEL

11 July 2018 draft Minutes attached.

6. FORESHORE PRECINCT IMPLEMENTATION COMMITTEE

31 July 2018 draft Minutes attached.

ITEM 7.1 FORESHORE RENEWAL - SHADE STRUCTURES

COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Young Seconded Cr Harkins

That the Committee:

1. Endorse the design and recommend that a prototype be built.
2. Refer the design to the Design Advisory Panel for further comment.
3. Recommend that Council endorse the design and proceed to tender for the prototype.

Carried 5/4

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

Against: Crs Boulter, Sadler, Thomas and Pyvis

ITEM 11.1 CR BOULTER'S EMAIL REGARDING THE SEAPINES SCHEME AMENDMENT

COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Boulter Seconded Cr Sadler

This Committee resolves to provide:

-) Specific recommendations on the scheme amendment provisions for Sea Pines.

- J Design excellence criteria for a local planning policy for the foreshore precinct development area.

CARRIED 9/0

7. RESERVES, PARKS AND PLAYGROUNDS COMMITTEE

26 July 2018 draft Minutes attached.

ITEM 7.1 PLAYGROUNDS STRATEGY

COMMITTEE RECOMMENDATION

That the Reserves, Parks and Playgrounds Committee request the administration:

1. Prepare a broad brief for a Public Open Space Strategy to be circulated to three expert consultants requesting a reverse brief for the value of \$20,000.
2. The administration circulate the proposed brief Committee for week period to call in.
3. Following the receipt of the reverse brief quotes, the administration will ask the three respondents to present to the Reserves, Parks and Playgrounds Committee for consideration.

PROCEDURAL MOTION

Moved Cr Boulter Seconded Cr Pyvis

That this item be deferred.

Following discussion and with agreement of the seconder, Cr Boulter withdrew the procedural motion.

COUNCIL RESOLUTION

Moved Cr Boulter Seconded Cr Pyvis

That the Reserves, Parks and Playgrounds Committee request the administration:

1. Prepare a broad brief for a Public Open Space Strategy to be circulated to three expert consultants requesting a reverse brief for the value of \$20,000.
2. The administration circulate the proposed brief Committee for week period to call in.
3. Following the receipt of the reverse brief quotes, the administration will ask the three respondents to present to the Reserves, Parks and Playgrounds Committee for consideration, noting that the name of the strategy may require correction by the Committee.

Carried 9/0

ITEM 7.4 ERIC STREET CURTIN AVENUE FENCING

COMMITTEE RECOMMENDATION

That Council do not fence the area of land on the south western side of the intersection of Curtin Avenue and Eric Street and the \$17,000 allocated for this in the budget is moved to the Playgrounds Budget.

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

That Council:

1. Upgrade the Public Open Space on the south west corner of Eric St and Curtin Ave (the Space) by implementing the \$17,000 budget item to fence (with appropriate gates that facilitate scooter use of the beautifully hedged path, disability access and coffee van access) the Space that maximises the trees and area within the fence and the best and safe use of the Space, in the interest of the Cottesloe residents and ratepayers, by November 2018.
2. Declare and advertise the Space as a dog-off lead exercise area once the area is fenced.

Lost 3/6**For: Crs Boulter, Pyvis and Sadler****Against: Mayor Angers, Crs Rodda, Tucak, Young, Harkins and Thomas****PROCEDURAL MOTION****Moved Mayor Angers Seconded Cr Thomas****That the meeting now adjourn.****Lost 0/9****COUNCIL RESOLUTION (FORESHADOWED)****Moved Cr Rodda Seconded Cr Harkins****That Council do not fence the area of land on the south western side of the intersection of Curtin Avenue and Eric Street and the \$17,000 allocated for this in the budget is moved to the Playgrounds Budget.****Carried 7/2****For: Mayor Angers, Crs Rodda, Tucak, Sadler, Young, Harkins and Crs Thomas****Against: Crs Boulter and Pyvis****ITEM 9.1 SOCCER GOAL****Moved Cr Rodda Seconded Cr Harkins****That the Reserves, Parks and Playgrounds Committee accept the donation of a soccer goal, subject to safety and insurance, with the initial location to be decided by the Town of Cottesloe administration within Grant Marine Park.****Carried 9/0****8. SHORT STAY USE COMMITTEE**

18 July 2018 draft Minutes attached.

ITEM 5.1 PREPARATION OF BRIEF FOLLOWING CIRCULATION OF COMMENTS ON POINTS FOR CONSIDERATIONCr Tucak - declared a **FINANCIAL INTEREST** in this item

Cr Tucak left the Chambers at 9:31pm.

Mayor Angers – declared a **FINANCIAL INTEREST** in this item

Mayor Angers left the Chambers at 9:31pm.

At 9:32pm Cr Rodda assumed the Chair.

Moved Cr Young Seconded Cr Harkins

That the brief circulated with the Agenda document be endorsed by the committee for recommendation to Council.

Carried 5/2

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

Against: Crs Boulter and Pyvis

Mayor Angers and Cr Tucak returned to the Chambers at 9:40pm.

Mayor resumed the Chair at 9:40pm.

PROCEDURAL MOTION

Moved Cr Boulter Seconded Cr Pyvis

That the meeting now adjourn.

Lost 2/7

For: Crs Boulter and Pyvis

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

10.3 REPORTS OF COMMITTEES

Nil.

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 COUNCILLOR MOTION - ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS AND CUSTODIANS OF THE LAND AND SEA OF THE COTTESLOE AREA**

The following motion has been proposed by Cr Pyvis.

COUNCILLOR MOTION

THAT Council:

1. ACKNOWLEDGE the Whadjuk Nyungar people as the traditional owners and custodians of the land and sea of the Cottesloe area, as follows:
 - a. ACKNOWLEDGE the Whadjuk Nyungar people as the traditional owners and custodians of the land and sea of the Cottesloe area at the introduction of all Council and Committee meetings, civic ceremonies/functions/events in the Town of Cottesloe.
 - b. ACKNOWLEDGE the Whadjuk Nyungar people as the traditional owners of the land and sea of the Cottesloe area and ACKNOWLEDGE Aboriginal Heritage sites within the Town of Cottesloe on the Town of Cottesloe website.
2. REQUEST the Town of Cottesloe administration staff draft an Aboriginal Heritage Policy, outlining protocols for the involvement of appropriate Nyungar Elders in the management of Aboriginal sites, to be presented to Council for its consideration at Ordinary Council Meeting in November 2018.

COUNCILLOR MOTION (UPDATED)

Moved Cr Pyvis

Seconded Cr Boulter

THAT Council

1. ACKNOWLEDGES the Whadjuk Nyungar people as the traditional owners and custodians of the land and sea of the Cottesloe area, as follows
 - (a) ACKNOWLEDGE the Whadjuk Nyungar people as the traditional owners of the land and sea at the introduction of all Council and Committee meetings, and major civic ceremonies/functions/events in the Town of Cottesloe
 - (b) ACKNOWLEDGE the Whadjuk Nyungar people as the traditional owners of the land and sea in Cottesloe and ACKNOWLEDGE Aboriginal Heritage sites within the Town of Cottesloe on the Town of Cottesloe website
2. REQUEST the Town of Cottesloe administration staff draft an Aboriginal Cultural Heritage Policy, and consider inclusion of
 - a comprehensive municipal inventory of Aboriginal sites and places of Aboriginal significance in Cottesloe
 - guidelines outlining when TOC and Council should consult relevant Nyungar spokespersons
 - cultural awareness training for TOC staff and Councillors
 - guidelines on flying the Aboriginal Flag

- non-mandatory condition attached to event approvals
3. REQUEST that Town of Cottesloe administration staff write to the SWALSC Whadjuk Working Party to inform it of this initiative and welcome future consultation with them.

Lost 3/6

For: Crs Boulter, Pyvis and Tucak

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

FORESHADOWED MOTION

Moved Cr Rodda

Seconded Cr Young

1. That for the consideration of Council, the Administration prepare draft policy to deal with the following matters:
 - (a) Acknowledgement of the Traditional Owners and Custodians of the Town of Cottesloe - such policy to include details of the appropriate form or forms of such Acknowledgement and the circumstances in which such Acknowledgement or Acknowledgements are to be given; and
 - (b) procedures for the involvement of the Traditional Owners and Custodians of the Town of Cottesloe in the management of Aboriginal heritage sites within the Town of Cottesloe.
2. In preparing the abovementioned draft policy, the Administration shall:
 - a. first consult with the Traditional Owners and Custodians of the Town of Cottesloe; and
 - b. consider any necessary changes to the Town's Standing Orders.
3. That if the draft policy is not presented to Council by December that an officer's report be provided on the status of the policy development.

Carried 7/2

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

Against: Crs Boulter and Pyvis

OFFICER COMMENT

Officer's are generally supportive of recognizing and acknowledging the traditional custodians of the lands in Cottesloe.

Council however should be mindful of the following in making its determination;

1. Standing Orders

Currently there is no mechanism under the Standing Orders that could be used to require an Acknowledgement at the beginning of meetings. If it was the wish of Council to mandate such an Acknowledgement, the process of reviewing and updating the Standing Orders Local Law should be commenced.

While it cannot be mandated, with the consent of Council, an acknowledgement can still be given at the start of any meeting, and the presiding member of any meeting

has the ability to make a statement at the beginning of each meeting (at their sole discretion).

2. Policy Development

Although staff are supportive of such a policy being developed, we are concerned about being able to deliver a draft in time for consideration at the November 2018 Ordinary Council Meeting. The Policy will involve significant research and consultation and we already have a significant workload to contend with. Initial (verbal) enquiries with colleagues has suggested that it could take up to 12 months to complete all of the consultation required for such a policy and we would ask Council to be mindful of this when it makes its determination.

11.2 COUNCILLOR MOTION - AMEND AND UPGRADE THE TOWN OF COTTESLOE MONTHLY FULL PAGE 'COTTESLOE NEWS' IN THE POST NEWSPAPER

Cr Pyvis withdrew this motion, to be considered at another time.

11.3 COUNCILLOR MOTION - SEAVIEW GOLF COURSE DEPOT

The following motion has been proposed by Cr Boulter.

COUNCILLOR MOTION

Moved Cr Boulter Seconded Cr Pyvis

THAT Council:

1. REQUESTS that the Town of Cottesloe (TOC) administration respond to the letter from the Sea View Golf Club (SVGC) to the TOC on 7 August 2018 (the Letter) by entering negotiations with the SVGC with the assistance of an independent commercial arbitrator or mediator as agreed by both parties (at the expense of the TOC from the legal reserves fund) to facilitate the negotiation about the issues raised in the Letter and any other issues of concern to the SVGC in relation to its interactions with the TOC including but not limited to:
 - a. Any undertakings (formal or informal) relating to rent to be paid to the SVGC by the TOC for the use of the SVGC land for the use of the site for a Depot for approximately 5 years;
 - b. Responsibility for the maintenance of the SVGC building and associated infrastructure including the TOC depot site;
 - c. Continued use of the TOC Depot at SVGC at a rate to be agreed, at least until the Town of Mosman Park (TOMP) TOC depot or other site is available; and
 - d. Rent that the SVGC would agree to be paid if the full TOC depot was established at the SVGC.
2. REQUESTS that the facilitated negotiation should take place at the earliest convenience of the SVGC and TOC, and a report made to Council at the Council meeting following the discussion.
3. REQUESTS that the SVGC be asked to delay the date by which the TOC has to respond to the Letter and that the TOC administration delay removal of the SVGC works depot infrastructure until after the negotiations have taken place and the officer report about the negotiations is made to Council.

Cr Thomas left the Chambers at 10:15pm.

Cr Thomas returned to the Chambers at 10:21pm.

COUNCILLOR AMENDMENT

Moved Cr Tucak Seconded Cr Pyvis

THAT Council:

1. REQUESTS that the Town of Cottesloe (TOC) administration respond to the letter from the Sea View Golf Club (SVGC) to the TOC on 7 August 2018 (the Letter) by entering negotiations to identify the potential for a temporary depot.
2. REQUESTS that the facilitated negotiation should take place at the earliest convenience of the SVGC and TOC, and a report made to Council at the Council meeting following the discussion.

3. REQUESTS that the SVGC be asked to delay the date by which the TOC has to respond to the Letter and that the TOC administration delay removal of the SVGC works depot infrastructure until after the negotiations have taken place and the officer report about the negotiations is made to Council.

Lost 3/6

For: Crs Tucak, Boulter, and Pyvis

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

COUNCILLOR AMENDMENT

Moved Cr Pyvis

Seconded Cr Tucak

Delete points b, c and d.

Add at the end of point a "and reports back to Council."

Lost 3/6

For: Crs Tucak, Boulter, and Pyvis

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

SUBSTANTIVE MOTION

Lost 2/7

For: Crs Boulter and Pyvis

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

Background, provided by Cr Boulter

1. On or around 2014, it appears that the TOC administration entered the SVGC site and established a TOC Depot on the SVGC leased land with an informal agreement being an MOU signed by SVGC and TOC. The agreement was not formalised in a formal lease agreement/contract.
2. By August 2018 the use of the TOC works depot at the SVGC had expanded and expenditure of ratepayers funds on the SVGC TOC Depot infrastructure as at this date was estimated as follows:

Re surface main carpark – Roads 2000 = \$43,689.87 – 8/9/2014

Install soakpit in Main carpark – Claremont Asphalt = \$2,530.00 – 2/9/2014

Repaint Linemarking in carpark including disabled bay – Statewide Linemarking = \$1,650.00 -10/11/2014

Install concrete Pad for rubble/ green waste bays – Cobblestone Concrete = \$9,708.88 - 1/9/2014

Install Wash down bay – Cobblestone Concrete = \$4,248.20 – 1/9/2014

Install shed – High Steel buildings = \$34,996.00 – 30/3/2015

Install electrical sub meter and wire up building – Collister's Electrical = \$2,350.00 - 21/7/2015

Install Asphalt and Drainage to depot site area – FJ Fitzsimmons &Co = \$52,800.00. – 27/7/2017

Carpark Reconstruction - \$15,785.00 - 2/9/2014

3. The total expenditure of ratepayers' funds on the TOC works depot infrastructure at the SVGC is estimated to be at least \$147,757.95 (\$20,000 contributed by SVGC to the asphalt reconstruction).
4. By 8 August 2018 the following plant, fleet and equipment was held at the SVGC:
 - 1 x Hako ride on street sweeper
 - 1 x xKawasaki Mule – beach buggy
 - 1 x Skid Steer loader and trailer.
 - 1 x Tractor and beach Cleaner
 - 2 x pole saws
 - 2 x small chainsaws
 - 1 x large chainsaw
 - 4 x whippersnippers
 - 2 x pole hedgers
 - 1 x hand held hedger
 - 1 x pallet asphalt in a bag
 - Work bench with vice
 - 2 x Shelving units for miscellaneous things i.e grease, oil, hand tools
 - Fuel cabinet
 - Microwave and kettle.
5. On Tuesday 7 August 2018, the SVGC issued the Letter asking for rent to be paid for the use of the SVGC land for the TOC works depot or for the TOC to vacate within 30 days (the Letter) and copied the Letter to all Elected Members and the TOC administration. The Letter was not marked confidential.
6. On or around Friday 10 August 2018 the TOC administration responded to the Letter by advising that it would stop using the SVGC depot and would remove the SVGC Depot infrastructure as agreed with SVGC.

OFFICER COMMENT

The Town recently received a letter from Seaview Golf Club, asking us to vacate the land the Town leases to them. The letter stated that there were several reasons for the request, including the impact the Town's operations were having on the amenity of the golf club. The letter also stated that if the Town were prepared to enter into a lease, on a commercial basis, then negotiations should be commenced immediately.

In considering the letter, staff evaluated a number of factors, including but not limited to;

1. The land was leased to the golf club, on a pepper-corn basis for their use as a golf club;

2. The arrangements in place for the Town to co-occupy a small portion of that land were relatively informal;
3. When the arrangement were put in place, it was on the basis that it was mutually beneficial, not a commercial arrangement;
4. It would be extremely difficult to justify any public interest in paying a commercial rate to lease back land given on a pepper-corn basis;
5. Every time a permanent depot had been considered by Council for the site it was not supported; and
6. It was unlikely that the part of the Town's operations located at the golf club could remain without impacting the golf club's amenity, which appeared to be their primary concern.

Given the letter stated that the Town needed to vacate within 30 days, a response was sent to the golf club acknowledging their request and stating that the Town would begin removing its operations as soon as possible to meet the requested timeframe.

The relationship between the Town and Sea View Golf Club, from the Town's point of view, has not been impacted by their request. The request was polite, within reason and able to be complied with. Despite media reports to the contrary, communications from representatives of the club have been very professional and courteous.

With regards to the Notice of Motion, Council should be mindful of two factors;

1. The cost associated with implementing the Notice of Motion; and
2. Any potential adverse impacts it could have with the relationship with Sea View Golf Club.

Engaging a commercial arbitrator to undertake this work is likely to have a significant cost. As we would need to allow time for a review of the current lease, previous agreements and the current value of the land – prior to any meetings with either golf club or representatives of the Town, it could be well in excess of \$10,000.

In addition to this, Council should consider what would be done with outcome of any process entered into. If the Town provides any reason to believe that we would enter into a commercial lease and then withdraws from the process, it could be quite damaging to the relationship we have with the golf club and other sporting/community groups. If there is no intent into entering into a commercial lease, then it would be best to state that from the start.

Lastly, Council should be aware of the perception that could be generated if we begin leasing back land on a commercial basis that is provided "free of charge" for community groups to use. As outlined in the Notice of Motion, the Town has provided significant support for the Sea View Golf Club and there is also the latest grant provided to them for works at the golf club house.

With all of these factors in mind, staff cannot support the motion to enter into discussion with the Sea View Golf Club at this stage, however, we will continue to work with the golf club to assist and support them as we have done previously.

11.4 COUNCILLOR MOTION - PRINCIPAL SHARED PATH (PSP)

Cr Sadler declared an **IMPARTIALITY INTEREST** in this item by virtue “she is a member of Perth to Port.”

Cr Thomas - declared an **IMPARTIALITY INTEREST** in this item by virtue “he has sat on the Perth to Port Committee.”

The following motion has been proposed by Cr Boulter.

COUNCILLOR MOTION

Moved Cr Boulter Seconded Cr Pyvis

1. That Council advertises the PSP as follows:
 - a) Advertises the route of the Principal Shared Path (PSP) and the associated landscape plans (the Plans) to the community generally, and specifically to each resident living on Curtin Ave between Grant St and Victoria St stations, on Napier St between Curtin and Marmion, and on Salvado St and Sydney St specifically identifying the Curtin Ave treatment or lack of treatment proposed by the PSP, inviting comment on the PSP route and associated impacts, and the Curtin Ave pedestrian and cyclist crossing treatments identified in the Landscape plan, preferably after the PSP Councillor and Community walk through the route with DOT and/or MRWA and including any amendments proposed to the Plans.
 - b) Categorises the Plans as “Area Improvement” under Council’s Community Consultation Policy for the purpose of advertising and for submissions.
 - c) Requires the submitters on the Plans to provide their name and address for their submission to be considered and to advertise this requirement.
 - d) Requests a report to Council on or before the November 2018 Council meeting responding to the Plans’ submissions and separating submissions into at least ratepayer/resident, non-ratepayer/resident submissions, and original and “form” submissions.
2. That Council endorses and supports the “Cottesloe Carnaby’s Wildlife Corridor” concept presented by deputation to Councillors and the community at the August 2018 Town of Cottesloe Agenda Forum.

COUNCILLOR AMENDMENT

Moved Cr Tucak Seconded Cr Pyvis

That Council:

1. Thanks the community for its support for the Principal Shared Pathway (PSP) and increasing the green canopy and native wildlife along the Curtin Ave road reserve.
2. Thanks the Cottesloe Carnaby's Wildlife Corridor group for its presentation to Council at the Agenda Forum on 21st August and supports in principle the concept and requests the group to update the Town on the concept’s progress, where Council can

assist that progress and whether it requires the Town to liaise with the PTA for the creation of a green corridor along the Curtin Avenue Reserve.

Lost 3/6

For: Crs Tucak, Boulter and Pyvis

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

COUNCILLOR AMENDMENT

Moved Cr Pyvis

Seconded Cr Tucak

Delete points, b, c and d.

At the end of point 1(a) add "and report back to Council."

Lost 3/6

For: Crs Tucak, Boulter and Pyvis

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

SUBSTANTIVE MOTION

Lost 2/7

For: Crs Boulter and Pyvis

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

FORESHADOWED MOTION

Moved Cr Sadler

Seconded Mayor Angers

That Council:

1. Thanks the community for its support for the Principal Shared Pathway (PSP) and increasing the green canopy and native wildlife along the Curtin Ave road reserve and thanks the Cottesloe Carnaby's Wildlife Corridor group for its presentation to Council at the Agenda Forum on 21st August.
2. Requests the Town of Cottesloe to work with community groups for the purpose of increasing the green canopy and native wildlife along the Curtin Avenue Road Reserve.
3. Requests that the Town of Cottesloe seek permission and support from the Public Transport Authority(PTA) for the creation of a green corridor along the Curtin Avenue Road Reserve on PTA land.

COUNCILLOR AMENDMENT

Moved Cr Tucak

Seconded Cr Boulter

That Council:

1. **Thanks the community for its support for the Principal Shared Pathway (PSP) and increasing the green canopy and native wildlife along the Curtin Ave road reserve.**
2. **Thanks the Cottesloe Carnaby's Wildlife Corridor group for its presentation to Council at the Agenda Forum on 21st August and supports in principle the concept and requests the group to update the Town on the concept's progress, where Council can**

assist that progress and whether it requires the Town to liaise with the PTA for the creation of a green corridor along the Curtin Avenue Reserve.

Carried 9/0

COUNCIL RESOLUTION

Moved Cr Sadler Seconded Mayor Angers

That Council:

- 1. Thanks the community for its support for the Principal Shared Pathway (PSP) and increasing the green canopy and native wildlife along the Curtin Ave road reserve.**
- 2. Thanks the Cottesloe Carnaby's Wildlife Corridor group for its presentation to Council at the Agenda Forum on 21st August and supports in principle the concept and requests the group to update the Town on the concept's progress, where Council can assist that progress and whether it requires the Town to liaise with the PTA for the creation of a green corridor along the Curtin Avenue Reserve.**

Carried 9/0

Councillor Rationale, provided by Cr Boulter

1. The concerns expressed (by members of the ToC community, some cyclists and other parties concerned about adverse environmental and ecology impacts - tree canopy, vegetation, Carnaby's Cockatoos, green corridor necessary on railway land) in relation to the Plans and their associated ecology, amenity and safety impacts and omissions might be alleviated by the PSP route, landscape plans and Curtin Avenue treatments, as amended if any, being advertised for public submissions.
2. There does not appear to be any prohibition against advertising the PSP route and landscape plans even if they have been adopted by Council and/or proposed to be amended, so as to engage the community having regard to TOC communication and consultation, strategies and policies.
3. The PSP landscape plans were not circulated with the Council agenda and were not available with 4 days' notice before the Council meeting, which left little time for the community to understand the PSP route and landscaping implications.
4. Council did not advertise the PSP route or the associated landscape plans to the community prior to adopting the PSP route and landscape plans, noting the key principles in Council's Community Consultation Policy (CCP) being *Inclusiveness, Responsiveness, provision of information*.
5. The PSP appears to be either an "Area Improvement" or "Service Planning" for the entire Town of Cottesloe" under the CCP. "Area Improvement" will require in most circumstances an ad in the paper, web page notification and in newsletter, write to ratepayer group. "Service Planning" (which is the more appropriate category for the PSP plan), the PSP route and associated landscape plans require every time an ad in the paper and on the TOC website, and in most circumstances requires writing to ratepayers' group, advising in the TOC newsletter, and holding a focus group meeting. The CCP policy does not distinguish between Council making a decision to

recommend one way or another, or actually being a decision-making authority, when seeking to advance and achieve the CCP objectives.

6. Engaging the community in public consultation about the PSP route, landscaping plans and Curtin Ave treatments embodies and fosters the very core of the Town of Cottesloe's Mission Statement *"To preserve and improve Cottesloe's natural and built environment and beach lifestyle by using sustainable strategies in consultation with the community."*
7. Supporting the "Cottesloe Carnaby's Wildlife Corridor" plan embodies and fosters the very core of the Town of Cottesloe's Mission Statement *"To preserve and improve Cottesloe's natural and built environment and beach lifestyle by using sustainable strategies in consultation with the community."*

Officer Comment

Council have previously considered the Principal Shared Path at the July 2018 Ordinary Council Meeting. At the meeting, Council resolved to approve the proposed path, subject to certain conditions. That resolution is in the process of being implemented at present.

There are several concerns with the Notice of Motion as written, which are addressed below;

1. Delaying the remainder of the work required under the previous resolution

As stated above, work has begun on implementing Council's resolution. This includes meeting with representatives of Main Roads WA, site inspections and commissioning various reports. If the motion is accepted as written, it will delay this work in two ways, firstly it will divert resources and secondly it will make it difficult to commit to any action until the submission period has closed.

2. The purpose of seeking submissions should be made clear

As the project is not under the direct control of the Town, any consultation should make it clear what the Town is seeking submissions on and what it intends to do with any submissions received. As the project has been endorsed and MRWA have begun final design works (in preparation for implementation), we cannot guarantee that any submission received will be acted on.

3. It could prevent community groups coming forward.

At the Agenda Forum, a group advocating for the protection of the Carnaby's Cockatoos came forward and made a presentation to Council on how the project could be enhanced and provide a wildlife corridor. If we begin the submission period, it will likely result in such groups putting in a submission, but not coming forward in other ways until the submission period has closed and the final report presented.

More generally, the administration currently has a formidable workload, which is not going to be easing any time in the near future. In this Agenda we are seeking Council's approval for two major infrastructure projects. Further in the coming months the Town will need to consider the following items, which include community consultation;

- o A review of the Foreshore Master Plan (second phase);
- o The Railway Street Structure Plan;

- o A potential scheme amendment for the Seapines property;
- o The Wearne Site redevelopment;
- o The Waide Site (and any potential redevelopment);
- o Congdon Street Bridge Replacement;
- o Works at North Cottesloe Primary School drop off zone;
- o A structure plan for the railway lands adjacent the Cottesloe Town Centre;
and
- o Implementation of the Station Street Place Making Strategy.

In amongst this, we have a range of issues that are currently being actioned, such as the relocation of the Town's Depot to the Town of Mosman Park site, ongoing issues with the Indiana Tea House, potential changes to the Local Government Act and the Planning and Development Act – on top of the normal day to day operations of the Town, which currently involves providing administrative support for more than 10 advisory committees.

If Council chooses to take on another submission period, it should consider the impact it will have on other areas of the Town's operations, and more importantly, whether or not the community, having being consulted on so many things, is going to continue to be engaged in a meaningful way.

On this basis, officers would recommend any advertising of plans be limited to the provision of information and that the Town accept any correspondence on this issue, if and when it is provided.

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:**12.1 ELECTED MEMBERS**

Moved Cr Tucak

That Council APPROVE immediate implementation of a three week trial of 3 hour parking limits between 8.30am - 4.30pm Monday to Friday, with parking permits to be issued to residents as required, ending the final week of term 3 on 21 September 2018, on Grant St between Congdon and Parry, subject to:

1. The TOC being responsible for any traffic counts, monitoring or reporting to Council of data from the trial, including the impact on nearby streets; and
2. Pre-trial notification as to the date and operation of the trial being sent to:
 - (a) residents in the affected section of Grant St, and Alexandra Ave, Hillside Ave and Windsor St, which welcomes any resident input and feedback; and
 - (b) the Principals of MLC & CCGS schools, as a courtesy to the non-resident parkers currently using the area for parking and Council's need for solutions.

The Mayor asked Councillors if they wished to consider the urgent matter:

For: Cr Tucak

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

12.2 OFFICERS

Author: Shaun Kan, Manager, Engineering Services

Author Disclosure of Interest: Nil

OFFICER RECOMMENDATION

Cr Rodda

Cr Sadler

THAT COUNCIL BY ABSOLUTE MAJORITY

1. APPROVE the Beach Access Path Tender award to Environmental Industries for a Contract Value of \$584,020.54 exclusive of GST.
2. APPROVE the budget variation of \$382,423 financed through Reserve Funds to cover the project shortfalls that includes Superintendent fees and a ten percent contingency on the recommended contract sum.
3. APPROVE the adoption of the Replas steps design for the stairs access to the beach.

COUNCILLOR AMENDMENT

Moved Cr Boulter

Secunder Cr Sadler

That at the end of Point 2 where it reads “superintendent fees” replace the words with “, a ten percent contingency on the recommended contract sum and the changes in design to the N7 steps.”

Carried 9/0

COUNCIL RESOLUTION

THAT COUNCIL BY ABSOLUTE MAJORITY

1. APPROVE the Beach Access Path Tender award to Environmental Industries for a Contract Value of \$584,020.54 exclusive of GST.
2. APPROVE the budget variation of \$382,423 financed through Reserve Funds to cover the project shortfalls that includes Superintendent fees, a ten percent contingency on the recommended contract sum and the changes in design to the N7 steps.
3. APPROVE the adoption of the Replas steps design for the stairs access to the beach.

Carried 9/0

13.1.3 STANDING ORDER 8 QUESTIONS TO BE DEALT WITH UNDER CONFIDENTIALITY

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (c) as it contains information relating to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

File Ref: SUB/2597

Attachments: Nil

Responsible Officer: Mat Humfrey, Chief Executive Officer

Author: Sandra Boulter, Councillor

Author Disclosure of Interest: Nil

There were no resolutions passed behind closed doors.

13.1.4 COUNCILLOR MOTION - AMENDMENT TO THE MINUTES

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

Cr Boulter withdrew the motion and requested it be re-presented to the September Ordinary Council meeting.

13.1.5 RECEIPT OF COMMITTEE MINUTES - CONFIDENTIAL

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (c) and (e(i)) as it contains information relating to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting and a matter that if disclosed, would reveal a trade secret.

Attachments:

- 13.1.5(a) DRAFT CONFIDENTIAL Beach Access Paths Minutes - 31 July 2018 [under separate cover]**
- 13.1.5(b) DRAFT CONFIDENTIAL Foreshore Precinct Implementation Committee Minutes - 31 July 2018 [under separate cover]**

COUNCIL RESOLUTION

Moved Cr Rodda

Seconded Cr Harkins

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

1. BEACH ACCESS PATH COMMITTEE

31 July 2018 draft Minutes attached.

ITEM 7.3 BEACH ACCESS PATHS – TENDER & BUDGET AMENDMENT CONFIDENTIAL COMMITTEE RECOMMENDATION

Noting that further information will be provided to the Beach Access Paths Committee members by the Manager of Engineering Services before the August Council meeting, that the Beach Access Paths Committee recommends to Council:

- 1. A budget amendment of \$343,487.54 from Reserve Funds that incorporates a 10% contract contingency; and,**
- 2. Environmental Industries be awarded the Beach Access Path Upgrades Contract.**

2. FORESHORE PRECINCT IMPLEMENTATION COMMITTEE

31 July 2018 draft Minutes attached.

ITEM 7.2 FORESHORE – LANDSCAPE PACKAGE – TENDER CONFIDENTIAL

OFFICER RECOMMENDATION

THAT the Committee recommend to Council to award the contract for the Foreshore Landscape Package to Environmental Industries.

Carried 9/0

MOTION FOR BEHIND CLOSED DOORS

Moved Mayor Angers Seconded Cr Young

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

The meeting reopened to the public at 11.00pm but no members of the public or media returned to the Chambers.

13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

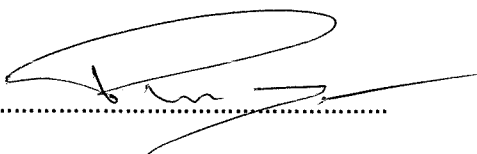
14 MEETING CLOSURE

The Mayor declared the meeting closed at 11:00pm.

CONFIRMED MINUTES OF 28 August 2018 PAGES 1 – 122 INCLUSIVE.

PRESIDING MEMBER: Mayor Angers

POSITION: Mayor of the Town of Cottesloe



DATE: 16 / 08 / 2019